

Asian-African Legal Consultative Organization



Verbatim Record of Discussions

Sixtieth Annual Session

26-28 September 2022

New Delhi (Headquarters), the Republic of India

**AALCO Secretariat
29-C, Rizal Marg
Diplomatic Enclave, Chanakyapuri
New Delhi – 110021
INDIA**

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PREFACE

The Asian-African Legal Consultative Organization (AALCO) came into existence on 15 November 1956 as a tangible outcome of the historic Bandung Conference. It seeks to foster greater cooperation between Asian and African countries by acting as a consultative bridge facilitating the codification and progressive development of international law keeping in views the interests and aspirations of these two great continents. Over time, AALCO has played a stellar role in promoting an international-rules-based order and in doing so has helped the evolution of a number of areas within public international law.

The Annual Session of AALCO is the single most important event of the Organization. As the plenary of the Organization, the Annual Session brings together all Member States on a common platform where views, ideas, experiences and practices on topics on the agenda of the Organization are exchanged. This year the Annual Session was organized in New Delhi, the Republic of India from September 26 to 28 and saw the participation of 41 Member States of AALCO and different non-Member States and international organizations. This Annual Session was special for me as this was the first session after I took office as the Secretary-General of AALCO. I take this opportunity to thank all our Member States in cooperating with the AALCO Secretariat in the smooth conduct of the Annual Session, especially the host government, the Republic of India for their dedicated support. I am proud to state that Member States constitute the backbone of AALCO and their moral and material support to AALCO helps us in carrying on our day-to-day activities with motivation and enthusiasm.

The Verbatim Record of Discussions is placed before you as a full and final record of the proceedings of the Sixtieth Annual Session. It is primarily based on the transcripts submitted for translation by the delegations of the Sixtieth Annual Session as well as the official recordings of the proceedings during the Session. It contains the texts of statements of the Inaugural Session, the three Meetings of Delegations of the Member States, four General Meetings and the Concluding Session, coupled with the Summary Report of the Sixtieth Annual Session, resolutions on organizational matters along with the Message of Thanks on behalf of the AALCO Secretariat and the list of participants.

I would like to place on record my deepest appreciation to Dr. Ali Garshasbi, Mr. Sun Guoshun, Mr. Jun Yamada, the Deputy Secretaries-General of AALCO for their valuable support in making the Sixtieth Annual Session a grand success. I also wish to express my deep appreciation to Mrs. Anuradha Bakshi, Deputy-Director, Mr. Kiran Mohan, Senior Legal Officer, Mr. Shujoy Mazumdar and Mr. Abraham Joseph, Legal Officers along with the other staff of the Secretariat for their sincere and dedicated efforts in making the Annual Session successful.

We look forward to the views and comments of our Member States on the Verbatim Record of Discussions and seek to engage with each one of them in the highest traditions of solidarity, friendship and cooperation as has always been our hallmark.

H.E. Dr. Kamalinne Pinitpuvadol
Secretary-General

I. AGENDA OF THE SESSION

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I. Organizational Matters

1. Consideration and Adoption of the Agenda and Tentative Schedule of Meetings
2. Election of the President and the Vice-President
3. Admission of New Members
4. Admission of Observers
5. Opening Speech of the President of AALCO
6. Report of the Secretary-General on the Work of AALCO
7. Release of AALCO Publications
 - Yearbook of AALCO, Vol. XVIII 2020-2021
 - AALCO Journal of International Law, Vol. 10, (2021)
 - Newsletter, Vol. 13
8. Presentation of Draft Budget for the Year 2023
9. Report on the Work of the AALCO's Regional Arbitration Centres
10. Venue of the Sixty-First Annual Session

II. Substantive Matters

1. Select Items on the Agenda of the International Law Commission (ILC)
2. Environment and Sustainable Development
3. The Status and Treatment of Refugees
4. Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine
5. International Trade and Investment Law

III. Any Other Matter

II. BUREAU OF THE SESSION

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PRESIDENT

Her Excellency, Ms. Uma Sekhar,
Additional Secretary, Legal & Treaties
Division, Ministry of External Affairs, the
Republic of India

VICE-PRESIDENT

**His Excellency, Mr. Mohammed Said Al
Hilo,** Minister of Justice, the Republic of the
Sudan

SECRETARY-GENERAL

**His Excellency, Dr. Kamalinne
Pinitpuvadol**

DEPUTY SECRETARIES-GENERAL

**Dr. Ali Garshasbi
Mr. Sun Guoshun
Mr. Jun Yamada**

III. VERBATIM RECORD OF THE INAUGURAL SESSION

III. VERBATIM RECORD OF THE INAUGURAL SESSION OF THE SIXTIETH ANNUAL SESSION HELD ON MONDAY, 27 SEPTEMBER 2022, AT 12:00 PM

Master of Ceremony: Greetings! Honourable Ministers, Deputy Ministers, Attorney Generals, Solicitor Generals, Ambassadors, High Commissioners, Distinguished Delegates, Ladies and Gentlemen.

On behalf of the AALCO Secretariat, I welcome you all to the Sixtieth Annual Session of AALCO. May I request all the delegates to kindly be seated, who are standing at the back, as we are about to begin the Inaugural Session. Thank you.

I would like to take this opportunity to introduce the dignitaries on the top table to the delegates. We have H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO; the Chief Guest for the Session, Honourable Madam Meenakshi Lekhi, Minister of State for External Affairs and Culture, Ministry of External Affairs, Government of India; Ms. Jia Ma, Minister at the Embassy of the People's Republic of China, New Delhi; she is representing the President of the Fifty-Ninth Annual Session of AALCO; Mr. Gastorn Kenfeck Douajni, Director of Legislation, Ministry of Justice, the Republic of Cameroon, the Vice-President of the Fifty-Ninth Annual Session of AALCO; and Honourable Mr. Geophery Mizengo Pinda, Deputy Minister of Constitutional and Legal Affairs, the United Republic of Tanzania, the President of the Fifty-Eighth Annual Session of AALCO.

May I now request the Secretary-General, Chief Guest, the President, the Vice President and the President of the Fifty-Eighth Annual Session to proceed to light the Diya to inaugurate the Sixtieth Annual Session of AALCO. Thank you so much for inaugurating the Session. I take this opportunity now to invite Dr. Kamalinne Pinitpuvadol to deliver the Welcome Address on behalf of the AALCO Secretariat.

(i) Welcome Remarks by His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)

Your Excellency, Madam Meenakshi Lekhi, the Honourable Minister of State for External Affairs and Culture, Government of India and the Chief Guest for the Sixtieth Annual Session.

Your Excellency, Honourable Geophrey Mizengo Pinda, Deputy Minister, Ministry of Constitutional and Legal Affairs, The United Republic of Tanzania on behalf of the President of the Fifty-Eight Annual Session.

Ms. Jia Ma, Minister, Embassy of the People's Republic of China, New Delhi, on behalf of the President of the Fifty-Ninth Annual Session

Mr. Gaston Kenfack Douajni, Director of Legislation, Ministry of Justice, the Republic of Cameroon, the Vice-President of the Fifty-Ninth Annual Session

Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is my privilege and honour to welcome you all to the Sixtieth Annual Session of the AALCO. We are particularly privileged that the Honourable Minister of State for External Affairs and Culture, Government of India, Madam Meenakshi Lekhi has kindly accepted to deliver the Inaugural Address of this Annual Session. On behalf of the Organization and on my own behalf, I

respectfully and warmly welcome Your Excellency and it is our privilege and honour to have your august presence amongst us today. We are confident, with Your Excellency setting the tone for our deliberations, the Sixtieth Annual Session of AALCO is going to be a great success.

Your Excellency, it gives me immense pleasure to note that we have again gathered in New Delhi for the seventh time of the Annual Session. The Republic of India is one of the seven Founding Member States of the Organization. Since AALCO's establishment in 1956, already six of our Annual Sessions have taken place in New Delhi, hosted by the Government of India i.e. in 1957 (the First Annual Session), 1967, 1973, 1998, 2006 and 2016. Your esteemed Government has generously given all possible assistance for hosting the Annual Session and has also gifted us the Permanent Headquarters Building, together with the Residence of the Secretary-General in the heart of New Delhi, in Chanakyapuri.

I take this opportunity to place on record my sincere appreciation to Madam Uma Sekhar, Additional Secretary and Head of the Legal and Treaties Division, Ministry of External Affairs, the Republic of India for all their help and support to AALCO for the conduct of this Annual Session. The Legal and Treaties Division has always been a strong pillar of strength and support to AALCO in all her endeavours.

I would like to express on behalf of the Organization and its Member States our profound gratitude to Your Excellency, to the Government of India and to the Legal and Treaties Division, Ministry of External Affairs for assisting the Secretariat to host this Sixtieth Annual Session of AALCO. This is the seventh time a Headquarter Annual Session is being organized in the history of AALCO.

Excellencies, Ladies and Gentlemen, this Annual Session is special for me as this would be the first Annual Session being organized since I started my term of office as the Secretary-General of the Organization in January this year. I would like to take this opportunity to convey once again my profound gratitude to all Member States for the trust that has been bestowed upon me with this esteemed position. My deep gratitude is also extended to my mother country, the Kingdom of Thailand for nominating me as candidate for this position and providing me with full assistance and strong support throughout the campaign.

Excellencies, Ladies and Gentlemen, one of my priorities is to strengthen AALCO's cooperation and engagement with the Member States. Towards this objective, I have been proactive in visiting the missions of AALCO Member States in New Delhi, and engaging in constructive deliberations with Ambassadors/High Commissioners on ways and means to foster AALCO's relationship and engagement with its Member States. I was warmly welcomed and have received excellent cooperation and fruitful advice from all Member States as well. I'd like to thank all Member States for their time and their kind cooperation.

Excellencies, Ladies and Gentlemen, the journey of AALCO has been an old one. From its establishment on November 15, 1956 with a small but vibrant group of seven founding countries, AALCO is considered to be a tangible outcome of the Asian-African Conference held in 1955 in Bandung, Indonesia, known as the "Bandung Conference". We have come a long way. Today, we are a strong family of forty-seven Member States. In addition, we have observers from non-Member States and international organizations who are deeply interested in our work profile and are, therefore, admitted as Observers to the Annual Session. It is our hope that we will continue to grow and evolve in the times ahead with more States joining us

in the future. It is also our collective responsibility to promote the Bandung Spirit of “solidarity, friendship and cooperation” and contribute to the codification and progressive development of international law for the collective betterment of the people of these two great regions.

Excellencies, Ladies and Gentlemen, this year, AALCO completes 66 years of its existence and is holding its Sixtieth Annual Session in one of the founding Member States – the Republic of India. This long journey is demonstrative of the continued ideological relevance of the Organization as also the imperative for making it “the main centre for harmonizing the actions of Asian-African States in international legal matters”. Over the years, AALCO has made great contributions toward codification and progressive development of international law and attracted the attention of the international community. Some key examples can be highlighted as follows:

- In 1961, at the UN Conference on Diplomatic Relations in Vienna, AALCO’s draft convention was formally placed for consideration and some of its recommendations found place in the Vienna Convention on Diplomatic Relations
- In 1966, AALCO adopted a set of principles on the Treatment of Refugees known as the “Bangkok Principles”, which help to guide Member States on how to deal with the refugee situation, especially as the majority are not yet parties to the UN’s Convention on Refugee. The Bangkok Principles are broader than the UN Convention and help to call for the protection of persons fleeing not only persecution but also warfare and other violent situations
- In 1971, the concept “Exclusive Economic Zone” (EEZ) was presented in a working paper prepared by Kenya. This concept finally found its way to the final text of the UN Convention on the Law of the Sea (UNCLOS)
- In 2014, the AALCO Secretariat published a Special Study entitled, “Marine Biodiversity Beyond National Jurisdiction: An Asian-African Perspective”. This study has helped the Member States in their participation in the UN Preparatory Committee in pursuance of adopting an exclusive convention on Marine Biodiversity Beyond National Jurisdiction.
- AALCO and the United Nations Commission on International Trade Law (UNCITRAL) have maintained a close and fruitful relationship, especially in the matters of international commercial arbitration. At the Annual Session in 1974 the UNCITRAL’s Representative suggested the regionalization of arbitration centers. The establishment and cooperation between arbitral institutions would lead to the progressive development of international commercial arbitration. In pursuance of this, AALCO in cooperation with its Member States has so far established six Regional Arbitration Centres.
- In 2014, the topic “International Law in Cyberspace” was introduced as an agenda item at the Fifty-Third Annual Session. In 2015, an Open-ended Working Group (OEWG) in International Law in Cyberspace was established to further discuss the issues identified. The Secretariat of AALCO also prepared a Special Study on International Law in Cyberspace which was released in 2017 at the Fifty-Sixth Annual Session.

Excellencies, Ladies and Gentlemen, in the coming three days, the Session will be deliberating upon various topics of contemporary relevance in international law, which reflect the concern of our Member States and will form part of our substantive agenda. We have five agenda items for deliberation, namely:

- Selected Items on the Agenda of the International Law Commission (ILC)

As always, we shall focus on the work of the International Law Commission (ILC). One of the primary roles of AALCO is to examine subjects that are under the consideration of the ILC and to forward the views of its Member States to the Commission. I am happy to note that the Secretariat has prepared a brief that highlights issues deliberated by the Commission during the recently concluded Seventy-Third Session. I take note of the presence of ILC Members who will join us to make presentations online. I am happy to note that some newly elected ILC members have joined us in person at this Annual Session. I take this opportunity to welcome all of them and look very much forward to the close cooperation in the near future. It has also become customary for AALCO and the ILC to be represented during each other's sessions.

Our other substantive topics of engagement include:

- Environment and Sustainable Development
- The Status and Treatment of Refugees
- Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine.
- International Trade and Investment Law

The background documents on each of these topics have been prepared by the Secretariat with lots of effort and it is my hope that they shall pave the way for fruitful discussions and deliberations.

Excellencies, Ladies and Gentlemen, the Annual Session will provide an exclusive platform for the Asian-African Member States to deliberate upon the international law issues which are of particular relevance for the two regions and to come with concrete proposals and suggestions. The Annual Session will also be a wonderful opportunity for AALCO to work towards realizing our mandate in a meaningful and effective manner. In this regard, I look forward to your support and cooperation so that we are able to successfully conduct the Session in the finest traditions of our glorious past.

The special circumstances posed by the Covid-19 pandemic have necessitated the need to conduct an Annual Session in hybrid mode, which will include both physical and virtual participation from the delegates. This follows the approach adopted for the Fifty-Ninth Annual Session held in Hong Kong SAR, the People's Republic of China last year. However, Member States are welcome to include in their general statements the views on topics of the Work Programme of the Organization, which are not to be deliberated during this Annual Session. Given the tight schedule and the hybrid mode of participation, it is particularly important to keep the Statements on each item on the agenda within the time allocated.

Excellencies, Ladies and Gentlemen, to conclude, I once again welcome you all to the Sixtieth Annual Session of AALCO and to this historic and majestic city of New Delhi. I wish the Annual Session a grand success and hope that all Member States present here, our

Observer delegations and international organizations actively participate in the proceedings and enrich us through their wisdom, knowledge and experience and make the Annual Session a successful and memorable one for us as has always been the case in the past. Thank you!

Master of Ceremony: I thank you sir for the address. May I now invite Madam Jia Ma, to deliver an opening statement on behalf of the President of the Fifty-Ninth Annual Session. Madam you have the floor.

(ii) Opening Statement by Madam. Jia Ma, Minister at the Embassy of the People's Republic of China, New Delhi, representing the President of the Fifty-Ninth Annual Session of AALCO

Honourable Minister of State Madam Meenakshi Lekhi, Dr. Kamalinne, Distinguished Guests, Excellencies, Delegates, Ladies and Gentlemen; greetings and good afternoon! It is of immense pleasure for me to address this gathering at the start of the Sixtieth Annual Session which is also a Headquarters Annual Session in New Delhi, the Republic of India on behalf of the People's Republic of China. It was a great pride and honour for China to host the Fifty-Ninth Annual Session in Hong Kong last year. On behalf of the Chinese Government, I take this opportunity to sincerely thank each and every Member State of AALCO and the Secretariat of AALCO for coordinating and working with us in making the Fifty-Ninth Annual Session a grand success.

I also note that on account of the Covid-19 pandemic, the Fifty-Ninth Annual Session was the first held in hybrid format and has opened new vistas for leveraging information technology to the best use of our professional engagement. In this regard, I am happy that the Sixtieth Annual Session is also being conducted in hybrid format so as to ensure maximum participation in these difficult and trying times. I am happy that my colleagues in Beijing are now with us.

China accords the highest importance to AALCO and has been a strong supporter of the Organization ever since it became a Member in 1983. China would like to resume, whenever possible, the China-AALCO Exchange and Research Program on International Law which was interrupted by the breakout of the COVID-19 pandemic. Over the years, China has been advocating that AALCO should play an important role in the codification and progressive development of international law keeping in the views, dreams and aspirations of the Asian and African countries. It is our view that historically the evolution and development of international law had, by and large, ignored the views and positions of most Asian and African States. However, the situation has now changed. Today, Asia and Africa are at the forefront of economic growth, technological advancement and are witnessing rapid progress in all areas of human endeavour owing to the sincere and committed efforts of the people of these two great continents. In the field of international law, this has been reflected in a growing desire to work towards strengthening the principles of the Bandung Conference, including respect for sovereignty and territorial integrity, non-interference in the internal affairs of other countries, pacific settlement of disputes, promotion of mutual interests and cooperation, etc. In other words, international law is the basis of our collective engagement and we shall collectively endeavour to create and sustain international order where these aspirations are safeguarded.

I am happy to note that AALCO has over the years dedicated itself to a consultative role by securing a unique place in international relations. It is the only organization of its kind that

aspires to create a bond between Asian and African States based on the idea that all nations are equal as regards the making and developing of international law. The valuable work of the Organization in areas as diverse as law of the sea, law of the treaties, international environment law, investment and trade law, refugee law, etc., has been an inspiration for the international community. The engagement of AALCO with the ILC is another significant facet worthy of mention. The Organization plays a crucial role in transmitting the views of the ILC to its Member States including its own positions on various topics on the agenda of the Commission. In turn, the Member States of AALCO are expected to share their positions on the work of the Commission. This mutual engagement is highly beneficial for all stakeholders as scholarly and practice oriented approaches extended assistance in this regard in clarifying complex issues.

Going ahead, I note that the future is bright for AALCO. The codification and progressive development of international law is a continuous exercise that will manifest itself in diverse forms and ways as we proceed. The need to continuously engage with the historic legacy of the Bandung Conference is a task we should not take lightly. 'Bandung' signifies the essence of transnational engagement rooted in the principles and values of equity, fairness and justice. Its idea will never lose its relevance and has forever imprinted itself in the sands of Afro-Asian imagination.

I note that the Sixtieth Annual Session would be the first Annual Session of Secretary-General H.E. Kamalinne Pinitpuvadol after assuming charge as the Secretary-General of AALCO. I place on record my appreciation to the Secretary-General, the Deputy-Secretaries General of AALCO and the entire team of AALCO for their diligent and committed efforts in the past months together for the preparation of this Annual Session.

I wish the Annual Session all success and China looks forward to actively participating in the proceedings of the Annual Session in the best traditions of Afro-Asian bonhomie and camaraderie and looks forward to supporting AALCO in all possible ways in the times ahead. Thank you very much!

Master of Ceremony: I thank you ma'am for the statement. May I now invite Honourable Madam Meenakshi Lekhi, the Chief Guest for the Session to deliver the inaugural address for the Sixtieth Annual Session. You have the floor ma'am.

(iii) Inaugural Statement by Madam Meenakshi Lekhi, the Honourable Minister of State for External Affairs and Culture, Government of India and the Chief Guest for the Sixtieth Annual Session.

Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Madam Jia Ma, on behalf of the President of Fifty-Ninth Annual Session of AALCO, Honourable Geophrey Mizengo Pinda, Deputy Minister, Ministry of Constitutional and Legal Affairs, the United Republic of Tanzania on behalf of the President of the Fifty-Eighth Annual Session of AALCO. Honourable Ministers, Attorneys General, Distinguished delegates, Ladies and Gentlemen;

Let me take this opportunity to thank the AALCO Secretariat for inviting me as the Chief Guest for this function. I am greatly honored to address this august gathering of the Sixtieth Session of AALCO.

India was not only a founding member, but also hosts the Headquarter of AALCO, which

goes to showcase our commitment to law-making and rule of law, both domestically and internationally. It is that commitment which allows us not only to participate but also to make progress in law-making exercise and AALCO being one of such institutions.

AALCO is one of the international bodies which started initially as an Asian forum and then Africa joined it. All I can say is that when I look around most of us are developing countries and all developing countries have their own aspirations to deal with. These aspirations mean to take care of our own people while engaging with the world and making world a better place to live for everyone. That is the kind of commitment AALCO represents and as mentioned by earlier speakers that it all started in Bandung in Indonesia. The Spirit of Bandung is the guiding principle for all of us to engage and work together.

In today's time and age, the same spirit can also be enshrined by the words of honourable Prime Minister of India, Mr. Narendra Modi when he says 'Sab ka Saath, Sab ka Vikas aur Sab ka Vishwas'. 'Sab ka Saath' means everyone has to work together, 'Sab ka Vikas' everyone has to progress together and 'Sab ka Vishwas' with everyone's trust. This governance model coupled with a growing economy and vibrant democracy have helped India in meeting the contemporary international and domestic challenges and aspire for a better future.

As far as India is concerned, our commitment to law, both domestic and international, is for everyone to see. Article 51 of Indian constitution, specifically mentions about India's commitment to international law. According to that, all the treaties and conventions where India is a signatory need to be respected as per our domestic law and we are integrating all those principles into domestic law. India believes in peaceful settlement of disputes in consonance with the principle in Article 2(3) of the UN Charter and Article 51 (d) of the Indian Constitution. India is also committed to Rule of Law at international and national level.

Therefore, whether it is UN conventions in various forms; or law against domestic violence, law against sexual harassment at work place, refugees, law of the sea, law of peaceful negotiations, trade and commerce, India is not just a signatory but an active participant in all those forums.

I feel that AALCO is one forum, which needs to up its game. Historically, we have participated in great deal and we have done some remarkable work, whether it was law of treaties or law of the seas. I believe AALCO should also be discussing challenges which developing countries are facing. e.g. when it comes to international trade and commerce, what should be the regulations? I feel that is a weaker link, which needs to be strengthened, and we need greater work on that aspect. Climate change and sustainability, or climate finance. Each of our countries is impacted by these issues and I feel a lot more needs to be done on those aspects.

I must add that, when I read about the Vienna Conventions and other treaties. I wish the ancient texts of India are studied again because these conventions, which the modern world is familiarizing itself, existed as part of our history and we believed in those rules. Rule even at the time of wars, how do you deal with an opponent? Why women and children should not be attacked? All this existed in our ancient texts and I just hope that someone gets into that research and showcases what the humanity has known all through the history, but got lost.

AALCO can become a forum, which actually shows the way to the world as to how multilateral engagements have to happen. My best wishes to each one of you who have found time to engage at this forum and special compliments to the Secretary-General, who is very passionate about the subject and puts all his efforts to show to bring us all together and take the work forward. I declare the Sixtieth Session of AALCO open and you may please enjoy the hospitality of Delhi. It is a historical city which has been there for several centuries, there are many historical places to visit and you will find a multitude of people, it is a truly International City.

On behalf of India and on behalf of my Government, I welcome you all. Please enjoy the city and the forum. Thank you very much! Jai Hind!

Master of Ceremony: Thank you Madam for your insightful observations. May I now invite the Honourable Mr. Geophery Pinda, to deliver the vote of thanks.

(iv) Vote of Thanks by Honourable Geophrey Mizengo Pinda, Deputy Minister, Ministry of Constitutional and Legal Affairs, the United Republic of Tanzania on behalf of the President of the Fifty-Eighth Annual Session.

Your Excellency Madam Meenakshi Lekhi, the Honourable Minister of State for External Affairs and Culture, Government of India, the President and Vice President, Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Honourable Ministers and Attorneys General from Member States, Excellencies, High Commissioners and Ambassadors, Head of Delegations of AALCO from Member States and Non-Member States, Distinguished Delegates, Heads of International Organizations, Distinguished Delegates, Ladies and Gentlemen, good afternoon.

It is a matter of honour and privilege for me to address you at the beginning of the Sixtieth Annual Session being held in New Delhi. I bring greetings and warm regards from my country, the United Republic of Tanzania, which had the honour of hosting the Fifty-Eighth Annual Session in 2019. The United Republic of Tanzania has been a strong supporter of AALCO and a strong votary for Afro-Asian unity and bonhomie. We look forward to maintaining our good relations with AALCO and her Member States in the times ahead under the new leadership of H.E. Dr. Kamalinne Pinitpuvadol.

I note the tenure of Secretary-General, Prof. Dr. Kennedy Gastorn was a meaningful and useful one for AALCO and I am proud that Prof. Gastorn as a Tanzanian made a remarkable contribution to AALCO.

I look forward to the Sixtieth Annual Session, which is also being held in hybrid format like the Fifty-Ninth Annual Session held in Hong Kong SAR and one of shorter duration. I hope that the Annual Session is a highly productive one and helps us revisit our common interests and aspirations on the topics proposed to be discussed in the Annual Session. I thank the AALCO Secretariat for their efforts in organizing the Annual Session and hope that AALCO grows stronger in the years to come. Thank you for your kind attention. Asante Sana.

Master of Ceremony: Thank you, Minister, for the vote of thanks. May I take this opportunity now to kindly request the Secretary-General to present a token of appreciation on behalf of AALCO to the Chief Guest please. To express our deepest gratitude to you for

sparing your valuable time to inaugurate the Sixtieth Annual Session of AALCO. Thank you so much.

The Inaugural Session was thereafter concluded.

IV. VERBATIM RECORD OF THE FIRST MEETING OF DELEGATIONS

IV. VERBATIM RECORD OF THE FIRST MEETING OF DELEGATIONS OF AALCO MEMBER STATES HELD ON MONDAY, 26 SEPTEMBER 2022, AT 02:00 PM

Madam Jia Ma, Minister, Embassy of the People's Republic of China, New Delhi (on behalf of the President of the Fifty-Ninth Annual Session), in the Chair.

Chair: Good afternoon, Ladies and Gentlemen; I would like to call the First Meeting of Delegations of AALCO Member States to order. We will be going through some organizational, administrative and financial matters. The first item is the "Adoption of the Provisional Agenda and Tentative Schedule of Meetings and Events." These documents were circulated earlier by the Secretariat.

The provisional agenda is placed before all the heads of delegation for adoption. It needs to be mentioned that due to the risks posed by the COVID-19 pandemic, taking into consideration the practices of other international meetings, and in consultation with the Member States, the Sixtieth Annual Session is being held in hybrid (online and physical) format and its duration is shortened. Therefore, in addition to organizational matters, we have five substantive topics, namely:

1. Selected Items on the Agenda of the International Law Commission (ILC)
2. Environment and Sustainable Development
3. The Status and Treatment of Refugees
4. Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine and
5. International Trade and Investment Law

I understand that the Secretary-General, Dr. Kamalinne Pinitpuvadol, discussed and reached consensus on the Provisional Agenda with the Heads of Delegations of the Member States yesterday at a hybrid meeting.

With regard to the item referred by Mauritius, I got to know from the Head of Delegation of Mauritius that they would like to withdraw this item. So I would like to give the floor to them. Yes, please.

Head of Delegation of the Republic of Mauritius: Thank you Madam President, I take the floor on a procedural matter following instructions received from my capital. The Delegation of Mauritius requests that the item that it had proposed on the provisional agenda be withdrawn from the agenda of the Sixtieth Session. I take this opportunity to thank all Member States for their continuing support to Mauritius and to our Secretary-General and his team for their kind support and diligence. I thank you.

Chair: Thank you Mauritius. If there are no further comments then we shall consider as adopted the "Agenda and the Schedule of Meetings and Events". No objections, thank you. The next agenda item is "Admission of New Member States", I would like to invite the Secretary-General to introduce this agenda item.

His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO: Thank you Madam President. For the admission of new Member States, there is no State requesting to join AALCO at this moment.

Chair: I see no State is applying for new Membership at this Session. So this agenda item is passed.

Chair: The next agenda item is “Admission of Observers.” I have been informed that some Non-Member States and some international organizations have requested to attend this Annual Session as Observers. Now I request the Secretary-General to read out the list of Observers.

His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO: Thank you Madam President. The Observer States include the **Republic of Eritrea**, the **Lao People’s Democratic Republic**, the **Republic of Madagascar**, the **Republic of Mali**, the **Kingdom of Morocco**, the **Republic of Namibia**, the **Republic of Rwanda**, the **Russian Federation**, the **Republic of Zambia**, the **Republic of Zimbabwe**.

Representatives of the following International Organizations: The **Hague Conference on Private International Law (HCCH)**, the **International Institute for the Unification of Private Law (UNIDROIT)** and the **United Nations High Commissioner for Refugees (UNHCR)**. Thank you Madam President.

Chair: Are there any objections to their participation? I see none. Let us admit them as Observers to the Sixtieth Annual Session of AALCO. Allow me to welcome them.

Chair: The next item is the “Election of the President and the Vice-President” for the current Session. I shall give the floor to the delegates for the nomination and secondment.

Election of President

Chair: I see the delegation of the United Republic of Tanzania asking for the floor. Now you have the floor.

The Head of the United Republic of Tanzania: We the United Republic of Tanzania propose the Republic of India as the President of the Sixtieth Annual Session, Madam Uma Sekhar, Additional Secretary, Legal and Treaties Division, Ministry of External Affairs, Government of India. Madam Uma Sekhar joined the Legal and Treaties Division in 1997, she has served the Indian Mission to the WTO as a Legal Adviser from 2007 to 2010. She also served as a Legal Adviser to the Permanent Mission of India at Geneva from 2013 to 2016. Her areas of interest include human rights, international humanitarian law, trade and investment law, private international law and the law of the sea. She has participated in several bilateral and multilateral negotiations, and in arbitration incidents. Thank you.

Chair: I thank the delegation of Tanzania for nominating the President.

Chair: I see the delegation of Thailand asking for the floor. Now you have the floor.

The Head of Delegation of the Kingdom of Thailand: Good afternoon Madam Chair. Thailand would like to support the nomination. Thank you.

Chair: Thank you. Malaysia please.

The Head of Delegation of Malaysia: We, Malaysia, second the nomination of Ms. Uma Sekhar from the Republic of India as the President of the Sixtieth Annual Session. Thank you.

Chair: I thank the delegation of Malaysia for the secondment of the nomination of the President.

Chair: Let us congratulate Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India for her election as the President of the Sixtieth Annual Session.

Election of Vice-President

Chair: Dear colleagues, we now turn to the election of the Vice-President of the Sixtieth Annual Session of AALCO. I shall give the floor to the Delegation of Mongolia for the nomination.

The Head of Delegation of Mongolia: Madam President, Mongolia proposes the nomination of H.E. Mr. Mohammed Said Al Hilo, Minister of Justice, the Republic of the Sudan as Vice-President of the Sixtieth Annual Session of AALCO. Thank you.

Chair: Thank you, Mongolia, for your nomination.

Chair: Any country for secondment?

The Head of Delegation of the Republic of Yemen: Thank you Madam, Yemen supports Sudan.

Chair: I see the delegation of Nigeria asking for the floor. Now you have the floor.

The Head of Delegation of the Federal Republic of Nigeria: Madam President, Nigeria wishes to second the nomination of H.E. Mr. Mohammed Said Al Hilo, Minister of Justice, the Republic of the Sudan as Vice-President of the Sixtieth Annual Session of AALCO. Thank you.

Chair: I thank the delegation of Nigeria for the secondment of the nomination of the Vice-President.

Chair: Let us congratulate H.E. Mohammed Said Al Hilo elected as the Vice-President of the Sixtieth Annual Session. Let us give them a big applause. That concludes my mandate as representative of the President of the Fifty-Ninth Annual Session.

Chair: Now I invite the newly elected President and Vice-President of the Sixtieth Annual Session to the dais. I invite the newly elected President Madam Uma Sekhar to make an opening statement.

The Opening Statement of Ms. Uma Sekhar, President of the Sixtieth Annual Session: Honourable Ministers, Distinguished Delegates, Ladies and Gentlemen. Good afternoon. At the outset, let me thank the delegations attending the Sixtieth Annual Session of AALCO for electing me as the President of the Session. I am confident that with the cooperation of all

delegations participating in this Session, both online and offline, I will be able to discharge my duties and responsibilities as President effectively.

This is the second time AALCO organizing its Annual Session in hybrid format as also highlighted by the Secretary-General in his welcome statement and I trust that the delegations will make use of the hybrid mode of participation with enthusiasm and contribute constructively.

Let me take this opportunity to thank the President of the Fifty-Ninth Annual Session of AALCO, Ms. Teresa Cheng and her current representative for skillfully steering the Organization for the last one year. I commend her leadership qualities and thank her for discharging her responsibilities very efficiently.

I also thank the Secretary-General of AALCO Dr. Kamalinne Pinitpuvadol, Deputy Secretaries-General and Officers and Staff of the AALCO Secretariat for making excellent arrangements for the smooth organization of this session. The briefs prepared by the Secretariat are so succinct and well informed in guiding the deliberations.

Ladies and Gentlemen, as you all are aware we have very interesting and important agenda items for deliberations, namely, topics on the agenda of the International Law Commission, Environment and Sustainable Development, Trade and Investment, Palestine, and Status and Treatment of Refugees. These are besides administrative and organizational matters on the agenda.

From this it is very clear that we have a very ambitious fully packed schedule for the next three days. Without your cooperation, it is very difficult for me to complete the deliberations on all these agenda items. I therefore seek your indulgence and request cooperation of all delegations in this regard.

Excellencies, let me encourage larger participation and effective deliberation. The Member States need to follow the following ground rules for your consideration.

- i) If a Member State wishes to take the floor on any agenda item, it is requested to keep it precise; the full text of the statement can be submitted to the Secretariat so as to be reflected in the records of the meeting.
- ii) Due to the paucity of time, if a delegation is not able to read the statement, the delegation can submit the statement to the Secretariat and it will be reflected in the records of the meeting.

The above requests are made to make sure that we can cover all the topics given on the agenda.

Excellencies, with these words I once again welcome each and every delegation to this session and encourage to engage in the discussions and deliberations keeping in mind the objectives of AALCO. Let me also take this opportunity to invite each and every one to be available for today's dinner hosted by the Government of India on the occasion of assuming the Presidency of the Sixtieth Annual Session. Thank you very much.

The meeting was thereafter adjourned

**V. VERBATIM RECORD OF THE FIRST
GENERAL MEETING**

V. VERBATIM RECORD OF THE FIRST GENERAL MEETING HELD ON MONDAY, 26 SEPTEMBER, 2022, AT 3:00 PM

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

AGENDA ITEM: RELEASE OF AALCO PUBLICATIONS

President: Excellencies, Distinguished Delegates, Ladies and Gentlemen let us continue the First General Meeting. Now let us take up the item “**Release of AALCO Publications**”. Now I invite the AALCO Secretariat to present a statement on the “Release of AALCO Publications”.

His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO: Thank you Madam President. The publications of the AALCO Secretariat play a very vital role in disseminating the work of the Organization to a wide audience.

This year apart from the regular publications:

- (i) Volume 18 of the Yearbook of the Asian-African Legal Consultative Organization;
- (ii) Volume 10 of the AALCO Journal of International Law; and the
- (iii) Volume 13 of the Newsletter;

We shall be releasing the publication titled:

‘Report of the AALCO Webinar on Rising Sea Levels and AALCO Member States: Perils and Protection under International Law.’

On 7 June earlier this year the Secretariat successfully organized a Webinar on the topic ‘Rising Sea Levels and AALCO Member States: Perils and Protection under International Law.’ Presentations were delivered by many experts from all over the globe who shared their viewpoints on key issues on the topic, witnessed by participants from the Asian-African membership of AALCO. The report on the Webinar captures the presentations delivered by the experts as well as the questions and answers that followed the insightful presentations.

It is expected that these measures will further increase the intellectual foundations of AALCO, facilitating scholarly contributions in newly emerging areas of international law.

Now I present the publications for their release. Thank you Madam President.

President: Thank you Mr. Secretary-General. Any comments or questions from the floor? I see none.

The meeting was thereafter adjourned.

**VI. VERBATIM RECORD OF THE SECOND
MEETING OF DELEGATIONS**

VI. VERBATIM RECORD OF THE SECOND MEETING OF DELEGATIONS OF AALCO MEMBER STATES HELD ON MONDAY, 26 SEPTEMBER 2022, AT 3:10 PM

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

President: We shall now start the Second meeting of Delegations of the AALCO Member States. As the Second Meeting of Delegations of the AALCO Member States is open only to Member States of AALCO, I request the Observers and Non-Member States to kindly leave the hall or the virtual meeting room and rejoin the proceedings at 4:00 PM Indian Standard Time, for the Second General Meeting, that is General Statements. Thank you.

AGENDA ITEM: REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION AND FINANCIAL MATTERS OF AALCO

President: Excellencies, Distinguished Delegates, Ladies and Gentlemen, I now invite the Secretary-General to enlighten the Member States on the Report on the Work of the Organization and Financial Matters of AALCO.

His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO: Madam President, Honorable Ministers, Excellencies, Ladies and Gentlemen, at the outset, I would like to join the Heads of Delegations of Member States of AALCO in congratulating the President and the Vice-President of the Sixtieth Annual Session on their election. We look forward to working with you and standing guided by your wisdom.

I would also like to express my sincere gratitude to the President of the Fifty-Ninth Annual Session of AALCO last year, Her Excellency, Ms. Teresa Cheng, Secretary for Justice of Hong Kong SAR of the People's Republic of China and the Vice-President, His Excellency, Dr. Gaston Kenfack Douajni, Director of Legislation, Ministry of Justice, the Republic of Cameroon for their valuable guidance and support in fulfilling the mandate entrusted to the Organization.

I take this opportunity to once again thank all the Member States for electing me as the Secretary-General of this esteemed Organization last year and for reposing trust and confidence in my leadership and giving me this opportunity to work towards strengthening Asian-African solidarity in international legal affairs. I assure you that I will do my best with my efforts in promoting the noble aims and ambitions of the Member States, which they want to accomplish through this Organization

Madam President, Excellencies, I would like to express my gratitude to Member Governments, for their constant encouragement, support and participation in all activities pertaining to the agenda of AALCO, to the Ambassadors/High Commissioners, the Liaison Officers in New Delhi, for their valuable inputs in dealing with the substantive and organizational matters and for the kind support rendered to me, which has helped me in discharging my duties and functions in a smooth and effective manner. Special thanks are due to the Member States for paying their annual contributions in a timely manner and to those Member States who have started partial payment of their arrears. A robust financial situation would facilitate the Secretariat in fulfilling the mandate entrusted to it by the Member States.

I would also like to thank the international organizations and other academic institutions which collaborated with AALCO in organizing several inter-sessional events. My special appreciation is due to the Deputy Secretaries-General of AALCO and the Legal and Administrative Staff for their relentless and sincere efforts in assisting me to accomplish the mandate entrusted by the Member States.

Madam President, Excellencies, I now briefly highlight some of the important parts of my report, which are divided into five parts namely: (i) Consideration of the Work Programme of AALCO; (ii) Major activities undertaken since the last Annual Session; (iii) Financial and administrative matters of AALCO; (iv) Steps taken to Revitalize and Strengthen AALCO; and (v) Future Plan of Action.

Regarding consideration of the Work Programme of AALCO at the Sixtieth Annual Session, it may be recalled that since the Forty-Second Annual Session, which was held in Seoul, the Republic of Korea in 2003, the Organization has adopted a policy of rationalization of agenda items. Adhering to this policy, the following topics are thus shortlisted for the Sixtieth Session based on their current relevance: (1) Topics on the Agenda of the International Law Commission; (2) The Status and Treatment of Refugees; (3) Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine; (4) Environment and Sustainable Development; and (5) International Trade and Investment Law;

Activities and mandate undertaken since the Fifty-Ninth Annual Session; Madam President, Excellencies, I assumed office in January this year when there was the third wave of the pandemic along with Omicron variant of COVID-19 which had hit hard in many countries. The total coronavirus cases in India were significantly increasing, especially in New Delhi. Restrictions with a week-end curfew and a lockdown were imposed. All these restrictions have been lifted in late March as situation improves. These circumstances and limitations have necessitated the need to work and conduct the activities in online and hybrid mode.

Madam President, Excellencies, as the new Secretary-General, one of my priorities is to strengthen AALCO's cooperation and engagement with its Member States. Towards this objective, I have been proactive in visiting the missions of AALCO Member States in New Delhi, and engaging in constructive deliberations with Ambassadors/High Commissioners on ways and means to foster AALCO's relationship and engagement with its Member States. As on 31 August 2022, I have visited the missions of 37 Member States, a Non-Member State and 3 international organizations.

In terms of events, allow me to begin with a virtual event - the First Public International Law Conclave, organized by Rashtriya Raksha University (RRU) on 4 February 2022, where I delivered the keynote address and spoke about the "African-Asian Perspectives and Practices of International Law". Later that month, I was invited to join online an esteemed panel of experts in Diplomatic Dispatch, a weekly show on Sansad TV (Indian Parliament's official TV channel) which gives exclusive insights into the world of international diplomacy from an Indian perspective. I took that opportunity to elaborate on the Asian-African perspectives on various aspects of international law.

Madam President, Excellencies, on 10 March 2022, AALCO and the Hague Conference on Private International Law (HCCH) jointly hosted an online seminar on "the HCCH & the Apostille Convention: Exploring the Benefits for AALCO Members". The seminar, intended

to introduce the Apostille Convention, focused on enabling the AALCO Member States to understand and appreciate the benefits of acceding to the Convention. More than 70 participants many of whom were from AALCO Member States attended it.

I also attended the 62nd Meeting of the Committee of Legal Advisers on Public International Law (CAHDI) held online on 24 and 25 March 2022 as an Observer. It was in 2017 that CAHDI granted “participant status” to AALCO to revitalize and strengthen its relationship with the Organization.

In April, I co-chaired a session on Cross Border Dispute and International Mediation: In Present International Perspective at the Third International Conference on Mediation organized by Faculty of Law, University of Delhi & Delhi School of Public Policy and Governance, University of Delhi.

Later that month, I attended virtually “the 5th Session of the Intergovernmental Group of Experts on E-commerce and the Digital Economy” organized by the UNCTAD as an observer.

I also delivered a keynote address at the First Summit of the World Jurists Forum on the theme ‘Legal Education Change in the Digital Era’ on 16 May 2022. The event was held online. The World Jurists Forum was one of the most important events marking the 70th Anniversary Celebrations of the China University of Political Science and Law. The invitees constituted an august list of participants including eminent legal academics and leaders of various intergovernmental organizations.

On 7 June 2022, the AALCO Secretariat organized its first ever webinar on a topic on the agenda of the International Law Commission. The four-hour webinar, titled “Rising Sea Levels and AALCO Member States: Perils and Protection under International Law”. The webinar witnessed the participation of a stellar array of panelists, who discussed the diverse aspects of the topic to an audience of 40 plus participants from the Member States and the academia.

Further, I delivered a “Special Address” at the “Golden Jubilee (50th) Annual Conference of the Indian Society of International Law (ISIL)” held on 29th July 2022.

On 12th August 2022, I delivered a keynote address titled “International Law in Cyberspace: Contributions of AALCO” at the Workshop on International Rule of Law in Cyberspace, organized by the Research Institute for Cyberspace Governance, Law School and International Law Institute of Wuhan University.

In the period under consideration, AALCO has entered into two MoUs. The first one is with Rashtriya Raksha University (RRU). This MoU provides for co-operation between the two institutions broadly in the areas of conducting trainings, joint research and capacity-building programmes in the field of international law and an internship program wherein the students of RRU will get an opportunity to undergo internship training at the Secretariat for a fixed duration. The second MoU was with Chinese Institute of International Law (CIIL) at China Foreign Affairs University.

Madam President, Excellencies, allow me now to present on the financial and administrative matters of AALCO. I am pleased to state that the financial situation in 2022 was relatively

stable. The details can be found in the conference document AALCO/60/NEW DELHI (HEADQUARTERS)/2022/ORG 2. Though strides have been made with respect to the payment of arrears by Member States, the persistent problem of arrears is impeding the Secretariat to make full use of its sanctioned resources. I express my profound gratitude to those Member States which have complied with their financial obligations and encourage those which have not done so to double their efforts.

I would like to draw your attention to the budget approved for presentation at the current Session by the Liaison Officers for the year 2023 is USD 676,800 which sees an increase of US\$ 39,900 from the budget for the year 2022. This increase is mainly due to the increase in estimated expenses under the head "salary and allowances". The budgeted amount under this head is increased by US\$ 66,000, taking into account the expected increase in the basic salary of the regularized employees (as the Organization recently regularized a few contractual employees) and the increase in the projected rates applied to the Dearness Allowance and House Rent Allowance taking into account the recent revisions by the Government of India in this regard. This increase will be partially covered by drawing the amount of US\$ 26,000 from the Reserve Fund.

I would like to inform the Member States that continuous efforts are being made on optimizing the use of both the human and material resources available within the Secretariat. All efforts to minimize and curtail operational costs are also being exerted. Financial auditing will be expanded to cover value for money audit and financial management system will be reinforced.

Madam President, Excellencies, on a related note, let me give you an update on the progress made on the mandate regarding the review of the scale of assessed contributions. The Secretariat was mandated to "conduct a comprehensive review of the existing assessed scale of contributions, and to make a review to be considered by the Liaison Officers meetings to the Annual Session for its consideration and approval" at the Fifty-Sixth Annual Session (Nairobi, 2017). This mandate was reiterated at the Fifty-Seventh Annual Session (Tokyo, 2018).

Based on these mandates, discussions were held at the 350th meeting of Liaison Officers in August 2019 and resulted in a set of proposals presented by the Secretariat to the Member States. However, owing to the widespread of the COVID-19 pandemic, further deliberations could not be held in 2020 and 2021. Nevertheless, the Secretariat continued to remind the Member States of this matter by recirculating the proposals in October 2021. At the 353rd meeting of Liaison Officers on 14th June 2022, a set of proposals by Japan was discussed, and it was agreed that the Liaison Officers would continue the discussions at an informal meeting.

The first informal meeting on the scale of assessed contributions was held on 28th June 2022. At the outset of the meeting, the Secretariat noted that any decision or action would not be taken at the informal meeting but comments will be shared to all Member States in the form of unofficial minutes. The Secretariat thereafter presented an explanatory note mainly based on the views received from the Member States by that time, including: a) the historical background of the scale of assessed contributions of AALCO, b) a summary of the recent discussions (including the revision of the scale in 1992 and 2009), c) the need for updating the proposals prepared in 2019 by the Secretariat, d) questions in relation to the current formula, and e) the explanation of "revised option 1", "revised option 2" and "new option 3" prepared by the Secretariat. Several Member States sought clarifications and voiced their

opinions on the aforementioned issues in the discussion held thereafter. It was informed that these matters would be discussed in-depth in a sub-committee proposed to be set up during the Plenary of the Sixtieth Annual Session.

In view of the discussions held at the informal meeting and according to the statutory requirement, a sub-committee needs to be constituted to review the scale of assessed contributions of AALCO Member States and to further deliberate on this matter. While the Secretariat notes that the Member States would need sufficient time to consider and engage in the issue, it requests the approval of the Member States to constitute the said sub-committee in order to pursue its mandate.

Regarding Strengthening the Human Resources in the AALCO Secretariat: Presently, the Secretariat functions under constraints of human and financial resources. In view of the decrease in the manpower of legal staff and the increasing activities being undertaken by the Organization, I would like to emphasize the necessity of hiring a Director and strengthening the legal team by recruiting more legal officers. These are essential to carry out the functions and activities of the Organization. Member States are invited to second senior legal officers to AALCO. Young diplomats from Member States can make useful contributions to AALCO in substantial matters.

In order to ensure adequate representation of Africa among the top management of the Secretariat, I would like to request the African States to second at least one senior official to the Secretariat as Deputy/Assistant Secretary-General. Likewise, I also request the Arab Member States to consider deputing one senior official as Assistant Secretary-General or Director to the Secretariat for primarily managing the affairs of the Arabic Section.

Concerning the issue of “Increasing our Membership”: As on 31 August 2022, 47 States from Asia and Africa are Member States of AALCO. However, there are more than 100 States in both Asia and Africa. Therefore, within both regions, there remains an immense scope for widening the membership base of AALCO. Building upon the efforts of the distinguished predecessors, the current President and Vice President of AALCO, as well as the Deputy Secretaries-General and I have approached the Heads of Diplomatic Missions of several of these countries in New Delhi in pursuance of this goal. We have received positive responses from some of these States and the matter of their joining AALCO is under the active consideration of their respective Governments. As and when States become the Member States of AALCO, their prospective contributions would strengthen the financial and functional basis of AALCO.

Madam President, Excellencies, on the future plan of action, the Organization has now been active for over six decades, and in order to continue ensuring its relevance in the future, I have outlined a plan of action that may seem ambitious, but which we endeavor to accomplish while staying within our modest budget. The full details of my proposals are contained within my written report. Here, I would like to highlight some main activities to be undertaken in the coming year which include : Capacity Building Programmes, Establishing Collaboration with International Organizations/ Educational Institutions, Streamlining AALCO Statutory Rules, Internship Projects in AALCO, Improving the Website of AALCO, Participation in International Meetings, Publications and Promotion of AALCO Arbitration Centres.

Madam President, Excellencies, regarding Streamlining AALCO Statutory Rules, it is important to note that the Statutory Rules of the Organization was adopted in 1989, while the Statutes were amended in 2004. It is necessary to harmonize the Statutory Rules with the Statutes. The Secretariat has undertaken a comprehensive task on this in accordance with the mandate given at AALCO previous sessions and relevant documents have been sent to the Member States for comments via Note Verbale No.69/2022/AM/AALCO. In furtherance to this work and in accordance with the statutory requirement, I propose to this Annual Session to constitute a sub-committee to further deliberate on this item and bring this exercise to a logical conclusion by presenting a report to the next Annual Session.

In addition, I am delighted to formulate strategies for driving the organization during my tenure, which has also been presented during the campaign. The full details of the strategies are also contained within my written report.

My vision is to make AALCO a more proactive and robust organization. The key priority areas and strategic direction need to be highlighted as follows:

- To make AALCO a more visible and more proactive organization,
- To promote the digitalization of AALCO,
- To encourage future generations of international lawyers in the Asian-African region.
- To ensure full participation of Member States, and
- To promote the understanding of differences in culture and legal systems among Member States of AALCO.

In this regard, it may be recalled that the Forty-Eight Annual Session held in Malaysia in 2009, the AALCO Member States had adopted the historic “Putrajaya Declaration on Revitalizing and Strengthening the AALCO”. By virtue of this Declaration, AALCO has a significant role of the “main centre for harmonizing the actions of Asian-African States in international legal matters”.

In concluding, Madam President, Excellencies, since I assumed the office of the Secretary-General in January 2022, my managerial decisions and international engagements have been directed towards this vision in fulfilling the mandate entrusted to me, further aimed at enhancing the stature of the Organization among the international fraternity. In pursuance of these objectives, I have initiated an internal stocktaking exercise on the statutorily mandated functions and purposes of the Organization and brainstormed on how the Secretariat can improve its activities and effectively deliver its functions. I would like to assure the Member States that the planned activities of the Organization are outcome-driven, with their primary goal of helping the Member States effectively engage in international law-making exercises.

Last but not least, the Organization is hosting its Sixtieth Annual Session in New Delhi, the Headquarters of the Organization. One can say that during this long period, AALCO’s journey has not been smooth, but for the immense support given by its Member States, the Organization has witnessed tremendous progress. This is demonstrative of the continued ideological relevance of the Organization. The voice of the people of the Afro-Asian region, host to the largest part of the humanity, needs to be echoed in various international fora. In this regard, I am convinced that the Member States will place the Organization on a sound financial footing and will encourage and contribute to its future activities. Thank you very much.

President: Thank you, Mr. Secretary-General, for that informative and elaborate report. I now open the floor for any comments from Member States on the report presented by the Secretary-General.

The Head of Delegation of Malaysia: Madam President, Secretary-General, Excellencies, Distinguished Delegates, Ladies and Gentlemen, Malaysia expresses profound gratitude to the Secretary-General of AALCO for the presentation of his detailed report among others on the administrative, organizational and financial matters which sets out the work of AALCO since the conclusion of the Fifty-Ninth Annual Session held from 29 November to 1 December 2021. The report is certainly another testament of the accomplishment of the significant work of AALCO in ensuring that AALCO will continue as the main centre for harmonizing the actions of Asian-African States in international legal matters.

Malaysia wishes to congratulate the Secretary-General and the Secretariat for the successful organization of activities and programmes undertaken since the last Annual Session. Malaysia also commends the Secretariat's effort in making the arrangements for this Annual Session to be convened in a hybrid format. Malaysia views the effort done by the Secretariat as a positive act in welcoming every Member State to participate in deliberating the agenda items of AALCO. Therefore, Malaysia hopes such efforts can be further continued for every upcoming Annual Session to enable all Member States to participate in this Annual Session without any problems.

Malaysian Delegation also wishes to express our deepest appreciation to His Excellency Dr. Kamalinne Pinitpuvadol, for his effort to ensure the smooth functioning of the Organization, living up to the expectations of the Member States, and his endeavor to take the Organization to greater heights. Therefore, Malaysia wishes to express our support in every action of His Excellency Dr. Kamalinne Pinitpuvadol and Malaysia remains dedicated and strives to contribute its efforts in ensuring the effectiveness and sustainable operations of AALCO for the benefit of all AALCO Member States.

Further Malaysia wishes to express its support for the idea that AALCO senior management should have equal representations from Asia and Africa to reflect the image of the Organization which is an organization representing the two regions. Therefore, Malaysia supports the proposal by the Secretary-General who requests the African States to second at least one senior official to the Secretariat as Deputy/Assistant Secretary-General and for the Arab Member States to consider deputing one senior official as Assistant Secretary-General or Director to the Secretariat for primarily managing the affairs of the Arabic Section.

With regard to the revision of scale of assessed contributions, Malaysia notes that there were several informal meetings held by the Liaison Officers to discuss on this matter. Malaysia further notes that in view of the discussions held at the informal meeting and according to the statutory requirement, a sub-committee to review the scales of assessed contributions of AALCO Member States needs to be constituted to further deliberate on this matter. Therefore, based on the circumstances and the need for this matter to be further deliberated, Malaysia is agreeable with the proposal and supports the formation of the said sub-committee in this Session.

Malaysia also commends the vision of the Secretary-General in making AALCO a more proactive and robust Organization, especially in promoting the digitalization of AALCO. Malaysia notes that in the time of pandemic and in the post Covid-19 era, it is pertinent for

AALCO to venture into new methods so that it can help to increase efficiency of the Organization as well as to facilitate Member States and AALCO staff. This method of digitalization could also encourage and ensure full participation of Member States in the activities organized by AALCO. Malaysia opines that it is important to encourage more involvement from Member States in AALCO's work and activities. Therefore, by promoting the digitalization of AALCO, it may provide an alternative method for Member States to participate and it could also encourage observers from non-participating States to be involved in AALCO's meetings. The digitalization of AALCO may also welcome countries from Asia and Africa to become new members of AALCO.

Lastly, Malaysia observes that the resolution on the Report of the Secretary-General on Organizational, Administrative and Financial Matters is acceptable. Thank you.

President: I thank the distinguished Delegation from Malaysia for his comments. Thank you so much. Any comments from any other Member States? I now give the floor to the distinguished Delegation from Japan.

The Head of Delegation of Japan: Thank you very much for the informative report of the Secretary-General on this issue. With regard to the scale of contributions, we note that the current scale of contributions has been kept unchanged since the last meeting of 2009 of the General Assembly and therefore, it is very appropriate to set up a sub-committee to look into this issue and to discuss the review the scale of contributions. So we would like to express our appreciation for this initiative by the Secretary-General and it will be appreciated if we could discuss early on this issue particularly at the sub-committee and to realize the new scales of contributions on a consensus basis. Thank you.

President: I thank the distinguished delegation from Japan. Any other comments from Member States? I now give the floor to the distinguished Delegation from Thailand.

The Head of Delegation of the Kingdom of Thailand: Thank you Madam President for giving us the floor. We appreciate the report by the Secretary-General and thank him very much for this very comprehensive report. With regard to the issue of the effective management of the budget and financial contribution, I think it is very important for the Secretariat to perform its functions more effectively. Therefore, Thailand echoes the views of the other delegations that in order to address the issue we should support the process for reviewing the scale of assessed contributions, to reflect the reality of the economic situation, and to establish a sub-committee which should look into the details and will take up this task and conclude it by consensus, within an expected time frame. Thank you Madam President.

President: Thank you very much the distinguished delegation from Thailand. Any other comments? Distinguished delegations I would like to put a few words before you, those who want to make a statement are kindly requested to register with the AALCO Secretariat which has been entrusted with the responsibility of collating the list of speakers on each item and collecting the statements from the floor. For those delegates attending online wishing to take the floor for the agenda item being discussed, Heads of Delegations may use the "raise hand" function in Zoom to so indicate. For those delegates making their interventions online, please remember to unmute your microphone when it is your turn to speak, and mute the microphone after your intervention. As we have a packed schedule, please limit your oral interventions to 5 to 7 minutes. Longer statements can be deposited with the designated staff at the venue, or sent to the Secretariat by email. Thank you.

President: Now we move on to the next item. The next item on the agenda is “AALCO’s Draft Budget for the year 2023”. I invite the AALCO Secretariat, to make a presentation and thereafter the floor shall be open for discussion. The Secretariat has the floor now.

Mr. Jun Yamada, Deputy Secretary-General of AALCO: Thank you, Madam President, Honourable Ministers, Distinguished Delegates, AALCO’s proposed budget for the year 2023 is contained in Document No. AALCO/60/NEW DELHI (HEADQUARTERS)/2022/ORG 2.

The proposed budget was circulated to the Member States via Note Verbale No. 35/2022/AM/AALCO on 2 February 2022 and was discussed at the 352nd and 353rd meetings of the Liaison Officers on 31st of March and 14th of June 2022. During the discussions, the proposed budget was reduced from US\$ 702,800 to US\$ 676,800 by drawing US\$ 26,000 from the reserve fund to address the concerns expressed by some Member States related to its increase. A consensus was reached at the 354th meeting of the Liaison Officers on 30th of August, and the proposed budget is now submitted to you for its final approval.

The budgetary estimate for the year 2023 is US\$ 676,800, which is an increase of US\$ 39,900 from the budget for the year 2022. This increase is mainly due to the increase of US\$ 66,000 under the head of Pay and Allowance of Local Staff, which includes the expected increase in the basic salary of the regularized employees and the projected increase in their allowances. That is why US\$ 26,000 is drawn from the reserve fund to partially offset the increase.

The Secretariat would like to emphasize that daily saving efforts are being made to curtail the Organization’s operational costs in order to balance the income and expenses. We are also making our continuous efforts to strengthen our financial basis, above all, by collecting the contributions and arrears from Member States. However, in order to pursue the activities mandated to us, we are still in dire need of our uncollected financial resources. In this regard, I wish to report that, as of 10th of September 2022, AALCO has received annual contributions from 22 Member States for the year 2022 and arrears from 3 Member States. We thank those Member States which have made their payments of annual contributions and arrears. We also express our gratitude for the voluntary contribution made by the Government of the Republic of India for holding this Annual Session. While we are aware of the challenges related to the financial situation of each Member State, we note with concern of the remaining arrears amounting approximately US\$ 2.1 million. We urge all Member States which have not paid their annual contributions yet and those which are in arrears to fulfill their financial obligations. The Secretariat expresses its readiness to reach out to the Member States which are in need of technical assistance on this matter.

As regards the scale of assessed contributions, the Secretariat is fully committed to implement the mandate based on Resolution AALCO/RES/56/ ORG1 adopted at the Fifty-Sixth Annual Session held in Nairobi. Accordingly, it has reviewed the existing scale of contributions and prepared a report to be presented to the meeting of Liaison Officers. Nevertheless, the discussions by the Liaison Officers were ceased since August 2019 due to the rising impact of COVID-19. During such challenging times, the Secretariat continued to bring the issue to the attention of the Member States by recirculating its report in October 2021.

This year, the Secretariat reviewed its report prepared in 2019 and updated its proposals that were technically outdated due to the lapse of time. Furthermore, the Secretariat received a set of proposals from Japan which were taken up at the 352nd meeting of Liaison Officers on 31st of March. Thereafter, the issue of the scale of assessed contributions was discussed at the 353rd meeting of Liaison Officers on 14th of June and at an informal meeting of Liaison Officers on 28th of June. At the 354th meeting of Liaison Officers on 30th of August, the Secretary-General expressed his intention to propose the establishment of a sub-committee on this issue during this Annual Session, which was generally supported by the Liaison Officers. The Secretariat is ready to pursue its mandate on this issue in the months ahead under the guidance of the Member States.

In closing, the draft Resolution AALCO/60/RES/ORG 2, annexed to the budget document, is placed before you for adoption. Thank you.

President: I thank the Secretariat for making the presentation for the Budget for the year 2023. Now the floor is open for comments and questions. On my list, I have Malaysia as the first speaker.

The Head of Delegation of Malaysia: Madam President, Malaysia thanks the AALCO Secretariat for the report of AALCO's budget for 2023.

Malaysia supports the AALCO Secretariat's proposal on AALCO's financial expenditure for 2023 which is a realistic budget and necessary in order to ensure the smooth running of AALCO as a whole and at the same time to strengthen and improve the financial situation of AALCO.

Nevertheless, Malaysia wishes to highlight that there is a discrepancy of the amount stated for the item "Pay & Allowances" that requires confirmation and necessary amendment, to the Budget Paper, as follows:

- (a) (page 5 of the Budget Paper) the amount stated in Part III: Comparative Statement Showing the Budget for the Year 2022 and the Budget Provision for the Year 2023 (in USD) is USD 69,000; and
- (b) (page 7 of the Budget Paper) the amount stated in Part IV: Explanatory Note on the Proposed Budget for the Year 2023 is USD 66,000

Malaysia appreciates Member States for complying with their financial obligations as the fulfillment of the financial obligations is the key to realization of AALCO's functions and existence. In addition, it is hoped that the AALCO Secretariat would, in the year 2023, undertake capacity-building programmes and conferences/seminars on some of the selected topics on the agenda of the Organization, which have been mandated at the previous Annual Session.

As regards the draft Resolution appended to the proposed AALCO's budget for the year 2023, Malaysia has no reservation and is agreeable to the draft Resolution as the Budget for 2023 is reasonable and necessary to strengthen and improve the financial situation of AALCO and ensure smooth running of the Secretary-General's office. Thank you.

President: I thank the distinguished Delegation from Malaysia. Any other interventions comments, before I give the floor to the Secretariat for any intervention or explanation for the observations made by this delegation? I give the floor to the distinguished Delegation from Libya.

The Head of Delegation of the State of Libya: Thank you Madam President, our thanks is also extended to the Secretary-General for the statements on the reports. With regard to the Budget, Madam President, we will go with the other speakers with the necessity of reviewing the scale of the contributions. Madam President, my country is among the biggest contributors to AALCO and we believe there should be a fixed clear mechanism and criteria for the contribution for the countries that takes into account the changes that have happened in some countries and also we need a periodic review to the contributions. As I said my country is among the fifth largest contributor after Indonesia, Japan, Kuwait and India. You are all aware what has been happening in Libya and therefore we look forward to participating in the work of the working group in October but we would like to highlight again the necessity for AALCO to find fixed mechanism and criteria for the contribution and bring it at power with most of the international organizations. Thank you very much.

President: Thank you sir. Any other interventions from the floor on the draft budget proposed by the Secretariat? Now I give the floor to the Secretariat for any response to the comments made from the floor.

Mr. Jun Yamada, Deputy Secretary-General of AALCO: Thank you Madam President. I understand that there were two Member States that took the floor for questions and comments. First, I would like to address the comments raised by Malaysia. If I understand your question correctly, you were pointing out the figures that were found in two pages coming under the heading of pay and allowances, which appeared in two pages (5 and 7) seeming very alike but the figures are different. That is my understanding of your question. If I may address your question under my best knowledge and understanding, the figure that appears on page 5, the gross increase of the “Pay and Allowance” of the staff members is USD 69,000 as correctly pointed out by your delegation. If I may draw your attention in the same chapter of that expenses in the Chapter D “Local Staff” there is a head of -US\$ 3,000, as an offset, so with that offset, the total net increase of the pay and allowance of the local staff will be US\$ 66,000. So just for the sake of brevity, in page 7 we only highlighted the figure of US\$ 66,000. So there might be a slight lack of explanation of the figures on the two pages which are explained as such. I hope you understand my explanation and I can give further explanation if you wish during the break, so please make use of that opportunity. Just addressing the comment that was made by Libya, as the Secretary-General has explained, the Secretariat is ready, with your approval, to discuss the matter of the review of the scale of assessed contributions in the sub-committee, and here the comments are duly taken care of. They will be surely discussed in the sub-committee if it is approved by the Member States. I would just like to put that on the record. Thank you Madam President.

President: I thank the Secretariat for the explanation given. Any other comments? If there are no comments, that concludes our deliberation on the AALCO’s Budget for the year 2023.

The meeting was thereafter adjourned.

**VII. VERBATIM RECORD OF THE SECOND
GENERAL MEETING**

VII. VERBATIM RECORD OF THE SECOND GENERAL MEETING HELD ON MONDAY, 26 SEPTEMBER 2022, AT 04:00 PM

Her Excellency Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India and the President of the Sixtieth Annual Session of AALCO in the Chair.

President: Distinguished delegates, now we start the Second General Meeting, which is devoted to General Statements. Before we begin, may I request the delegates wishing to deliver statements to please complete your statement within five or six minutes so that we can maintain the timings. In any case, your entire statement will be reflected in the verbatim record of the Session. Further, to facilitate this work, Member States are recommended to submit a written statement to the Secretariat via email at as60@aalco.int. If the statement is made in Arabic, it will be appreciated if an English translation is attached as well.

Now we will begin the General Statements. I have a list of speakers before me. The first speaker is the distinguished delegation of Sudan. The floor is yours, Sir.

The Head of the Delegation of the Republic of the Sudan¹: In the Name of Allah, Most Gracious, Most Merciful. Madam President, Excellencies, Ladies and Gentlemen, on behalf of the government and people of the Republic of Sudan, and on my own behalf, I have the utmost honour and respect to welcome you all while retaining your lofty positions. I also extend my deepest thanks and appreciation to the people and government of the Republic of India for their generous hosting of this distinguished Session. It gives me great pleasure to address you, and I also appreciate your efforts on many issues, and my country affirms its commitment to extend its full cooperation with you.

Madam President, believing in the active role that the Organization plays, and based on the shared responsibility of the Member States, my country affirms its commitment to the goals and values for which this Organization was established and seeks to achieve, and is convinced of the important role it plays in providing the service as an advisory body to the Member States of the Organization in the field of law, a forum for Asian and African cooperation in legal matters of common interest; studying and deliberating issues related to international law, and making recommendations to governments; in addition to exchanging opinions, experiences and information on issues of common interest that have legal implications, and making recommendations for them and other objectives in order to unify visions, create understanding, cooperation, and create a common dialogue.

Madam President, the need to confront the existing and serious challenges before the Organization through the topics covered in this session such as the status and treatment of refugees, violations of international law in Palestine and the occupied territories and other related issues, environment and sustainable development, international trade and investment law - represents the greatest concern – therefore, it was necessary to unite all national and international efforts aimed at effectively addressing these issues, by identifying the reasons for the shortcomings of the current policies to deal with them, and developing visions and plans to confront and overcome these challenges. Therefore, my country takes advantage of this high-level international forum, which includes a group of ministers, decision-makers,

¹ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

specialized experts and some relevant international organizations, in order to shed light briefly on some of these themes.

Madam President, there are grave challenges faced by the international community, the most worrying of which is the increase in the number of refugees and displaced persons, which hit a record in 2022, according to the United Nations High Commissioner for Refugees. The number of forcibly displaced people worldwide has risen to 90 million by the end of 2021, as a result of new waves of violence or protracted conflict in a number of countries. Therefore, concerted efforts have to be made to resolve this crisis, and international action and cooperation regarding refugees, migrants and related displacement issues.

Madam President, the Palestinian issue remains the focus of the attention of all countries despite the successive events at the Arab and global levels, especially since Palestine is the Qibla of the world and its beating heart. Therefore, it had to be one of the main issues that are discussed almost constantly, and unfortunately the suffering of the brotherly Palestinian people continues, due to the absence of the rule of law and the negligence of democratic principles based on respect for human rights and the realization of social justice and equality. Therefore, it was necessary to move forward to end the Arab-Israeli conflict, as its continuation constitutes a major challenge to the stability of the Middle East region in particular, and at the global level in general. Therefore, working to find an effective and efficient solution based on achieving a comprehensive and just peace, stopping the illegal construction of settlements, and respecting all the legitimate rights of the Palestinian people who are struggling to establish their independent State, is necessary and important for the stability of the situation in the region and the achievement of international peace and security.

Madam President, the Sustainable Development Goals are a call to action to create a world where no one is left behind. There is no doubt that the world needs sustainable and balanced development based on the principle that prevention is better than cure. The good use of natural resources is the basis of sustainable development, and it is certain that there is a close link between the issues of sustainable development and the preservation of the environment. As you know, since the historic Stockholm Conference of 1972 on the human environment, the issue of the environment has been placed within the framework of sustainable development, as all of the sustainable development goals are linked in some way to the environment. In order to achieve these goals, it is necessary to find effective and continuous solutions to reduce resource consumption, stop pollution, and preserve natural resources.

Madam President, improving legislation by establishing a tight legal framework across national borders in international trade and investment is of great importance, especially since the world is witnessing more economic interdependence in order to facilitate trade and investment at the international level. We do not overlook the important role of the United Nations Commission on International Trade Law (UNCITRAL) in building this legal framework with the aim of addressing issues related to the settlement of disputes between investors and States, as well as the role of the United Nations Conference on Trade and Development (UNCTAD), which aims to help increase trade, investment and development opportunities for developing countries to the fullest extent; and assisting them in their efforts to integrate into the world economy on an equitable basis. We also support the decisions of the Twelfth Ministerial Conference of the World Trade Organization, which was held in June 2022 in Geneva, which referred in its final document to the need to revive the Appellate Body of the World Trade Organization, and to emphasize that the provisions of special and

differential treatment for members from developing and least developed countries constitute an integral part of the World Trade Organization and its agreements.

Madam President, by virtue of its legal nature, the Organization has traditionally studied topics related to international law, including the immunity of State officials from foreign jurisdiction, and since the International Criminal Court adopts the principle of complementarity, the original jurisdiction falls to the national judiciary, and the International Criminal Court has only a complementary role represented in training judges and prosecutors in the competent country, and providing technical and logistical support to conduct trials.

Madam President, finally, country seeks to establish a society of law, knowledge, and social justice through recommending and developing the society and enhancing its solidarity and protection. It also looks forward to upholding international cooperation between Member States and entities through such global partnerships and supports the recommendations that will come out of this session by focusing on taking steps to implement them on ground. Thank you, Madam President.

President: Thank you very much, Excellency, for your statement. Now I invite the distinguished Head of Delegation of Myanmar. Excellency, you have the floor.

The Head of the Delegation of the Republic of the Union of Myanmar: Honourable Ministers and Attorneys General, Your Excellencies, Distinguished Delegates, Distinguished Observers, Honourable Guests, Ladies and Gentlemen, it is a great honour and privilege for me to participate in this Sixtieth Annual Session of AALCO, in person, in this beautiful country, New Delhi, India. On behalf of Myanmar delegation and on my own behalf, first, I would like to express my sincere thanks to Your Excellency Dr Kamalinne Pinitpuvadol, for inviting us to attend this Sixtieth Annual Session of AALCO. I also would like to express my deepest appreciation to the Government of India for hosting this Annual Session and the warmest hospitality that has been extended to me and the members of Myanmar delegation. May I congratulate Ms. Uma Sekhar on your appointment as the President and Mr. Mohammed Said Al Hilo as Vice-President of this Session. I believe that with the comparable stewardship of your Excellency for this Sixtieth Annual Session there would be fruitful discussion, excellent deliberations, and beneficial outcomes. We also would like to extend our appreciation to Her Excellency Ms. Teresa Cheng, outgoing President of the Fifty-Ninth Annual Session of AALCO, for her outstanding efforts on the last AALCO session.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, the Asian-African Legal Consultative Organization (AALCO), originally known as the Asian Legal Consultative Committee (ALCC), was constituted on 15 November 1956. It is considered to be a tangible outcome of the historic Bandung Conference, held in Indonesia, in April 1955. Seven Asian States, namely Burma (now Myanmar), Ceylon (now Sri Lanka), India, Indonesia, Iraq, Japan, and the United Arab Republic (now Arab Republic of Egypt and Syrian Arab Republic) are the original Member States. The conference was an important step towards the eventual creation of the Non-aligned Movement.

Allow me to say a few words about the legacy of the Bandung Conference, namely the importance of principles as touchstones for effective international relations. The final communique from Bandung famously enshrined ten principles aimed at “effectively contributing to the maintenance and promotion of international peace and security”, including respect for fundamental human rights, respect for sovereignty and territorial integrity, non-

intervention and non-interference in the internal affairs of another country, individual and collective self-defence, the prohibition on aggression or the use of force against the territorial integrity or political independence of any country, the peaceful settlement of disputes and respect for international obligations. Upon a legal analysis of the eight areas of Bandung Declaration, we find that they are enshrined in the UN Charter, ASEAN Charter and the Principles of International law. Myanmar, as a member of UN and ASEAN, Myanmar always emphasizes the UN Charter and ASEAN Charter, and we fully pay respect and correctly oblige the provisions of the Charters. According to the Constitution of the Republic of the Union of Myanmar 2008, Myanmar practices independent, active and non-aligned foreign policy aimed at world peace and friendly relations with Nations and upholds the principles of peaceful co-existence among Nations.

Madam President, by taking this opportunity, we would like to acknowledge on the AALCO's publications of Yearbook of AALCO, AALCO Journal of International Law and Newsletter, and summary report of AALCO Webinar on "Rising Sea Levels and AALCO Member States: Perils and Protection under International Law". We appreciate the AALCO Secretariat and the team for their invaluable effort to release those materials.

The rules of international law are intended to maintain peace, security, development, and prosperity for all nations. International Law is the foundation for building a fair and equitable international relationship. It is because of international law that the relationship of States is what it is today. Therefore, we value the part that AALCO has played in closely observing the ILC (International Law Commission) work on developing and codifying international law. And we consider AALCO as an important hub for the two continents.

Madam President, environmental issue is a global issue which we cannot solve by a State alone and is the major challenges faced by humanity in recent times. Environmental rule of law integrates the critical environmental needs with the essential elements of the rule of law and provides the basis for reforming environmental governance, It prioritizes environmental sustainability by connecting it with fundamental rights and obligations. Sustainable Development Goals are a call for action by all countries to promote prosperity while protecting the planet. Therefore, Myanmar has ratified the Paris Climate Agreement and published its Nationally Determined Contribution (NDC) 2021. Myanmar has and will be mainstreaming climate change into all relevant short, medium, and long-term national development plans and policies. This includes State and Regional development plans and policies under the guidance of the Myanmar Sustainable Development Plan (2018-2030) which is aligned with the 2030 Sustainable Development Goals (SDGs) No. 13. In addition, the National Environmental Policy (2019), Myanmar Climate Change Policy (2019), Myanmar Climate Change Strategy (2018-2030), and Myanmar Climate Change Master Plan (2018-2030) have been implemented.

International Trade Law and Investment Law is always an important subject to be included for many reasons. There has been vast development in international investment and international investment practices. As the investment treaties were entered into by States to promote foreign direct investment, a dispute is a condition that we cannot refrain from. Most of the bilateral investment treaties allow the investors the right to bring claims against sovereign States before international arbitral tribunal. Therefore, the legitimacy of ISDS mechanism is very crucial. We have noted that UNCITRAL Working Group III has been discussing on the ISDS reform. We hope that the reform will become the better approach for the Investor-State disputes settlement mechanism.

In the present day, the Asian-African region is continuously developing and so it is a region suitable for making investments. Myanmar, an ASEAN member nation, is situated at the geographically strategic point for trading with the countries in Southeast Asia and South Asia and establishing inter-relations with the countries. Myanmar has enacted the laws necessary for the convenience of foreign investors. Therefore, if foreign investors come to invest in Myanmar, they will be able to export their products to global markets easily and quickly and, in this way, they will enjoy considerable benefits.

Madam President, we noted great interest in the agenda of this Session. Myanmar looks forward to discussing and deliberations on all issues in this Session.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, Myanmar as a founding member of AALCO, we will continuously support all the endeavours of AALCO and assure that Myanmar would continue to cooperate with AALCO's activities and agenda, with Bandung Spirit. Let me conclude my statement by thanking everyone who contributed to making this Session successful, my best wishes for the meeting's success, and looking forward to the productive discussions. I thank you.

President: Thank you, Excellency, for your statement. Now I invite the distinguished Head of Delegation of Thailand. You have the floor, Madam.

The Head of the Delegation of the Kingdom of Thailand: Madam President, Mr. Secretary-General, Excellencies, Distinguished delegates, on behalf of the delegation of Thailand, I would like to congratulate you, Madam President, for your election. Also I would like to convey my sincere thanks to the Government of India for their warm hospitality and a heartfelt appreciation to the Secretary-General, Dr. Kamalinne Pinitpuvadol, and the AALCO Secretariat for their hard work and excellent substantive preparations.

Madam President, in recent times the world has witnessed fast-paced and volatile changes through the unfolding of global and regional political, security and economic risks which stem from a multitude of factors, most recently the pandemic and situation in Ukraine. This poses significant challenges to the prompt and full implementation of the 2030 Agenda for Sustainable Development.

Trillions of US dollars in investment are needed each year to achieve the 2030 Agenda with FDI being a principal source of finance. UNCTAD estimates that the pandemic has caused the SDG investment gap for developing countries to increase from USD 2.5 trillion to USD 4.3 trillion per year. The situation is especially serious in LDCs where SDG-relevant investment fell by 30% in 2020 and a further fall of 17% in 2021.

Climate change is also rapidly having more and more devastating impact on the most vulnerable communities in all parts of the world. This year has seen the destruction caused by extreme weather conditions in the form of severe floods, droughts, wildfires and storms. And in the not too distant future, rising sea levels and damaged ecosystems caused by climate change may threaten the safety and livelihoods of over a billion people.

Refugees are also on the frontlines of the climate crisis. Many are living in "climate hotspots" where there is a lack of resources to adapt to an increasingly hostile environment. For example, limited natural resources, such as drinking water, are becoming even scarcer in many parts of the world that host refugees. Moreover, climate change can act as a threat

multiplier, exacerbating existing tensions and adding to the potential for more conflicts.

Time is running out to achieve the 2030 Agenda and the crises mentioned above are pushing the goals further out of reach for many States. If the international community is sincere with the pledge to leave no one behind, this will require all of us to come together and increase our efforts to overcome these obstacles.

Thailand has been working with the United Nations on many fronts and at various levels to promote the sustainability agenda. South-South and Triangular Cooperation are vital to reduce inequalities within and among countries. Thailand is proud to co-host the Global South-South Development Expo 2022 with the United Nations in Bangkok during 12-14 September 2022. The forum demonstrates the importance we place on development cooperation, especially among developing countries.

Having been a member of AALCO since 1961, Thailand has attached great importance to the work of the Organization. We firmly believe AALCO can achieve concrete results and take pride in having hosted the Organization's meeting in 1966 which saw the adoption of a set of Principles concerning the Status and Treatment of Refugees commonly referred to as the "Bangkok Principles".

Madam President, the Thai delegation believes there are many topics of particular importance on AALCO's agenda this year, which have implications on the SDGs and would like to take this opportunity to highlight a few.

Firstly, Thailand would like to praise the AALCO Secretariat for re-introducing the topic of the status and treatment of refugees after it was last deliberated on in 2017. Thereafter, the Global Compact on Refugees was adopted in 2018 and is a significant achievement, which provides the foundation for synergised efforts of all stakeholders to help achieve the goal of more equitable burden and responsibility sharing. Furthermore, the Global Compact recognizes that an inclusive "no one left behind" development agenda requires that refugees and vulnerable host community members receive adequate support to access social services. In this connection, the Thai government provides access to healthcare, education and skills training in our shelters.

With regard to environmental sustainability, Thailand welcomes the progress and participation of AALCO members in the BBNJ negotiations. For the road ahead of us, Thailand remains committed to cooperate with all parties towards the conclusion of the BBNJ Agreement. In doing so, the principle of the common heritage of mankind should be our guiding principle. This will ensure better conservation and more sustainable use of marine biological diversity as well as equitable sharing of benefits between developed and developing countries.

Another issue with aspects related to the law of the sea is the issue of the sea-level rise. This phenomenon has revealed unprecedented challenges to all aspects of life and rightly found its way into the work programme of the ILC since 2019. In terms of the legal effect of sea-level rise on the law of the sea, Thailand believes that in order to maintain peace and stability, the rights of States in relation to maritime zones and boundaries as guaranteed by UNCLOS must be protected. Maritime boundaries already established by treaties or adjudication should be final and should not be affected by sea-level rise.

The impact of sea-level rise is not only on States but also directly on people. Thailand hopes that the ILC will provide practical legal solutions to States regarding the protection of persons affected by sea-level rise. Given that each region faces a unique set of sea-level rise consequences, it is crucial that AALCO Members provide relevant inputs to help guide the Commission's work.

Turning to the issue of trade and investment, this delegation is pleased that AALCO has maintained interest in the UNCITRAL-led reform of investor-State dispute settlement (ISDS). In Thailand's view, a prompt solution on cost and duration of proceedings is a particularly pressing issue for developing countries. That is why we have been advancing the proposal to establish an advisory centre on international investment law to provide affordable legal services to developing countries. However, proponents of a permanent investment court have recently made clear that they will only support an Advisory Centre for States that join the investment court. This is clearly unacceptable as the Advisory Centre should be independent and neutral. Thus, Thailand would like to urge AALCO Members who are participating in the reform process to support the position that the Advisory Centre provide services to all States in need regardless of whether they are members of the investment court.

Madam President, at this juncture, I would like to applaud the active participation of AALCO Members in various fora. Persuasive and well-reasoned interventions by several AALCO Members in the ISDS reform process has on many occasions ensured that the interests of developing countries are adequately addressed. Negotiations at the World Intellectual Property Organization (WIPO) on the protection of genetic resources, traditional knowledge and folklore was also able to achieve an important milestone this July when the African Group galvanized support to achieve the goal of convening a diplomatic conference to negotiate a legal instrument on the protection of genetic resources.

In this regard, Thailand wishes to encourage AALCO Members to make the voices of Asian and African States heard in various fora that are engaged in the formulation of international norms and rule-making. In the area of trade and investment, the WTO, WIPO, UNCTAD and the various working groups of UNCITRAL would certainly benefit from the constructive engagement of AALCO Members. This is especially the case for UNCITRAL where Africa and Asia remain underrepresented.

So, in closing, I would like to say that taking inspiration from the Honourable Minister of State in her address, I would like to echo what she said that AALCO has to step up its game. I believe that we have to take advantage of the unique and special gathering that brings together Asian and African countries. So I encourage all Member States to engage more both formally and informally. Thank you very much.

President: Thank you very much. The next speaker on my list is the distinguished Head of Delegation of Viet Nam. You have the floor, Sir.

The Head of the Delegation of Socialist Republic of Viet Nam: Honourable President, Distinguished Delegates, Ladies and Gentlemen, at the outset, on behalf of the delegation of Viet Nam, I would like to commend the efforts of the Asian-African Legal Consultative Organisation as well as of the host country, the Republic of India, in organising such a significant and memorable event, the 60th Annual Session of AALCO. Also, I would like to express the highest regards for the Secretary-General, Dr. Kamalinne Pinitpuvadol, for his

contributions to the work of AALCO as well as the engagement with Member States during his first year as AALCO's Secretary-General. I would like to warmly congratulate Madam President and Mr Vice President. I am confident that under your able leadership and guidance, AALCO's Sixtieth Annual Session will be fruitful and meaningful.

Madam President, Distinguished Delegates, our world is now facing unprecedented challenges that stem from both traditional and non-traditional threats, such as armed conflicts, cyber-crimes, pandemics, extreme weather events caused by climate change, to name a few. Such gloomy picture reminds us the vitality of peace, security, cooperation and development around the globe, thus requires States to join hands to uphold multilateralism and maintain international order based on international law.

For decades, Viet Nam has been striving to become a responsible member of the international community, making remarkable contribution to the collective effort to promote international and regional cooperation and tackle the short-comings of global governance system. As a non-permanent member of the United Nations Security Council from 2020-2021, ASEAN Chair in 2020, member of the Board of Governors of IAEA from 2021- 2022, Viet Nam has proven our determination to support multilateralism, with the central role of the UN, and to strengthen international order based on international law.

Viet Nam strongly believes that internationally recognised principles should lay the foundation of international relations, thus constantly reaffirms the principles enshrined in the Charter of the United Nations, emphasising the importance of the sovereignty, territorial integrity and the peaceful means of dispute settlement. We are of the view that, without universal respect and compliance with international law, international peace and security, economic and social advancement, as well as sustainable development and equality could hardly be achieved.

As an endeavour to engage in extensive legal integration, in recent years, Viet Nam has been more proactively engaged in the codification and progressive development of international law, becoming member to significant organisations and treaties, participating in the negotiation of international and regional legal frameworks and joining significant bodies of international organisations, such as the International Law Commission, the United Nations Commission on International Trade Law, and the like.

Madam President, Distinguished Delegates, this year marks the 40th anniversary of the adoption of UNCLOS, the world's "Constitution for the oceans". UNCLOS is the legal framework within which all activities in the oceans and seas must be carried out, providing the sole legal basis for and defining in a comprehensive and exhaustive manner the scope of the respective maritime entitlements of states. The Convention, together with its implementing agreements, is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector of which all States regardless of their geographical character are beneficiaries. Under the Convention, the lawful and sustainable uses of the seas and oceans by all States are guaranteed, which contributes significantly to international peace, stability and prosperity. Therefore, we urge States, especially parties to maritime disputes, to fully and effectively implement the instrument, enhance mutual trust and confidence, exercise self-restraint, refrain from conducting activities that would complicate the situation or escalate tensions, and provide humane treatment to fishermen and assistance to people in distress at sea.

Again, we call for the peaceful resolution of all disputes in accordance with international law,

including the UN Charter and UNCLOS, with full respect for diplomatic and legal processes, without resorting to the threat or use of force.

Ladies and gentlemen, it is undeniable that the world is being confronted with major threat and challenges, leaving impact on individuals, societies and States globally. As an active and responsible member of AALCO, Viet Nam reiterates its commitment to stand with the international community in solidarity to tackle newly emerged challenges, to maintain international order based on international law, and to promote international friendly relations and cooperation. I thank you, Madam President.

President: Thank you, distinguished Head of Delegation of Viet Nam. The next speaker is Japan. You have the floor, Sir.

The Head of the Delegation of Japan: Her Excellency Ms. Uma Sekhar, Additional Secretary, Ministry of External Affairs, Government of India, and President of the Sixtieth Annual Session, His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Excellencies, Distinguished Delegates, at the outset, allow me to congratulate Madam President on your election as chair of the Sixtieth Annual Session. You can rest assured of my Government's continued cooperation. I would like to extend my gratitude to the Government of India for successfully holding this meeting amidst the ongoing fight against the pandemic. My appreciation also goes to Secretary-General Kamalinne Pinitpuvadol and his staff for the dedicated work in organizing this session.

Madam President, Japan firmly believes that strengthening the rule of law based on international law will benefit all countries and regions, leading to sustainable growth and the development of a healthy international community. And we must not let the world move away from the rule of law and go back to a place in which might makes right. On this score, we are seriously concerned about the situation in Ukraine, as expressed in the Tunis Declaration of TICAD 8, the Eighth Tokyo International Conference on African Development held last month. Invasion and resulting forcible control over south Ukraine have been going far beyond the ostensible legal justification in February based on the collective self-defence under Article 51 of the UN Charter for the eastern region. Referenda for annexation in areas that have been forcibly put under control, including south Ukraine, go even further away from the ostensible justification, and it would be an insult to legal experts if they are expected to turn their blind eyes to the real objective of the series of actions, which is the acquisition of territory by force.

Tensions and conflicts between States caused by force and coercion hinder the sound development of the international community. On the contrary, strengthening the rule of law should, in the long term, benefit all countries and all people. Addressing the General Debate of the UN General Assembly, Prime Minister Kishida of Japan presented the basic principles for promoting the rule of law. First, break away from "rule by force" and pursue "rule of law" through observing international law in good faith; and second, in this regard, do not allow any attempts to change the status quo of territories and areas by force or coercion; and third, to cooperate with one another against serious violations of the principles of the UN Charter. Japan will take every action to reinforce the rule of law in the international community and looks forward to working with AALCO Member States to uphold these principles.

Madam President, let me share a few highlights of Japan's recent initiatives to this end. First, Japan remained committed to developing the function of international judicial organizations

such as through the provision of human resources and financial support. We would like to take this opportunity to call on AALCO Member States to join those judicial bodies including the International Criminal Court, if you have not already done so. Second, Japan has actively engaged in multilateral and bilateral treaty-making in the belief that, by providing a legal foundation for activities and issues between States, it would contribute to the peace and prosperity of the international community. Third, Japan annually holds an international law "moot court" competition called "Asia Cup" for university students from Asian countries. With the participation of promising students from around 10 countries, "Asia Cup 2022" was held online with great success last month.

Madam President, the year 2022 has been a landmark year for Japan and Africa, as we convened TICAD 8 for the first time since the outbreak of the pandemic. We conducted discussions on the rule of law, among other things, and shared the view that good governance, democracy and the rule of law are crucial for the development, peace and stability of Africa. Japan will spare no effort in continuing to strongly support African-led development.

In closing, Madam President, let me emphasize that Japan will strive to work for AALCO with the wider membership, as the relevance accorded to the role of AALCO is becoming greater in the face of many important international legal issues. My delegation reiterates our appreciation to the Government of India and the AALCO Secretariat for the arrangements for the Session. I thank you, Madam President.

President: I thank the distinguished Head of Delegation of Japan for his statement. Now I invite the Head of Delegation of Pakistan. You have the floor, Sir.

The Head of the Delegation of the Islamic Republic of Pakistan: Madam President Uma Sekhar, Secretary-General, distinguished delegates and guests, ladies and gentlemen, it gives me immense pleasure to attend the landmark Sixtieth Annual Session of the Asian-African Legal Consultative Organization (AALCO). At the onset, I wish to reaffirm that Pakistan highly values AALCO's platform which brings Asian and African countries together for consultations on international law. The organization's close cooperation with international organizations, including the UN General Assembly and the International Law Commission (ILC) has facilitated the Asian and African countries to convey their perspectives in the international law discourse.

Let me take this opportunity to congratulate the AALCO Secretariat as well as Member States for their continued hard work and cooperation during the last six decades, which have made lasting contributions to the development and codification of international law. Pakistan attaches great importance with the AALCO's work and will continue to remain constructively engaged with the process. The deliberations during the Sixtieth Annual Session of AALCO will cover some of the most pressing issues of the 21st century such as the Environment and Sustainable Development.

Madam President, environmental degradation or climate change is an existential threat for all nations and peoples. Its implications, including heat waves, glacial outbursts, droughts, torrential rains and unprecedented monsoons, are becoming more pronounced, frequent and severe, and are causing both human and economic losses. The developing countries are suffering disproportionately from the growing impacts of climate change, which has been manifested in the recent catastrophic floods in Pakistan. Even with a minimal contribution of

less than 1% to the global greenhouse gas emissions, Pakistan is facing the brunt of global warming and natural calamities. Currently, we are engulfed by the largest climate-induced disaster of our history in the form of massive flooding, which has brought one-third of the total area of Pakistan under water - an area more than the total area of 60% countries in the world. Over 1500 people lost their lives to the massive floods, and thousands have been injured. The floods have affected over thirty-three million people and over 1.7 million homes. Five million acres of crops have been destroyed. The total damage is estimated at over \$30 billion, almost 10% of Pakistan's GDP.

Madam President, as the impact of climate change are morphing into many forms, there is a need to expand the deliberations at future Annual Sessions to cover such climate-induced crises as heat waves, glacial outbursts, droughts, torrential rains, unprecedented monsoons, and others, apart from the haze pollution and sand and dust storms, which are already on the agenda.

Madam President, worsening challenges to the developing world, posed by environmental degradation, high inflation, widening inequality, and food scarcity call for upholding the fundamentals of the international trade system. A long term, emergency framework is required to reduce inequity and inequality, among and within nations, and enabling developing countries to achieve sustainable development. It is crucial to mobilize one trillion dollars annually as investment in sustainable infrastructure; fulfillment of the pledge by the industrial countries to provide \$100 billion plus annually in climate finance; aligning international trade system to contribute to achievement of the SDGs; induction of a fair international tax regime; preferential access for developing countries to relevant advanced technologies and end discriminatory restrictions; bridging the digital divide and enabling the developing countries to leap frog into the global digital economy of the future.

Pakistan reaffirms its support and commitment to strengthening the pillars that underpin the international trade system, such as consensus-based decisions making, the continued emphasis on development including “special and differential treatment” for developing countries, and a fully functional two-tiered dispute settlement system.

Madam President, on the question of Palestine and other occupied territories, Pakistan unequivocally supports the right of self-determination, which has crystallized as customary international law, and which is a central principle in the Declaration and the Granting of Independence to Colonial countries and peoples embodied in several General Assembly resolutions including Resolution 1514 of the Assembly's 25th Session. Resolution 1514 stipulates that subjecting peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the UN Charter, and is an impediment to the promotion of world peace and cooperation. UN General Assembly's Resolution 2649 considers that the acquisition and retention of territory in contravention of the right of the peoples of that territory to self-determination is an inadmissible and gross violation of the UN Charter.

Madam President, I reiterate Pakistan's consistent position that just and lasting peace in the Middle East can only be achieved with the acceptance of a viable, independent and contiguous Palestinian State, with the pre-1967 borders, and Al-Quds Al-Sharif as its capital. Pakistan calls on Israel to put an immediate end to the blatant use of force and flagrant violations of human rights of the Palestinian people and the repeated desecration of the Al Aqsa mosque.

In this context, while recalling the Universal Declaration of Human Rights and the principles of international law, which uphold that no one shall be arbitrarily deprived of his or her property, Pakistan calls for the protection of the rights, property and interests of the people in the occupied territories and supports the right of return of Palestinian people to their homes from which they were displaced.

Madam President, before I conclude, I wish to congratulate all organizers for their hard work and making excellent arrangements for holding this session, assure the distinguished delegates of the full cooperation of my delegation in building consensus on the agenda items, and wish the Sixtieth Annual Session complete success. Thank you.

President: I thank the distinguished Head of Delegation of Pakistan for his statement. Now I invite the Head of the Delegation of Libya, who is joining us online. Excellency, you have the floor.

The Head of the Delegation of the State of Libya²: Peace, mercy and blessings of Allah. Her Excellency, Ms. Uma Shekhar, President of the Sixtieth Annual Session of AALCO, Additional Secretary, Legal and Treaties Division, External Affairs, the Republic of India, His Excellency Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO, Excellencies, Distinguished delegates and observers, Ladies and Gentlemen,

It gives me great pleasure to participate in the Sixtieth Annual Session of the Asian-African Legal Consultative Organization and on this occasion, I would like to extend my sincere congratulations to Ms. Uma Shekhar, “Additional Secretary, Legal and Treaties Division, Ministry of External Affairs, the Republic of India” for her election to preside this Session. Since it is my first participation in the work of the Organization, I would like to congratulate Dr. Kamalinne Pinitpuvadol for his election as the Secretary-General of the Organization, and we are sure that the Organization will be able to achieve its goals and reach the desired results under wise leadership and management. We also affirm our full readiness to support the Secretary-General and the Secretariat in managing the works of this Organization. We cannot fail to commend the efforts of the Deputy Secretary-Generals, officials and employees of the Organization, for the distinguished preparedness that they have always done to facilitate and make the work of the Organization successful.

Allow me also to express my deep appreciation and gratitude to the Government of India and the AALCO Secretariat for organizing the hybrid session (physical and virtual), and I commend the arrangements made to ensure participation of all countries despite all obstacles and challenges.

Madam President, since its establishment, AALCO has contributed positively and effectively to the development of international law, especially by communicating the views of Asian-African countries on emerging legal issues to the international community. We also value the seminars and workshops organized by the Organization in a professional and effective manner. In this regard, we stress on the importance of AALCO’s role in strengthening relations between Asia and Africa, and for this reason, the State of Libya pays great attention to this Organization for its contribution to the study and research of important international

² The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

legal issues and to convey the voice of the Member States to international organizations and the international community.

Madam President, with regard to the Palestinian issue and other occupied territories by the Israeli occupation authorities, we appreciate the efforts made by the Organization and the studies, publications and positions published by it, as well as all the deliberations devoted to this core issue, and here we renew our affirmation of the responsibility of the international community towards this issue and the need to stop all violations exercised by the occupation authorities against the Palestinian people and to work seriously and fairly to find a solution that leads to ending the Israeli occupation of the occupied Palestinian territories, establishing an independent Palestinian State with Jerusalem as its capital, and empowering the Palestinian people with all their inalienable rights, including the right to return for all refugees.

We also stress the need for the Organization's Secretariat to communicate with the United Nations and relevant organizations and agencies to urge them to stop double standards towards the Palestinian people and to put an end to the policy of impunity enjoyed by the Israeli occupation authorities in light of their flagrant violations and defiance of the will of the international community and their indifference to international charters and resolutions including the Fourth Geneva Convention on the Protection of Civilians, as well as Security Council resolutions to stop settlements.

The latest of which is Resolution No. 2334 of 2016, and the advisory opinion of the International Court of Justice issued on July 9, 2004 regarding the illegality of the apartheid wall built by the occupation authorities on the occupied Palestinian territories, and support for the non-use of the law for the victorious party, especially in countries that suffer from civil wars, as well as the United Nations not to use the law to increase and manage conflicts by unapproved parties to the least possible.

We stress upon support for democratic transformation and support the benefits that the government of national unity is working towards and ending the transitional stages by culminating in the democratic transition, support for the judicial institution and the original jurisdiction of the national judiciary, by all parties under the supervision of the Ministry of Justice.

The above would emphasize on seniority in the management of the judicial institution, emphasizing to reach to the electoral process in all its stages, and that all brotherly and friendly countries work to support reconciliation, as happened in South Africa and Rwanda. We also support for building state of law and equality, especially in view of the fact that AALCO is the only international organization that unites the continents of Asia and Africa in the field of international law, as well as for its role in strengthening the authority of international law.

Madam President, the Organization has contributed with regard to the status of refugees by including this issue on the agenda since the establishment of the Organization and working on this item constructively, where the Organization held several dialogue meetings and participated in the development of some important concepts, legislation and principles for refugees in cooperation with concerned international organizations. The reintroduction of this item in this Session is an indication of the Organization's continued interest in this core issue,

which has witnessed important transformations during the past decade, especially in the Middle East region, as well as after the adoption of the Global Compact on Refugees in 2018.

In this regard, we stress the need to provide the necessary protection for refugees and guarantee all their rights in accordance with international law and international humanitarian law. We also emphasize that this issue is cross-border and cannot be addressed by focusing on a particular country, whether that country is the country of origin, the country of transit or the destination, there must be international cooperation and comprehensive strategy to address this issue, and we also stress the need not to confuse migrants, refugees and displaced persons in some countries.

In this regard, we note the challenges and burdens my country faces in absorbing groups of illegal immigrants and the consequent responsibilities in a country going through a difficult transitional phase. Despite this, successive governments in Libya have spared no effort to address and alleviate the burdens faced by these immigrants, especially as some of these immigrants change their status from immigrants to refugees as soon as they are detained and tried to be returned to their home country. Therefore, we reiterate the shared responsibility of the international community in confronting this problem and the need to move away from blaming a particular country without considering the circumstances it is going through or what support and cooperation it receives from the concerned countries and organizations.

Madam President, since the inclusion of the item on environment and sustainable development, the Organization has emphasized that they are two fundamentally inseparable topics, and here we stress on the importance of the contribution of multilateral environmental agreements in the field of sustainable development. We also believe that the time has come for the goals and commitments to meet the challenges faced by humanity today and to mobilize efforts to ensure an appropriate environment and protect resources for future generations.

The protection of the environment is a major issue that affects the lives of people and the economic environment all over the world according to the 1972 declaration issued by the United Nations Conference on the Human Environment called the Stockholm Declaration, which expressed the urgent need for action regarding the environment and the urgency of developing countries increases to protect the environment in global initiatives related to climate change.

The international community can only successfully address climate change by reaching a comprehensive and multilateral agreement in which all members of the international community contribute to environmental and climate protection in accordance with the principles of shared responsibilities and available capacities.

Madam President, with regard to the international trade and investment law, my delegation appreciates all the efforts, studies, seminars and deliberations held by the Organization to discuss this issue, given that international trade and investment are the cornerstone of the world economy and that international developments in recent decades imposed an established fact which is regional and international integration in the field of trade, and this raises an important issue, which is the need for regional trade agreements to be harmonious and complementary to multilateral international agreements, which we stress the need to be open for the affiliation by all countries.

Madam President, during the past two years, the world witnessed a global crisis represented by the Corona pandemic, which had devastating effects on all societies. This pandemic has highlighted the importance of intellectual property in terms of the need to set standards and rules that take into account such crises faced by countries and societies so that the gap between developed and developing countries is addressed, and to enable the developing countries to access the patents quickly and easily and when it is needed in particular when it comes to human health and food.

Madam President, regarding the Organization's budget, while we stress the importance of approving the budget to enable the Organization to carry out its tasks, my delegation has some comments.

First, the State of Libya is one of the largest contributors to this Organization, and despite our repeated requests to review Libya's contribution and take into account the developments and challenges the country is witnessing, this was not reflected in the budget proposal submitted by the Secretariat for the next session. We would like to point out here also that most international organizations periodically review the shares and determine accordingly the contributions of each country, which resulted in the reduction of the contribution of the State of Libya by 62% in the United Nations and a number of other international organizations. Therefore, we call for a clear and consistent criteria and mechanism for determining and reviewing contributions, and in this regard, we welcome the decision to form a working group to consider this issue during the month of October, and we are fully prepared to engage in its deliberations. Finally, we reaffirm our support for the work of this Session and the region in general, and we look forward to participating constructively in the deliberations that will take place regarding the items of the agenda. Thank you.

President: I thank your excellency for your wonderful statement. Regarding the publication you mentioned in your statements, I am sure we will benefit from those publications. Next in my list of speakers is the distinguished Head of Delegation of the Islamic Republic of Iran. You have the floor, Sir.

The Head of the Delegation of the Islamic Republic of Iran: Madam President, Mr. Vice-President, Secretary-General of AALCO, Ladies and Gentlemen; at the outset, I would like to extend my appreciation to the government of India for hosting the Sixtieth session of the Asian-African Legal Consultative Organization (AALCO). I wish a successful session for all Member States and express our full support for the president of this session, Madam Uma Sekhar.

The Islamic Republic of Iran commends the Secretariat of AALCO for the continuation of its tasks and duties all-over the pandemic time, particularly for efforts for convening this Session in hybrid format. The Secretariat, chaired by Dr. Pinitpuvadol, Secretary-General of AALCO, has prepared a considerable number of briefs on the agendas which show the high volume of the work and studies undertaken by the Organization. We also thank the Secretariat for furthering the debates on the budgetary issues.

Madam President, it is needless to say that the essence of international interactions among the States and intentional organizations is multilateralism. Realization of multilateralism originates from observation and implementation of international law. In an era in which international law has been severely undermined by the egocentric behaviours of some authoritarian actors, the multilateral mechanisms should play a crucial role in the

strengthening and survival of the current international legal order based on international law.

However, as the course of events in last year demonstrates, a wide range of challenges threaten the efficiency of such frameworks. Prevalence of unilateral and solely self-interested approaches will affect the multilateral mechanisms which highly depend on the promotion of synergies amongst the Member States. The basic solution to the outlet of any future crisis is the promotion of international cooperation in the spirit of good faith which helps remove the obstacles and create opportunities for international cooperation and global peaceful co-existence.

There is no doubt that the outbreak of the COVID-19 pandemic was the greatest public health emergency of our time which has been nearly controlled by the united response of the international community with a spirit of cooperation. Unfortunately, once again, Unilateral Coercive Measures (UCMs) were the main obstacles in fighting against this hidden enemy. The UCMs were enforced by those opportunistic countries that seized this pandemic as a chance to accomplish their inhumane political intents. These States rejected the calls of many dignitaries all around the world, including the Secretary-General of the UN, for lifting the UCMs at least during the pandemic. Let us say it loud that our request to the IMF for a loan solely to combat the coronavirus and provide lifesaving services for those affected persons was rejected due to unconstructive interference by the United States.

The Islamic Republic of Iran is of the view that the imposition of any Unilateral Coercive Measures runs contrary to the goals and principles set forth in the UN Charter. In practice, this kind of measures of such nature weakens the rule of law, world order, international solidarity, multilateralism and ultimately the United Nations role in promoting international cooperation. It is certain that any impediment to combating a pandemic that disturbed the life of whole people on the planet and paralyzed all national health systems will be inconsistent with international law, international human rights and humanitarian law.

Opposing such impediments, the Islamic Republic of Iran reaffirms its commitment to the rule of law at national and international levels and as one of the most successful States in controlling the pandemic declares its readiness to share all its experiences in vaccination and combating pandemic with AALCO Member States.

Madam President, the Islamic Republic of Iran emphasizes the obligation of all States to settle their disputes by peaceful means in such a manner that international peace and security and justice are not endangered. In this context and in accordance with Article 33 of the United Nations Charter, we have sought the different means of dispute settlement with the United States to resolve all divergences. These efforts contain a wide range of means from direct negotiation which led to the Joint Comprehensive Plan of Action (JCPOA) in 2015 to judicial settlement leading to two cases before the International Court of Justice in 2016 and 2018, which are pending cases in the ICJ and currently under deliberation.

One of the main responses of the United States to all these efforts was the imposition of the inhumane and cruel unilateral sanctions. This response is clearly contrary to the principle of good faith. The principle of international law requires parties to deal honestly and fairly with each other and to refrain from taking unfair advantage.

While all States condemn terrorism in all its forms and manifestations, we have been faced with different types of terrorism. The terrorist attacks committed by the United States against

General Ghasem Soleimani, the hero of combating ISIL in the Middle East, on 3 January 2020 in Baghdad International Airport; the assassination of Dr. Mohsen Fakhrizade, the Iranian scientist and Deputy of the Ministry of Defense, on 27 November 2020; the terrorist attack on Natanz, the Iranian nuclear facility, in April 2021 by the occupying regime in Palestinian territory; and many other terrorist attacks including cyber-attacks against other critical infrastructures in Iran.

The Islamic Republic of Iran stresses that the fight against terrorism should be in full compliance and in accordance with the fundamental principles of international law and the principles set forth in the Charter of the United Nations, in particular, sovereign equality, non-intervention and respect for territorial integrity. Moreover, any response to terrorist attacks should be in line with the United Nations Charter and generally accepted rules and principles of international law.

With regard to the recent developments in our region, the Islamic Republic of Iran also affirms its commitment to Article 2 (4) of the UN Charter relating to the prohibition of the use of force. We also reaffirm the prohibition of the acquisition of territory by force according to international law. Consistent with the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States adopted by the General Assembly on 24 October 1970 and the Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the acquisition of territory by force is "inadmissible" and all states are under an obligation not to recognize the illegal acquisition of territory or otherwise render assistance in maintaining the situation created by such breach. Thus, any change in the internationally recognized frontiers is baseless and cannot be legitimized under international law. The Islamic Republic of Iran has always insisted on respect for the territorial integrity of all States.

Madam President, my delegation is of the view that AALCO has a great significance in considering, and follow-up of, the topics and issues related to the different fields of international law. Consequently, the Annual Sessions of AALCO are the best platform for the Member States to cooperate with each other to examine the international legal matters with Asian and African perspectives.

Although AALCO has been contributing in many ways to international law, we can utilize the potential and actual capacities of the academic and scientific institutions such as universities, diplomatic academies and research centres for more consideration of the above-mentioned topics while prioritizing them in accordance with their significance and practicality.

In this context, the Islamic Republic of Iran attaches great importance to the debates on the international law in cyberspace in the framework of AALCO. We believe that the Organization can achieve remarkable results through its studies in this area. The draft of "Consensual Basic Principles of International Law Applicable in Cyberspace" can be considered as a supplement to other initiatives in the international sphere which introduced a balanced approach to cyberspace. We encourage the Secretariat to continue its work on this item in collaboration with academic institutions of AALCO Member States for more consideration. It would provide a tangible outcome to be deliberated for the next Annual Session. I thank you for your kind attention.

President: I thank the distinguished Head of Delegation of Islamic Republic of Iran. Now I invite the distinguished Head of Delegation of Malaysia to deliver his statement. You have the floor, Sir.

The Head of the Delegation of Malaysia: *Assalamualaikum Warahmatullahi Wabarakatuh*, In the name of Allah, the most gracious and merciful. Your Excellency Madam Uma Sekhar President of AALCO, Your Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Excellencies, Distinguished Delegates, Ladies and Gentlemen.

On behalf of the Malaysian delegation, I would like to extend our sincere appreciation to the Government of India for successfully hosting the Sixtieth Annual Session of AALCO. Malaysia applauds the Government of India's initiative, with support from the AALCO Secretariat, in making the arrangements to ensure that AALCO Member States could convene for this Annual Session despite challenges posed during these times of COVID-19 pandemic.

While this session is still conducted in a hybrid format, Malaysia commends the excellent preparations made by the Government of India and the AALCO Secretariat in welcoming the delegates to attend this session physically in New Delhi, India. It is hoped that as the world will soon anticipate the expected shift of COVID-19 to endemicity, people will gain immune protection from vaccination and there will be less transmission, even as the virus continues to circulate. Malaysia also hopes that with our physical attendance delegates will be able to be engaged in more fruitful and memorable discussions.

At the outset, the Malaysian delegation would like to congratulate the President and Vice-President on being elected to run the Sixtieth Annual Session of AALCO. We would like to express our full support and cooperation, and we are confident that under your skilful presidency, this Annual Session will be a success. The Malaysian delegation would also like to take this opportunity to extend our sincere appreciation to the outgoing President of the previous session, Ms. Teresa Cheng, for her leadership and well-management of the Fifty-Ninth Annual Session.

Your Excellency Dr. Kamalinne Pinitpuvadol, please accept our warm congratulations on your appointment as the new Secretary-General of AALCO. We wish you success as you take up the mantle of your high office. Malaysia indeed looks forward to working together under your leadership.

Madam President, Excellencies and Distinguished Delegates, Malaysia welcomes matters enlisted in the Agenda of this Annual Session namely, the Status and Treatments of Refugees, Environment and Sustainable Development, International Trade and Investment Law and Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues Related to the Question of Palestine. In this relation, Malaysia intends to participate actively in the specific discussions to present its view regarding these matters.

Of this, Malaysia would like to acknowledge the recent international reports on the situation in Palestine and other Occupied Territory by Israel and other International Legal Issues related to the Question of Palestine in particular the Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967 submitted to the Human Rights Council at its Forty Ninth Session.

In this regard, Malaysia reiterates the statement made by our Minister Counsellor of Permanent Mission of Malaysia to the United Nations during the Security Council Open Debate on the Situation in the Middle East, including the Palestinian Question on 26 July 2022 in New York, that it is abundantly clear that Israel's systematic oppression and discriminatory policies against the Palestinian people are tantamount to the crimes of apartheid. Malaysia remains committed to support the Palestinian people in realising their inalienable rights to self-determination and independence. Malaysia's position is clear that only a negotiated political settlement of a two-State solution can create sustainable peace, based on internationally agreed parameters, international law, and relevant UN resolutions.

Madam President, Malaysia applauds the findings and recommendations in the Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel submitted to the Human Rights Council at its Fiftieth Session. Malaysia reiterates its condemnation in the strongest terms to the latest Israeli attacks on Gaza on 5 August 2022 that resulted in the loss of lives of Palestinian civilians, including children. This latest atrocity by Israel was indeed a blatant disregard of international law and the many principles of humanity.

Malaysia further reaffirms its unwavering support for the Palestinians and their cause for achieving freedom from the illegal Israeli occupation and realizing their aspiration for an independent State of Palestine based on the pre-1967 borders, with East Jerusalem as their Capital.

In relation to international law and its codification, Malaysia believes that AALCO Member States could play a bigger role in the promotion of its progressive development. Malaysia views that contribution of States through active and meaningful participation is essential in developing the rule of law at the international level, which would in turn promote universal respect for International Law and enhance compliance of States with their international obligations.

AALCO is certainly and should be proud of its long standing contributions by including in its agenda for deliberations the topics on the agenda of the International Law Commission (ILC). Of this, Malaysia looks forward to providing its views in the specific session to discuss on the six(6) substantive topics that were highlighted by the AALCO Secretariat in the Report on Matters Related to the Work of the International Law Commission at its Seventy-Third Session.

Madam President, Excellencies and Distinguished Delegates, on a separate note, Malaysia notes Japan's new proposal on the review of assessed contribution of AALCO. However, since this matter requires further deliberation and assessment, Malaysia concurs for these matters to be discussed in-depth in a sub-committee, which will be proposed to set up during the Plenary of the Sixtieth Annual Session. Thank you, Madam President.

President: I thank the distinguished Head of Delegation of Malaysia. Now I invite the distinguished Head of Delegation of Indonesia. You have the floor, Sir.

The Head of the Delegation of the Republic of Indonesia: Madam President, Mr. Secretary-General, Excellencies, Distinguished Delegates, Ladies and Gentlemen. *Assalaamu'alaikum warahmatullahi wa barakatuh.* Good evening to all of us. At the outset,

allow me, on behalf of the Delegation of the Republic of Indonesia to congratulate you, Honourable Madam Uma Sekhar of the Republic of India upon your assumption as the President of the Sixtieth Annual Session of AALCO. I am confident that under your able guidance and stewardship, the conference will come to a fruitful and successful outcome. Rest assured, Madam President the full support and cooperation of the Indonesian delegation to the success of this auspicious conference.

I would also like to convey our highest appreciation to the Government and the People of the Republic of India for its cordial reception and hospitality afforded to the delegations. Let me take this opportunity to express our gratitude and appreciation to the Secretary-General of AALCO and the AALCO Secretariat for the excellent preparations and arrangements made for this esteemed Annual Session. Today's occasion marks Indonesia's first in-person participation since the start of the COVID-19 pandemic in late 2019.

The COVID-19 pandemic has brought tremendous changes in a whole array of aspects of our life. One thing for certain, in times when global uncertainties loom, synergy and collaboration become ever-increasingly important, as well as the spirit of friendship, solidarity, cooperation and mutual support as enshrined in Bandung Principles since the 1955 Asia-Africa Conference by our founding fathers. Indonesia hopes that these spirits will guide our common effort to recover from the crisis confronting the world today.

It is within this backdrop, as the pandemic slowly nears its conclusion, the world has slowly recovered from the setbacks caused by the COVID-19 pandemic. As the Chair of G-20, Indonesia consistently upholds the spirit of multilateralism and cooperation to ensure that we recover together and stronger as a part of the global community.

My delegation would like to take this opportunity to highlight our views on several important issues discussed on our agenda. On the agenda of the status and treatment of refugees, Indonesia is of the view that AALCO member states should unite their perception regarding this issue to ensure the handling of refugees does not become the sole responsibility of a certain country, but rather a responsibility of the international community, including the strengthening of function and management of international organizations. We stress the importance of international cooperation to collectively address the challenges of refugee protection, as well as ensure their safe return and repatriation.

Indonesia takes note that there are several topics related to the agenda of Violations of International Law in the Occupied Palestinian Territories. We believe that those topics are important to be discussed as a part of the effort to end any acts of violence and violations of human rights and humanitarian laws by the Occupying Power. Indonesia underlines that a more lasting solution can only be gained when the rights of the Palestinian people are fully respected and protected. In this regard, Indonesia highlights the utmost importance for all AALCO members to support Palestine's formal request for full membership at the United Nations. Indonesia is of the position that these measures would eventually lead us closer to the lasting "two-State solution" necessary for peace and stability across the region.

On the issues of environment and sustainable development, Indonesia continues to do its best efforts in developing a substantive and comprehensive international instrument, which shall enhance sustainable use of the ocean, economic development, ocean governance, and international legal order. Indonesia believes that any discussion conducted in AALCO will

help to strengthen the ongoing process of the formation of international law instruments relating to maritime issues through the conclusion of the international legally binding instrument on BBNJ. Emphasis needs to be aimed at achieving equilibrium in profit-sharing regimes, considering any resources located within the high seas should be considered as the common heritage of mankind.

On the agenda of the International Law Commission, Indonesia is a long-standing supporter of the work of the ILC in promoting the progressive development of international law. On the issue of the immunity of State officials from foreign criminal jurisdiction, we stand by and appreciate efforts made by the ILC to create a delicate balance between the fight against impunity and the need to foster inter-state relations through the principle of sovereign equality. While on the issue of sea-level rise, we see the urgency of the discussion and support the continued discussion by the Commission on this important issue.

On the issue of International Trade and Investment Law, Indonesia is of the view to fully support WTO as the bedrock of the multilateral trading system, which serves as a part of the solution to address multidimensional crises across our generation. In this regard, Indonesia stresses the importance of the 12th Ministerial Meeting of the WTO to address the ever-increasing problem and challenges of food security and imbalances in the context of global trade of agriculture; harmful subsidies that lead to overfishing, overcapacity, and IUU fishing; equal access to COVID-19 vaccines; and the WTO dispute settlement system.

Furthermore, in the context of economic recovery in this post-pandemic era, Indonesia has recently acceded to the HCCH Convention Abolishing the Requirement of Legalization for Foreign Public Documents. The Convention, in principle, facilitates cross-border public documents by simplifying the often long and costly requirement of legalisation and has the potential to boost economic recovery.

Keeping that in mind, Indonesia encourages AALCO Member States to consider acceding to the Apostille Convention to reduce bureaucratic red tape, enhance public service quality, and eventually support economic recovery. Indonesia is open to discussion with all AALCO Member States for sharing experiences and perspectives regarding the benefits of the Apostille Convention and necessary preparation in acceding to the Apostille Convention.

In conclusion, with the spirit of friendship and cooperation, I believe AALCO could maintain its relevance and strategic importance in addressing global challenges to achieve good global governance through improving and strengthening international law that accommodates existing dynamics and realities in our region. As a founding member of AALCO, Indonesia reiterates its long-standing support for AALCO and its contribution to global legal affairs. I hope we can have a fruitful deliberation and a successful outcome in our meeting this year. I thank you, Madam President.

President: I thank the distinguished Head of Delegation of Indonesia. The next speaker on my list is the State of Qatar, followed by the Kingdom of Saudi Arabia. You have the floor, Sir.

The Head of the Delegation of the State of Qatar³: In the name of Allah, the Most Gracious, the Most Merciful. Madam President of the Sixtieth Annual Session of the Asian-

³ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

African Legal Consultative Organization. H.E. Secretary-General of Asian-African Legal Consultative Organization (AALCO). Your Excellencies, Ladies and Gentlemen and Honourable Heads and Members of the participating delegations, Ladies and Gentlemen,

Peace be upon you and God's mercy and blessings. At the outset, allow me to express my deep thanks and gratitude to the friendly Republic of India for the warm welcome and generous hosting as well as the efforts made to prepare for such session. I also congratulate Her Excellency Uma Shekhar and His Excellency Mr. Mohammed Said Al Hilo on their election as president and vice president of the Sixtieth Annual Session, and wish them all success. I am pleased to convey to you the sincere greetings of His Excellency Mr. Masoud bin Mohammed Al Ameri, Minister of Justice of the State of Qatar, and his wishes for the success of this Session in achieving its objectives. By looking at the Session's agenda, we find that it came up with the level of the current issues and events, which need to be discussed in order to come up with appropriate and applicable objective visions.

Ladies and gentlemen, respecting, protecting and promoting human rights form one of the main pillars of the United Nations, and the State of Qatar has been keen to translate its commitments in this aspect at the national level through the establishment of the Qatar National Human Rights Committee in 2010 as an independent body for the protection, promotion and development of human rights in the State of Qatar. At the international level, it has ratified a number of relevant United Nations conventions, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and other conventions. At the international level, the Chairperson of the National Human Rights Committee was elected in 2022 as the head of the Global Alliance of National Human Rights Institution for the next three years, which reflects the commitment of the State of Qatar to promoting human rights in the world. One of the current challenges is the protection of refugees, which require from us cooperation and join work to address the causes of asylum and continue to provide aid and assistance.

In December 2021, the Qatar Fund for Development renewed its commitment to support the humanitarian efforts of the United Nations High Commissioner for Refugees by pledging US\$ 8 million. In April 2022, Qatar allocated US\$ 5 million to support Ukrainian refugees and displaced persons through the Qatar Fund for Development. In this respect, the State of Qatar has recently enacted a law regulating political asylum therein, and another law granting the right to permanent residence in the State of Qatar under conditions specified by the law.

Ladies and Gentlemen, the deterioration of the situation in the Palestine territories, especially in the Gaza Strip, and the suffocating siege that it suffers from, and the continuation of settlements in occupied Jerusalem and the West Bank, portend grave consequences. Qatar has repeatedly called on the international community to protect the Palestinian people and urged the Israeli government to stop its repressive practices in the occupied Palestinian territories. And as long as Qatar's official position on the Palestinian issue has been consistent, which is to find a just, comprehensive and lasting solution to it based on the resolutions of international legitimacy, foremost of which is the principle of the two-State solution, the restoration of all of the inalienable rights of the Palestinian people, and the establishment of the Palestinian State on the 1967 borders, with East Jerusalem as its capital. Qatar renews its call to resolve differences and disputes through dialogue in order to preserve lives and property, and the use of weapons is not the solution.

Ladies and gentlemen, the inclusion of the environment and sustainable development item on the agenda is of high importance to take ambitious actions to develop a clear framework for the preservation of the world's ecosystems and biodiversity for a sustainable environment for future generations.

The State of Qatar attaches great importance to climate change. It was one of the first countries to ratify the United Nations Framework Convention on Climate Change in 1996. In addition to its ratification of a number of related agreements, most notably the Paris Agreement on Climate Change in 2017, and last March it signed the Global Methane Pledge, which aims to reduce global emissions by 30 % by 2030 compared to 2020 levels. Preparations are also being made to study green growth opportunities in preparation for the development of a national green growth strategy for the State of Qatar, taking into account sustainable development, in cooperation with the Global Green Growth Institute. In light of its National Vision 2030, the State of Qatar has taken many development measures that take into account climate change, adopt clean energy and optimal use of water in order to reduce the loss of desalinated water, encourage water recycling and its reuse, improve waste recycling and increase green spaces. In hosting the FIFA World Cup, we are proud of our commitment to organizing an environmentally friendly tournament that establishes a sustainable legacy and sets a new standard for social, human, economic and environmental development.

The pandemic revealed the size of the gap between rich and poor countries and contributed to the expansion thereof, especially through the faltering efforts aimed at achieving development and reducing poverty. Accordingly, the international community shall adopt an approach that translate good statements and goodwill into practical steps that achieve equality in economic recovery between countries and save the sustainable development goals in a way that supports poor people and those suffering from turmoil and war. During the pandemic, Qatar provided medical and humanitarian assistance to more than 90 countries around the world, in addition to providing continuous aid to many affected countries.

At the level of global trade, and in view of the vital geographical position of Asian and African States, which plays an influential global role, in addition to the fact that the two continents are a vital area of great importance for the export and supply of natural resources and commodities in a way that earned them an active role in the world trade movement, the inclusion of the WTO clause and the Law of International trade within the agenda confirms the Organization's keenness on continuous openness and keeping pace with the unremitting international efforts to develop freedom of trade and encourage international investment in a way that achieves the common economic interests of the member States of the Organization and all other countries of the world.

Ladies and Gentlemen, in conclusion, allow me on my own behalf and on behalf of the delegation of the State of Qatar, to express my sincere thanks and gratitude to all those who contributed in organization and preparation of this Session, including employees, managers, translators and honourable members. You all have our utmost respect and appreciation, wishing to the Almighty that our works be crowned with good luck and success. May peace, mercy and blessings be upon you.

President: I thank the distinguished Head of Delegation of Qatar. Now I invite Saudi Arabia to deliver their statement online. You have the floor, Sir.

The Head of the Delegation of the Kingdom of Saudi Arabia⁴: In the name of Allah, the Most Gracious, the Most Merciful. Her Excellency Madam President, His Excellency Secretary-General of Asian-African Legal Consultative Organization (AALCO), Excellencies, Ladies and Gentlemen, as I represent the Kingdom of Saudi Arabia at the Sixtieth Annual Session of Asian-African Legal Consultative Organization, it gives me great pleasure to emphasize the Kingdom's efforts to support the tasks carried out by the Organization to enhance cooperation in the legal field and work to coordinate legal positions related to the work of the Organization among Member States.

In this context and with regard to the agenda, we reiterate the firm positions of the Kingdom of Saudi Arabia on the Palestinian issue and the importance of implementing international resolutions based on international legitimacy within the framework.

With regard to the environment and sustainable development, the Kingdom of Saudi Arabia has attached great importance to this matter, and we recall in this regard the Green Saudi Initiative and the Middle East Green Initiative launched by the Kingdom to reduce carbon emissions. I am pleased to assure you that one of the aspects that the Kingdom of Saudi Arabia has taken care of is raising the efficiency of legal frameworks in various sectors and enhancing easy access to justice. The Kingdom has announced Vision 2030, which has received great attention and care from the Custodian of the Two Holy Mosques King Salman bin Abdulaziz - may God protect him - and His Royal Highness Prince Muhammad bin Salman bin Abdulaziz, Crown Prince and Deputy Prime Minister - may God protect him -. The vision approved a number of goals and initiatives that seek to achieve its different objectives, in order to ensure their realization to improve the standard of living and enhance the ease of access to justice.

Excellencies, Ladies and Gentlemen, one of the most important aspects that must be taken care of is enhancing the use of digital technologies and their activation in the legal and justice field, and that this field is one of the most prominent areas that seek to adopt the latest digital technologies in a way that contributes to facilitating procedures, raising efficiency, increasing reliability and achieving legal guarantees.

Excellencies, Ladies and Gentlemen, one of the most prominent success stories achieved under the Kingdom's Vision 2030 is the success in facing the challenges that accompanied the Covid 19 pandemic by activating and accelerating digital technologies, establishing them legislatively and working to implement them procedurally in all fields, including the legal and justice fields.

In this meeting, I would like to call for more efforts to work on adopting digital solutions in the justice fields, and I am pleased to present with you features and figures of what the Kingdom of Saudi Arabia has accomplished in this field.

The digital transformation that the Kingdom witnessed extended to include judicial services, so we were able to provide all these services digitally. After the Kingdom enacted the necessary legislation to regulate electronic transactions, it has worked to implement digital transformation effectively.

⁴ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

In judicial proceedings, the submission of cases and requests and submission of memorandum are done electronically. The court hearings are also conducted through litigation via video communication. In addition to the delivery of judicial rulings and the ability to object to them, and the submission of a request for the implementation of judicial rulings, including the receipt of funds from the judgment debtor and handing it over to the requester, all of these procedures are carried out through a unified electronic platform for justice services called (NAJIZ).

With regard to authentication services, the beneficiaries were enabled to authenticate official agencies through digital procedures that it takes a few minutes, and the beneficiary was able to authenticate or cancel the agency contract (wakala) electronically without the need to review the licensed notary, and these services are provided to the general public, whether citizens or residents of the Kingdom.

A service was launched, which is considered the first of its kind that is the process of real estate sales and the transfer of real estate ownership in digital form, including the transfer of funds within a short time and without the need to review a licensed notary or any government agency.

Excellencies, Ladies and Gentlemen, the digital transformation has become a tangible reality which is confirmed by the processes that have taken place on the ground, highlighting the importance of this trend in all areas of life. In 2021, more than 47 million visited the digital platform for judicial services in the Kingdom (NAJIZ), and the courts held nearly two million remote court sessions, and the courts issued more than 730 thousand judicial rulings, and the implementation courts handled more than 3 million requests for execution electronically. More than 4 million agency contracts (walaka) were issued through electronic procedures, and more than 40,000 property transfers were registered electronically.

Work contributed to that framework in raising the satisfaction of the beneficiaries with the judicial services, according to a special platform for measuring the satisfaction of the beneficiaries and their service, our latest statistics showed that the rate of the beneficiaries' satisfaction with the judicial services reached 92%.

Excellencies, what the world is heading today towards digital transformation and the activation of artificial intelligence technologies; it is imperative for us as those concerned with judicial affairs to redouble our efforts and work to unify them towards investing these technologies and applications of artificial intelligence, developing the legal environment, and working on developing legislation and legal studies in order to reach a legal environment that is compatible and supportive of modern technologies and able to keep pace with the investment sector and the needs of the times, and I call, through this esteemed meeting, to adopt cooperation to work towards achieving this by enacting corresponding initiatives.

The development witnessed by the fields of life today, calls us to work on developing legislation and reviewing it periodically to meet the needs and developments, the Kingdom has worked over the past years to develop and modernize the legislative system, and during the past year, His Highness the Crown Prince Mohammed bin Salman bin Abdulaziz, Crown Prince and Deputy Prime Minister - may God protect him - announced that the Kingdom is proceeding according to serious steps towards developing the legislative environment through the development and reform of systems and laws that preserve rights and foster the principles of justice, transparency, protection of human rights, achieving comprehensive development,

and enhancing the Kingdom's global competitiveness through clear institutional, procedural and objective references. His Highness the Crown Prince also announced the Specialized Legislation System, from which the Personal Status System and the Evidence System have so far been issued.

The Kingdom has also issued, in the past, the Commercial Courts Law, which seeks to develop and facilitate litigation procedures in commercial disputes. A regulation was recently issued for the practice of foreign law firms to work in the Kingdom. This will enhance enabling foreign law firms to enter the Saudi market.

Excellencies, in conclusion, I would like to thank Her Excellency the President of the Session, His Excellency the Secretary-General, and the Secretariat for their efforts in making this meeting a success, and I thank you for listening. Please accept my best regards.

President: I thank the distinguished Head of Delegation of Kingdom of Saudi Arabia. Now I invite the Head of Delegation of Nepal to deliver his statement. You have the floor, Sir.

The Head of the Delegation of Nepal: Madam President, Honourable Ministers, Your Excellencies, Honourable Secretary-General, Distinguished Delegates and Observers, Ladies and Gentlemen, at the outset, on behalf of the Nepali delegation and myself, I would like to congratulate Madam President and Vice President on your unanimous election. I assure you that you can count on our full support to fulfil your responsibilities. I would like to thank the outgoing President and Vice-President for their contribution to the Organization.

We express our gratitude to the AALCO Secretariat for timely organizing the Annual Session and for excellent arrangements made for this session. Madam President, the birth of the AALCO was made at the high time of decolonization and codification of progressive development of international law under the values, norms, spirit and principles of the UN Charter. Its core values to respect for fundamental human rights and for the purposes and principles of the UN Charter; respect for the sovereignty and territorial integrity of all nations; recognition of the equality of all races and of the equality of all nations large and small; non-intervention or interference in the internal affairs of another country; retraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of country; settlement of all international disputes by peaceful means; fulfillment of means; fulfillment of international obligation in good faith are equally important today even after 67 years of the Bandung Declaration. Nepal reaffirms full respect for the values, norms, spirits and principles of the UN Charter as well as Bandung Declaration.

Madam President, poverty is still a serious global problem. Inequalities in wealth, income and opportunity within and between countries are increasing. Biodiversity loss, environmental degradation, marine pollution, melting Himalayan glaciers, climate change and increased disaster risk continue at rates with potentially catastrophic consequences for humanity.

Madam President, the United Nations Convention on the Law of Sea (UNCLOS) which entered into force on 16 November, 1994, sets forth the rights and obligations of States regarding the use of the oceans, their resources and the protection of the marine and coastal environment. UNCLOS is regarded as the legal framework for all activities in the ocean which is guided by the fundamental principle of common heritage of humankind. It outlines that the benefits obtained from the oceans must be shared fairly and equitably among the

countries. However, the UNCLOS does not provide explicit regulatory and institutional framework in relation to marine biodiversity and use of marine genetic resources. In order to fill this gap, negotiations on an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) is going on. Nepal emphasizes the principle of common heritage of humankind should guide and underpin the new legal regime for BBNJ taking into account of the special circumstances of LLDCs and coastal and small-island developing countries. Nepal admires the active and constructive role played by AALCO member States and G-77 in advancing the BBNJ negotiation.

Madam President, I take this opportunity to reiterate the relationship between mountains and seas in the context of climate change. Climate change is causing the rapid melting of the Himalayan glaciers and adversely affecting the lives and habitats of the coastal and mountain areas. We are at high risk of climate change. We have a shared responsibility to protect marine biodiversity and the environment. Nepal would like to emphasize the need for revitalization of efforts for the Conservation of Himalayan biodiversity and marine biodiversity.

Madam President, the growth of international trade and foreign investment and the mobility of citizens around the world are creating risks while increasing opportunities. Addressing these weaknesses requires ensuring legal certainty and access to justice in civil and commercial disputes. A strong multilateral mechanism would support mutual legal assistance to resolve legal issues between countries. Legal certainty and multilateralism are essential for capacity building and mutual cooperation mechanisms for developing countries to reap the full benefits of global trade and global investment. Least Developed Countries like Nepal are facing tremendous challenges in international trade. Tariffs and non-tariff barriers imposed in the products of these countries have created huge trade deficit. Nepal urges effective implementation of the WTO Trade Facilitation Agreement and Vienna Declaration and Vienna Program of Action for LLDCs for the decade (2014-2024) in a coordinated, coherent and expeditious manner.

Madam President, the human trafficking and smuggling of migrant workers are also seen as major problems in the world today. In order to address these problems, there is a need to collaborate and cooperate for effective implementation of international law. Nepal appeals to the member countries to have a common concern in the finalization of Articles on the protection of persons in the event of disasters. Nepal affirms the reduction of the risk of disasters, response to disasters must take place in accordance with the principles of humanity, neutrality and impartiality, and on the basis of non-discrimination, while taking into account the needs of the particularly vulnerable.

Madam President, in the above context, Nepal welcomes the agenda selected for this session. All the items on the agenda under substantive matters are very current and relevant, including Environmental and Sustainable Development, International Trade and Investment Law, the Status and Treatment of Refugees. Similarly, the topics on the agenda of International Law Commission are important and relevant to be discussed in this session.

Madam President, Asian and African States continue to play an important role in the work of the Sixth Committee of the UN General Assembly, which is central to the work of the International Law Commission. Countries in the two regions are playing an active role in ensuring the codification and development of international law which reflect their core and

legitimate interests as well as values. In addition, I am convinced that this organization will play an important role in establishing and strengthening the rule of international law through effective enforcement together with global governance as well as the development of international law.

Madam President, Nepal continues to attach great significance to the work of AALCO and is committed to use it as a platform for deliberations on critical legal questions of common concern. I am sure that the discussions at this session will succeed in facilitating the codification and progressive development of international law. In addition to deliberation of international law and related instruments, the Secretariat of AALCO should make assessment of the implementation of the multilateral agreements by the Member States.

Madam President, before conclusions, I appeal to this august meeting to come up with common solutions to common problems and the realization of common duties. I wish a great success of this session. Thank you.

President: I thank the distinguished Head of Delegation of Nepal for his statement. Now I invite the head of Delegation of the Republic of Iraq. You have the floor, Sir.

The Head of the Delegation of the Republic of Iraq:⁵ His Excellency Dr. Kamalinne Pinitpuvadol, the Secretary-General of Asian-African Legal Consultative Organization (AALCO), Respected Deputy Secretaries-General of AALCO, Her Excellency the President of Sixtieth Session and Vice President, Ladies and Gentlemen, Representatives of Member States and Non-Member States, Observers, VIPs and other invited guests including the media.

In the name of Allah, the Most Gracious, the Most Merciful. We are pleased to participate in the work of the Sixtieth Session of the Asian-African Legal Consultative Organization (AALCO) physically representing the government of our country, the Republic of Iraq. We participated in the previous Fifty-Ninth Session virtually due to the repercussions of the Covid-19 pandemic and today we are waiting for the news from World Health Organization that the threat of this virus is over so that our beautiful world can recover, after the decline in human development rates, in the health, education and standard of living sectors.

At this moment, I would like to sincerely congratulate Her Excellency Ms. Uma Shekhar and H.E. Mohammed Said Al Hilo on their election as president and vice president of the current Sixtieth Session of AALCO and I congratulate them for their endeavour to advance the work of the Organization and to serve the interests of Member States.

My country, Iraq, is one of the pioneering countries in respecting international law and working effectively within the international system. On the 3rd of October 1932, the General Assembly of the League of Nations approved the admission of Iraq as a member of the League of Nations and based on the request submitted by the then Kingdom of Iraq, which was the first Arab country to join this international organization at the time. Iraq is also one of the founding countries of the United Nations, as it ratified its charter in 1945 and served as a non-permanent member of the Security Council for two sessions, as well as membership in the Economic and Social Council for several sessions, as well as committees and subsidiary bodies, for example (Human Rights Council 2017 - 2019).

⁵ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

After the fall of the previous regime in 2003, a United Nations political mission in Iraq was established pursuant to Security Council Resolution No. (1500) of 2003 at the request of Iraq, the United Nations Assistance Mission for Iraq (UNAMI), whose job is to provide advice and assistance to the government in several issues, including (supporting political dialogue, national reconciliation, holding general elections, strengthening and protection of human rights, and judicial and legal reforms).

As a result of the fierce attack on Iraq by Da'esh terrorist group and the killing, displacement and kidnapping of innocent Iraqis and all of its components, including the indigenous minority component, especially the Yazidis, the United Nations Security Council issued Resolution No. 2379 of 2017 regarding the establishment of the investigation team The UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh (UNITAD) which is tasked with collecting, preserving and storing evidence in Iraq of acts that amount to war crimes, crimes against humanity and genocide for use by Iraqi domestic courts when prosecuting its members.

The United Nations Country Team is also working in Iraq, which is made up of 24 specialized agencies, funds and programs that coordinate their work through joint work plans.

In the field of international humanitarian law, in 1956, Iraq joined the Geneva Conventions of 1949, which are concerned with regulating behavior during armed conflicts and limiting their effects, and the First Additional Protocol to the Geneva Conventions (related to the protection of victims of international armed conflicts) in 2010. Iraq also ratified the Convention on the Prevention and Punishment of the Crime of Genocide in 1959, as well as many other relevant conventions in this field.

In addition, Iraq has joined several international and regional conventions and protocols related to the protection of human rights and fundamental freedoms in the field of preventing the crime of genocide, eliminating racial discrimination, civil, political, economic, social and cultural rights, protecting women's rights, combating torture, children's rights, and ensuring that children are not involved in armed conflicts and prevent the sale of children and others.

With regard to the international commercial arbitration, Iraq joined the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York 1958), one of the most important treaties approved by the United Nations in the field of international trade, as Iraq became the 168th country in the world in implementing the Convention.

Iraq considers the Palestinian issue a central issue and supports the full legitimate rights of the Palestinian people and has taken a package of measures regarding the Israeli violations.

In conclusion, I would like to thank all the attendees and virtually participants for listening with my sincere wishes for the success of this meeting and to come up with general recommendations in the interest of the Member States. I also thank the staff of the friendly Republic of India for organizing this meeting. With my deepest appreciation and respect.

President: I thank the distinguished Head of Delegation of Iraq. Before I give the floor to the next speaker, I would like to request Member States to kindly comply with the time limit so that we can ensure larger participation in these deliberations. Now I invite the distinguished head of Delegation of Syria to deliver their statement. You have the floor, Sir.

The Head of the Delegation of the Syrian Arab Republic:⁶ Her Excellency Madam President, His Excellency Secretary-General of Asian-African Legal Consultative Organization (AALCO), Ladies and Gentlemen, Participants in the meeting of the Sixtieth Annual Session of the Asian-African Legal Consultative Organization (AALCO),

The delegation of the Syrian Arab Republic, participating in the meetings of this Session, being held in New Delhi, the capital of the brotherly country of India, is pleased to assure you of its pride in the Organization's activities and quest to serve the people of Asia and Africa, and to solve their relevant issues.

I will make a brief statement and will speak in details later during the discussion of the items. The Syrian Arab Republic is keen on defending human values and international law, and it focuses with interest on the work of AALCO, which is concerned with such issues within the Asian-African framework and the spirit of Bandung, Indonesia whose beauty has not changed in place and time.

Ladies and Gentlemen, we meet today, more than two years after the beginning of the Covid-19 pandemic, which increased the pressures and challenges imposed on the Syrian government and people, who have suffered for years from a crises caused by terrorism supported by foreign powers, countries and from unilateral coercive measures that were unjustly and aggressively imposed on Syria. We stress that the Syrian battle against those that tried to undermine its national unity, stability and territorial integrity, will continue until all its land is fully liberated and will not be deterred by any external aggression in pressure, and it is thus working on to end foreign occupation on its lands by all means and ways guaranteed by international law.

Finally, the delegation of Syrian Arab Republic expresses its appreciation to the Indian government for its generous hospitality and to the Secretariat of the Organization and the Secretary-General for the good organization. It affirms its readiness to participate effectively in a way that ensures the success of the work of this Session and coordination for the future of joint cooperation. Many thanks and appreciation to Madam President and H.E. Secretary-General, we wish you all success.

President: I thank the distinguished Head of Delegation of Syria. Now I invite the People's Republic of China to deliver their statement online. You have the floor, Sir.

The Head of the Delegation of the People's Republic of China: Madam President, Mr. Vice-President, Secretary-General, Distinguished delegates, ladies and gentlemen, first of all, on behalf of the Chinese delegation, I would like to congratulate you on your election as the chairwoman of the Sixtieth AALCO Annual Session. I believe that under your leadership, this Annual Session will be a successful and fruitful meeting. I would also like to express our appreciation to Secretary-General Dr. Pinitpuvadol and the Secretariat for their hard work over the past year, and the Indian government for all the arrangements of this Annual Session.

Madam President, our world today is facing accelerating changes, and global challenges keep emerging. The COVID-19 pandemic has exposed the imperfections of global health

⁶ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

governance, and the trade protectionism and financial hegemony have hindered the recovery of world economy. Certain countries have regained the Cold War mentality, instigating ideological confrontation. These, as a result, weakened the ability of the international community to jointly overcome those challenges. In the context of global transformation and turbulence, Chinese President Xi Jinping put forward the Global Development Initiative (GDI) and the Global Security Initiative. These two initiatives contributed the Chinese solutions to the global development dilemma and the making up of the international security deficit.

On September 20th, at the Ministerial Meeting of the Group of Friends of The Global Development Initiative, Chinese State Councilor and Foreign Minister Wang Yi introduced seven measures taken by China to expedite the implementation of the 2030 Agenda for Sustainable Development and the Global Development Initiative. Those measures include releasing the first list of projects in the GDI project pool and etc. State Councilor Wang Yi pointed out that every country has the right to development and everyone has the desire to development. This is the humble aspiration of the GDI and the goal advocated by the United Nations.

At the meantime, maintaining international peace and security is the fundamental purpose of the UN Charter and also the core subject of international law. Upholding the purposes and principles of the UN Charter, the Global Security Initiative takes mutual respect as the fundamental requirement and indivisible security as the important principle. The Global Security Initiative fosters a new type of security that replaces confrontation, alliance and a zero-sum approach with dialogue, partnership and win-win results, so as to promote common security. China will actively implement the Global Development Initiative and the Global Security Initiative. China will stand with the Asian and African developing countries, to foster global development partnership, to promote the building of a Community with a Shared Future for Mankind, in order to build lasting peace, universal security, common prosperity, openness and inclusiveness, clean and beautiful world.

Madam President, the Chinese government has always attached great importance to the role of AALCO. We call on Asian and African countries to jointly promote the development of international law, and to take an active role in the reform of global governance. Regarding the work of AALCO, I would like to make the following suggestions:

First, to firmly support multilateralism. At the Bandung Conference in 1955, Asian and African countries jointly proposed the Ten Principles of Bandung Conference, which made indelible contributions to the development of multilateralism and international law. AALCO is an important outcome of the Bandung Conference. Therefore, AALCO should stay committed to the genuine multilateralism, adhere to mutual respect, dialogue and consultation. At the same time, we should abandon zero-sum games and bloc politics, unequivocally oppose unilateralism and hegemonism, so as to boost continuously the development of multilateralism and international law.

Second, to actively promote the international rule of law. AALCO Member States should advocate the principle of consultation, cooperation and shared benefits to safeguard the UN-centred international system and the international order underpinned by international law.

Third, to make more contribution in the formulation of international rules. AALCO is the only platform covering both Asia and Africa for cooperation on international law. It should further strengthen communications with the WTO, WHO and other UN agencies, promote the

active participation of member States in the work of international multilateral institutions, and enhance the representation of developing countries. Meanwhile, in those emerging fields such as climate change, public health, trade and finance, polar regions, oceans, outer space, and cyberspace, the international legislation is uprising. AALCO member States should actively participate in those international legislation to ensure the standing of all parties are included and reflected, and to safeguard the rights and interests of the developing countries.

Madam President, next month, the 20th National Congress of the Communist Party of China will be convened in Beijing, to formulate programs of action and overarching policies for China. It shall promote new development in China and create new opportunities for the world.

Madam president, China has always strongly supported the work of AALCO. We have hosted three Annual Sessions of AALCO, and the AALCO Hong Kong Regional Arbitration Centre was officially opened in May this year. The China-AALCO Exchange and Research Program on International Law will also be resumed after the pandemic, aiming to provide a platform for Asian and African countries on exchanges and cooperation in the field of international law.

At last, I wish the Sixtieth Annual Session of AALCO a great success. Thank you all.

President: I thank the distinguished Head of Delegation of China. With this, we have come to the end of proceedings of day one of the Sixtieth Annual Session. We will resume general statements tomorrow at 11 AM. Thank you so much.

**VIII. VERBATIM RECORD OF THE SECOND
GENERAL MEETING (CONTD.)**

VIII. VERBATIM RECORD OF THE SECOND GENERAL MEETING CONTINUED ON TUESDAY, 27 SEPTEMBER 2022, AT 11:00 AM

Her Excellency Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India and the President of the Sixtieth Annual Session of AALCO in the Chair.

President: Distinguished delegates of the Member States, Good morning! We had a very fruitful day one. We hope to continue this momentum. For this, we need your continuous support. We shall now resume the Second General Meeting. We shall continue the general statements. As per the list given to me, the first speaker is the distinguished Head of Delegation of Cameroon. You have the floor, Sir.

The Head of the Delegation of the Republic of Cameroon: Thank you, Madam President for giving me the floor. Allow me first of all, Madam President, to congratulate you and the Vice-President on your election at the head of this Sixtieth Session of the Asian-African Legal Consultative Organization (AALCO). I would also like to congratulate our Secretary-General and his team for the quality of the documents prepared for this session.

Excellencies, ladies and gentlemen, all protocol considerations respected, Cameroon is pleased to participate in this Sixtieth Annual Session of the Asian-African Legal Consultative Organization, which is being held this year in New Delhi, India. The themes selected are of definite interest to us, because Cameroon is firmly attached to the universally established legal principles enshrined in the Charter of the United Nations, then recognized by AALCO. I would mention, among other things, the peaceful settlement of disputes, respect for the sovereignty and territorial integrity of States, non-interference in internal affairs, the promotion of and respect for international law etc.

As we can see, the world is currently experiencing several hotbeds of tension, exacerbated by the rise of nationalism, violent extremism, terrorism, poverty and flagrant violations of international law. These scourges have binding repercussions on certain countries. This is how the Cameroonian Government saw an influx of refugees into its territory, estimated today at 500,000 souls. They are treated there, live there and exercise their activities there, in compliance with international standards, with the support of the relevant UN organizations and partner countries. In addition, the Cameroonian Government, under the enlightened leadership of President Paul BIYA, encourages permanent consultation between all actors on issues such as environmental challenges and climate change.

Similarly, the Government of Cameroon is in favour of the rational use of natural resources with a view to moving countries towards sustainable development. Similarly, Cameroon is a stakeholder in the steps aimed at achieving the Sustainable Development Goals and the establishment of a new world economic order, set by the United Nations with a view to the well-being of the world's populations. AALCO, our common Organization, is committed to these different objectives.

Consequently, the Government of Cameroon reaffirms its commitment to the ideals of AALCO and its availability to make its modest contribution to enable AALCO to achieve its objectives. I thank you for your kind attention.

President: I thank the distinguished Head of Delegation of Cameroon. I now invite the Head of Delegation of the United Republic of Tanzania to deliver their statement. You have the floor, Sir.

The Head of the Delegation of the United Republic of Tanzania: Your Excellency, Ms. Uma Sekhar, the President of the Sixtieth AALCO Annual Session; the Vice President of the Sixtieth AALCO Annual Session; Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO; Hon. Ministers and Attorney Generals from AALCO Member States, Excellencies, High Commissioners and Ambassadors; Heads of Delegation of AALCO Member States and Non-Member States; Heads of International Organizations; Distinguished Delegates; Ladies and Gentlemen;

On behalf of my delegation, the Government and People of the United Republic of Tanzania, I would like to express my gratitude for this opportunity to address this Session. I count this as a privilege to represent not only my country but also the Minister for Constitutional and Legal Affairs, Hon. Dr. Damas Ndumbaro, who could not attend due to some other pressing and equally important official engagements.

At the outset, please receive warm greetings and best wishes and fruitful deliberations of this Sixtieth Annual Session from Her Excellency Samia Suluhu Hassan, the President of the United Republic of Tanzania.

Madam President, at this juncture, please allow me to join other delegations in congratulating you, Madam President and the Vice President for being elected to lead this Sixtieth Annual Session and the work of this Organization in this year. We wish to assure you Madam President and the Vice-President of our support during your tenure as President and the same support will be extended to the Vice-President.

In the same footing, let me thank the Secretary-General and the Secretariat for exemplary work that they are doing in support of the mandate of the Organization. We wish to recognize their tireless efforts and strength employed in the preparation of this session. We thank you very much. Also, my delegation wishes to thank our host, the Government of India for offering to host this session. We express our appreciations to the Government and the People of India for the warm welcome and hospitality extended to us since our arrival.

Madam President, since the establishment of this noble body, it has strived to achieve international peace and order within the AALCO Member States. Also, it has served quite some time as a forum for Asian-African country to cooperate in legal matters of common concern. AALCO has, for a long time, been deliberating upon various topics to implementing its objectives amongst member States and the globe at large.

Amongst the topics which have had long debates include but not limited to the Law of the Sea, Peaceful Settlement of Disputes, International Trade and Investment Laws; and Extraterritorial Application of National Legislations: Sanctions against Third Parties. It goes without saying that AALCO has played a substantial role in implementing these topics.

Madam President, all of us here are witnesses to what the Organization has achieved immensely in upholding fundamental norms of international law from the laws governing diplomatic relations, environmental legal regime, state immunities, international boundaries, human rights law, humanitarian law, trade and business, commercial transactions, forced

occupation, terrorism, blue economy; to issues of law of the sea and conflict resolution. In this regard, AALCO has been actively engaged and contributed equally in the development and codification of international law.

It is in this regard that Tanzania reiterates its commitment to support the work of AALCO and its objectives. Tanzania has tirelessly been working with member States in upholding International Law and safeguarding the principles of human rights, rule of law and promotion of dispute resolution.

Since law is the foundation of governments, we as member States, should strive to upholding the international rule of law, and safeguard the philosophical foundation of the UN Charter of maintenance of peace and security, which are the basic norms sustaining international relations. I urge us all to remind other States and international bodies on the importance of applying international law equally to all without double standards and discrimination.

Madam President, Tanzania has, in several occasions reiterated the fact that the relevancy of law lies in its enforcement, and it is therefore incumbent upon all Member States to uphold the authority of the international rule of law. In addition, Tanzania has for quite some time intensified the war against cross international crimes such as corruption, terrorism and money laundering by amending the existing legislations to address the emerging challenges and respond to requirements of international and regional instruments. Also, Tanzania partners with other States to curb crimes by extraditing fugitive criminals and requesting from other States fugitives who committed offence in Tanzania through international and regional extradition instruments, reciprocity and bilateral agreements. We have as well made it possible to cooperate with other States in mutual assistance in criminal matters to facilitate availability of documentary evidence when we are requested.

As its tradition, Tanzania has been playing a key role in peace keeping missions and has tremendously contributed to the restoration of global peace and stability. The number of our troops serving in different missions has been increasing from time to time depending on the needs of the international community. Not on that, we have also been involved in initiatives to resolve regional conflicts in the Great Lakes Region.

Our current President of the country, Her Excellency Samia Suluhu Hassan, has in various areas and spheres opened up the country. In so doing, she is promoting trade, investment and business law. Through the doing business processes in the country and creating conducive and attractive investment environment, a number of legislations have been enacted and/or amended to suit and attract investors to invest in the country. In this regard, employment to youths, transfer of capital and technology and capital are being realized. All these endeavours are aimed at accelerating economic growth and becoming a Middle Income Economy by 2025.

That notwithstanding, Tanzania is playing a major role in the protection and preservation of environment for sustainable growth. In the recent days Tanzania participated in the deliberation of the proposed new international agreement on the sustainable use of marine biological diversity of areas beyond national jurisdiction (Convention on the Biodiversity Beyond National Jurisdiction (BBNJ)), which would be an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS).

Madam President In closing, allow me, once again, and on behalf of my delegation to reiterate Tanzania's commitment to the work of AALCO and our readiness to partner with the Member States. Tanzania will continue to render all the necessary support to Secretary-General and his team as they pursue the objectives of this Organization. Thank you for your kind attention.

President: I thank the distinguished Head of Delegation of Tanzania. I now invite the Head of Delegation of the Democratic People's Republic of Korea to deliver their statement. You have the floor, Sir.

The Head of the Delegation of the Democratic People's Republic of Korea: Your Excellency, Madam President, Distinguished Delegates, may I begin by congratulating you on your election as the Chair of the Sixtieth Session of the Asian-African Legal Consultative Organization. I am convinced that this session will achieve successful outcome under your able stewardship. Let me also express my deep gratitude to Your Excellency, Secretary-General and the staffs of the Secretariat of AALCO for rendering unreserved efforts for the successful holding of this session amid the prevalence of the COVID-19 pandemic. AALCO has, since its first session up to today, coordinated views and promoted mutual understanding and cooperation among its members on regional and international legal issues, and made substantial and significant contribution to the development of international law.

The government of the DPRK highly appreciates the constructive role played by AALCO representing the interests of Asian and African countries in important legal issues.

Distinguished delegates, it is the main mission of AALCO to contribute significantly to the progressive development and codification of the international law aimed at establishing peace and security of the world and promoting the well-being of the humanity. The refugee problem, protection of environment and other issues on the agenda of this session are the long-standing problems awaiting urgent solution not only for the Asian-African countries but also for all other countries of the world.

However, these issues remain unsolved until now for a long period over a century despite the unanimous aspirations of the humanity and continued efforts of the international society. Instead, they are assuming ever more serious dimension with a rippling effect through the whole world. It is clearly attributable to the fact that some countries, in pursuit of their wicked aims, are resorting to military intervention, infringing upon the sovereignty of the developing countries including Asian-African countries.

Even in the new century, due to the "anti-terrorist wars" conducted by the U.S., an estimated one million of civilians were killed, more than 38 millions of people became refugees in Afghanistan, Iraq, Syria and other countries. In addition, the incessant national and tribal conflicts in those countries curbed economic developments and destroyed natural environments severely.

The U.S. infringement upon the sovereignty of other countries finds its typical expression in the DPRK today. For almost eight decades, the U.S. has pursued the hostile policy against the DPRK and imposed untold misfortunes and sufferings upon the Korean people. This constitutes the most atrocious crime against humanity - a flagrant violation of international law and the established main principles of international relations including respect to sovereignty, non-interference in internal affairs and territorial integrity.

Due attention should be given to strengthening solidarity and cooperation among the Member States of AALCO in their struggle against the U.S. and Western countries manoeuvres to infringe upon sovereignty and intervene in internal affairs of other countries. And the sovereignty and the rights of sovereign States to existence and development should be respected and ensured based on the purposes and principles of the UN Charter and other international law.

Today, all the countries are faced with the task to protect the people's lives and improve their well-being by stamping out Covid-19 pandemic crisis that still threatens the existence of humanity, ensuring the sustainable economic development and coping with climate changes which are becoming more and more serious.

The DPRK which highly values the people's lives and dignity is giving fresh spurs to building the national anti-epidemic capacity to fully ensure the people's lives and security amid COVID-19 pandemic. It is now turning great efforts to consolidating national capacity for responding effectively to the crisis of natural disasters, and pushing ahead with projects for protecting land and environment, inter alia, forest rehabilitation, afforestation for erosion control, and construction of tide embankment.

The DPRK, as in the past so also in the future, will make active efforts to establish a fair and just international order and promote its cooperation with AALCO to safeguard the common interests of the Member States. Thank you.

President: I thank the distinguished Head of Delegation of Democratic People's Republic of Korea for their statement. I now invite the Head of Delegation of Republic of Korea to deliver their statement. They are participating online.

The Head of the Delegation of the Republic of Korea: Thank you, Madam President, on behalf of the delegation of the Republic of Korea, I would like to express my sincere gratitude to the Government of the Republic of India for hosting the Sixtieth Annual Session of AALCO. I would also like to extend my heartfelt congratulations to Ms. Uma Sekhar and Mr. Mohamed Saeed Al-Hilu, on being elected as the President and Vice-President in this Session. I also wish to take this opportunity to express my appreciation to H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, and the Secretariat for the excellent work in preparation of this Session.

Madam President, Excellencies, and Distinguished Delegates, we have all recently experienced that the economic insecurity and inequality created by the COVID-19 crisis has been exacerbated by man-made conflicts including the Ukraine war. The war has also caused other challenges such as supply chain disruptions, and changes in the international trade order. In a situation where communicable diseases and the use of force are wreaking havoc, environmental degradation is bound to be overlooked.

In the evolving world, the international community has been seeking ways to rise above new challenges and to adapt to new circumstances. While ascertaining the validity of fundamental principles of international law, it has been striving to develop an effective legal order in response to emerging challenges and diverse changes. We believe AALCO is a forum in which we can initiate and continue discussions for that.

At this point, I would like to reiterate key positions and views that have been constantly

expressed by the Korean delegation in the past sessions; that promoting, reinforcing and strengthening the existing legal order on universal values, such as peace, freedom, equal rights, is the most fundamental and sustainable way to achieve global peace and prosperity. We also believe that new international norms have to be agreed on to address new challenges in a way that reflects consensus reached through dialogues in multilateral settings. These positions have recently been confirmed through the speech by the President Yoon Seok-yeol of the Republic of Korea at the 77th UN General Assembly. He noted “such threats to freedom and peace must be overcome through solidarity and fearless commitment to the framework of universal global norms consolidated over the years within the UN system.”

In this sense, we cannot put too much emphasis on the importance of promoting better understanding of international law wherever and whenever needed. Bearing this in mind, the Korean government has launched Seoul Academy of International Law in 2016 to provide lectures for scholars and practitioners from the Asia-Pacific region on up-to-date theories in international law and practices on current international legal issues. In July this year, 28 participants from 19 States attended this Academy. The Korea Ministry of Foreign Affairs also sponsored an ITLOS Workshop this month on dispute settlement under the UN Convention on the Law of the Sea for legal advisers from South-East Asia and Pacific Small Island Developing States. We hope these efforts would help participating States in their approach to negotiations on climate change, transboundary air pollution, protection of marine biodiversity beyond national jurisdiction, protection of refugees and so on.

Madam President, Excellencies, and Distinguished Delegates, the Republic of Korea has been a staunch supporter of AALCO ever since becoming a full member in 1974. My government takes great pride in the accomplishments that all Member States have achieved together under the auspices of AALCO, and will continue its efforts to promote the efficiency of the work of AALCO. I would like to conclude my statement by reaffirming the commitment of the Government of the Republic of Korea to the noble missions of AALCO. Thank you.

President: I thank the distinguished Head of Delegation of the Republic of Korea for their statement. Next in my list is India. I now invite India to deliver their statement.

The Head of the Delegation of the Republic of India: Her Excellency, the President of AALCO; His Excellency, the Secretary-General of AALCO; Excellencies, Distinguished Delegates and Observers, First of all, the Indian delegation joins other delegations in congratulating you Madam President on your election to guide our deliberations. We are sure that your wisdom, experience and expertise will steer our deliberations to a successful conclusion.

Our delegation also congratulates Vice-President for his election. We wish to thank the AALCO Secretariat for organizing this Annual Session and for the excellent arrangements made for this session. Our thanks also goes to Secretary-General, Deputy Secretaries-General, officers and staff of AALCO for the excellent preparations they have made for our Session, including the timely preparation of documents to facilitate our consideration of the various items on the agenda of the Session.

Madam President, it is worth mentioning AALCO's role as the only inter-governmental organization uniting continents of Asia and Africa in the field of international law in promoting international legal order. AALCO's contribution in the various branches of international law, including law of the Sea, human rights, international terrorism,

environmental law and international trade law deserves appreciation. India takes note of the past and current activities of AALCO which facilitate in successfully discharging its mandate. Our delegation assures AALCO Secretariat all support and cooperation in effectively discharging its mandate.

Madam President, coming to the organizational matters, our delegation believes that AALCO has the potential to contribute more in the field of research and capacity building exercises. The main impediments for holding back AALCO to achieve its full potential relates to finance and human resources. In this context, my delegation appreciates the effort of the Secretariat in addressing the problem of arrears of annual contribution and also welcomes the proposal for revising the assessed annual contribution. My delegation also urges the Secretariat to strengthen the human resources by recruiting more legal professionals in the Secretariat.

Madam President, international order based on international law is a prerequisite for maintaining international peace and security and to preserve human prosperity. The United Nations stands for the principles of sovereign equality of States and non-intervention, and respect for human rights and fundamental freedoms among others. In this context, my delegation wishes to highlight that effective and reformed multilateralism is the only answer to the range of inter-connected challenges that we face in our interdependent world. This points to the strong need for rule of law at national and international level. My delegation would like to reiterate that effective and reformed multilateralism and international rule of law requires that the global governance structures should reflect contemporary realities.

Madam President, terrorism, including cross-border terrorism, is an attack on the values that define the international community and seriously impairs the enjoyment of human rights including the right to life. Terrorism is a threat to humanity. Women and children are particularly vulnerable to human rights abuses by terrorists. It is therefore absolutely necessary to root out terrorism to protect human rights including the rights of victims and their families. Indian delegation is of the view that this issue requires a consolidated rather than fragmented approach including that of developing a legal framework for fighting terrorism at the international level, especially by early adoption of the Comprehensive Convention on International Terrorism as well as developing suitable regulatory frameworks for prosecution of terrorists.

Madam President, any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the UN Charter. All States are required to observe faithfully and strictly the provisions of the Charter of the United Nations including non-interference of the internal affairs of all States and respect for their territorial integrity. This position has been reiterated in various UN resolutions.

Today, there is a very wide range of areas where rule of law governs the actions of nation States to a large extent. Then there are emerging areas such as artificial intelligence or cyber security where the technology or activities of entities outpaces law and the situation is complicated by the involvement of non-State actors and cross border implications. The international community is now engaged in developing norms relating to the emerging complex areas of Marine Biodiversity Beyond National Jurisdiction (BBNJ) and Global Geospatial Information Management (GGIM). In this regard, India is, in principle, looking forward to the early conclusion of the negotiations on the legally binding instrument on

BBNJ.

India, with one sixth of global population, is the world's largest democracy. In India, independence of judiciary and separation of powers along with a free and vibrant media and civil society with strong traditions of electoral democracy are cherished and are the basis for the rule of law in our country. India has always engaged actively in international efforts to develop norms, standards and laws governing global interactions across various sectors. India also believes in peaceful settlement of disputes according to laid down laws. In this context, the delegation would like to inform that New Delhi will soon host the regional facility of Permanent Court of Arbitration to become a regional hub for international arbitration.

India continues to make serious efforts to bring its national laws in consonance with its international obligations. My delegation would like to highlight some important legal developments at the domestic level.

India enacted the Indian Antarctic Act, 2022 in accordance with the obligations arising from India's participation in Antarctic Treaty, 1959; the Convention on the Conservation of Antarctic Marine Living Resources and the Protocol on Environmental Protection to the Antarctic Treaty. This Act provides for the national measures for protecting the Antarctic environment and dependent and associated ecosystems and to give effect to international treaties/protocol relating to Antarctic.

We have amended the Act on the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities), 2005 in 2022. The 2005 (original) Act prohibits unlawful activities (such as manufacturing, transport, or transfer) related to weapons of mass destruction, and their means of delivery. The amendment Act of 2022 bars persons from financing any prohibited activity related to weapons of mass destruction and their delivery systems.

India enacted The Assisted Reproductive Technology (Regulation) Act, in December 2021 with the objective to regulate and supervision of the assisted reproductive technology clinics and banks, prevention of misuse, safe and ethical practice of assisted reproductive technology services. India also enacted The Surrogacy (Regulation) Act, in December, 2021 which constituted National and State Assisted Reproductive Technology and Surrogacy Boards and appointment of appropriate authorities for regulation of the practice and process of surrogacy.

Madam President, to conclude, Indian Delegation once again thank the AALCO Secretariat for organizing this Session in New Delhi. The Indian Delegation will be making statements on each agenda item as and when taken up for deliberations. Thank you, Madam President.

President: I thank the distinguished delegation of India for their statement. Next speaker is Bahrain. I understand that they are joining us online. You have the floor, Sir.

The Head of the Delegation of the Kingdom of Bahrain: Her Excellency Madam President, His Excellency Secretary-General of AALCO, Excellencies, Ladies and Gentlemen, at the outset, I am pleased to convey to you the greetings of His Excellency the Minister of Foreign Affairs, Dr. Abdullatif bin Rashid Al-Zayani, and his wishes for the success of the work of the Sixtieth Annual Session of the Asian-African Legal Consultative Organization.

I am pleased to share with everyone our congratulations to Her Excellency Ms. Uma Shekhar on her election to chair this session. We would like to express our confidence in her efficiency and experience and we are sure she will contribute to the success of the work of this Session, and we are ready to provide all support and assistance to her.

Madam President, Excellencies, AALCO has an important role in strengthening relations between the countries of the Asian and African continents. Therefore, the Kingdom of Bahrain attaches great importance to its contribution to this Organization and its Annual Sessions. The Organization's work in the field of international law contributes to strengthening international cooperation between Member States from Asia and Africa, and the Kingdom of Bahrain seeks to enhance international cooperation and strengthen international ties through a number of agreements and treaties that achieve greater prosperity, growth and security for all by adhering to international law and its rules to achieve common interests.

Madam President, Excellencies, the Kingdom of Bahrain is keen to create a suitable trading environment for investors and businessmen, and by virtue of its strategic location, and due to its commitment to building a better future, the Kingdom of Bahrain has become the most established business centre in the Gulf region in terms of providing the most free and transparent environment to serve companies and the local community.

The Kingdom has succeeded in maintaining its advanced position as a competitive base for businessmen at the global level with a focus on sustainable development, skills and good governance. It is committed to the rule of law, freedom of the market and principles of democracy to meet the needs of the many and ensure the long-term prosperity of its people.

The Kingdom of Bahrain ranked first in the Middle East and North Africa region in economic freedom, as the Kingdom's performance improved by 17 ranks in the index to rank 39 globally out of 165 countries. Bahrain enjoys economic growth in addition to its open markets, advanced legislation, and incubation of strategic projects worth \$30 billion within the package of strategic projects highlighted by the economic recovery plan.

Madam President, Excellencies, the Kingdom of Bahrain, as a country that receives a large number of expatriate workers, has developed its labour and judicial laws to provide more protection for residents on its lands, and facilitate their access to their rights.

As the government of the esteemed Kingdom of Bahrain has provided various facilities for the movement of expatriate workers between establishments, while the relevant agencies have activated proactive preventive control and inspection of establishments to ensure the rights of the workforce and their stability in a healthy work environment free from all kinds of discrimination and violations of labour rights. In terms of protecting workers, preserving their rights, and providing a safe working environment, the Kingdom of Bahrain for the fifth year in a row has secured an advanced position within the first category in the US State Department report on the classification of countries in the field of combating trafficking in persons.

Madam President, Excellencies, the Kingdom of Bahrain has chosen the path of peace as a strategic option to establish lasting and comprehensive peace in the Middle East, and to foster the culture of tolerance and peaceful coexistence for the benefit of the peoples of the region and the world and to combat the ideology of extremism, bigotry and hatred.

Madam President, Excellencies, With regard to the environment, the Kingdom of Bahrain has launched a number of initiatives that seek to reduce carbon emissions, achieve international goals to combat climate change, and achieve sustainable development goals, and this was announced by HRH Prince Salman bin Hamad Al Khalifa, Crown Prince and Prime Minister May God protect him in October 2020 about Bahrain's goal to reach "zero neutrality" of carbon emissions by the year 2060, during His Highness' participation in the Green Middle East Initiative summit that was held in Riyadh.

In conclusion, I would like to emphasize that our goal and most of what we seek from these initiatives is to provide a safe and sustainable environment in the Kingdom of Bahrain, not only for our sake, but in order to preserve the right of future generations to enjoy in this safe and sustainable environment in which living provides the highest requirements for a decent life that everyone in the Kingdom aspires to.

In conclusion, I hope that the work of this session will be crowned with success, and we look forward to achieving serious and positive results on all items on its agenda. May the peace, mercy and blessings of God be upon you.

President: I thank the distinguished delegation of Kingdom of Bahrain for their statement. Next speaker is the Republic of Kenya. They are also joining us online. You have the floor, Madam.

The Head of the Delegation of the Republic of Kenya: Thank you Madam President, for the opportunity to make this brief general statement on behalf of the Republic of Kenya. On behalf of myself and my delegation, I would like to express our pleasure in attending this auspicious occasion of the Sixtieth Annual Session of the Asian-African Legal Consultative Organization (AALCO), being held virtually and physically in the beautiful city of New Delhi, India.

Madam President, let me join other delegations in congratulating you, Madam President and the Vice-President for being elected to lead the Sixtieth Annual Session and the work of AALCO in the coming year. Kenya, having served as President in previous Sessions, assures you of her full support and co-operation during your term. Let me also express, on behalf of the Kenyan delegation, our sincere appreciation to the outgoing President of the Fifty-Ninth Session for the accomplishments achieved during her tenure.

Madam President, I wish to take this opportunity to thank the AALCO Secretariat and the Secretary-General for their tireless efforts in steering the work of this Organization and ensuring that the interests of the two regions are well articulated at various international fora including the United Nations General Assembly and the World Trade Organization.

We note the important topics on the Agenda that are to be discussed by the Member States, including Status and Treatment of Refugees, International Trade and Investment as well as the Environment and sustainable development. We look forward to the discussions that we will have as Member States on these items.

Madam President, I wish all delegates and observers attending this Session a fruitful week of deliberations. Thank you Madam President.

President: I thank the distinguished delegation of Kenya for their statement. Next speaker on my list is the Republic of Ghana. You have the floor, Sir.

The Head of the Delegation of Republic of Ghana: Honourable Ms. Meenakshi Lekhi, Minister of State for External Affairs & Culture, Ministry of External Affairs, Government of India, His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Madam President, Distinguished Ladies and Gentlemen,

I bring you warm felicitations from the President and the people of the Republic of Ghana and express my warm appreciation to the people of India for the warm reception given us. I would also like to congratulate His Excellency Dr. Kamalinne Pinitpuvadol and the AALCO Secretariat for the successful organisation of this Sixtieth Annual Session. Ghana has always been committed to working with AALCO as it believes in the important role AALCO and Member States play in the progressive development of international law among others. Indeed, the topics to be discussed at this year's session could not have been more appropriate.

As the world sees a rise in conflict and continues to deal with the repercussions of the devastating effect of the COVID-19 pandemic, the importance of international protection of refugees is one that cannot be over-emphasised. Ghana notes how important this matter has been on the agenda of AALCO, then the Asian-Africa Legal Consultative Committee (AALCC), following its mention by Government of Egypt at the 6th session held in 1964 in Cairo. Thereafter, in 1966, the AALCC, in Bangkok, adopted what is now referred to as the Bangkok Principles, which are a set of Principles concerning the Status and Treatment of Refugees. These principles as we are all aware have seen several revisions.

As a nation that strongly believes in the respect and protection of the fundamental human rights of everyone, including refugees and asylum seekers, and uphold these principles in its national Constitution, as well as international treaties and conventions that Ghana is a member to, such as the UN Charter, Ghana finds the increasing numbers of displaced individuals seeking refuge or asylum in other countries as a result of war or harsh economic conditions, a very worrying trend, which must be seriously addressed. By way of addressing this issue, Ghana established the Ghana Refugee Board (GRB/Board) to coordinate all activities relating to the management and care of refugees in its territory. The Refugee Board is mandated to recognise persons seeking asylum in Ghana as refugees. Among other things, the Board's mandate is to determine the status of Refugees and it provides counselling services for refugees as well as manages all refugee camps in the country. The Government through the Board provides livelihood assistance such as skills training in areas including ICT, hairdressing, soap making (certified by the Ghana Standards Authority), poultry rearing, farming, mushroom production etc., to these refugees. In the area of health, health centres are established at the refugee camps. Health personnel paid by Government are placed in these centres. These refugees are assisted to enrol on the National Health Insurance Scheme to enable them access health care delivery at low rates.

Basic schools have been established at the refugee camps and the Free Compulsory Universal Basic Education Programme (FCUBE) is operational in these schools. The programme allows all children to attend basic school, from Nursery to Junior High School, free of charge. In 2017, the Government introduced the Free Senior High School policy. Refugees also enrol in secondary or high schools free of charge. With the assistance of government, all other social services such as water, sanitation, electricity, etc. are provided at the refugee camps. The Refugee Board provides refugee ID Cards which enables the refugees to open bank accounts,

and to be able to participate in many other activities. The Agency also assist in the provision of travel documents such as the UN Refugee Convention Travel Document to facilitate movement of refugees. Assistance is also provided where voluntary repatriation is intended by refugees. The government, through the Legal Aid Authority assist in providing legal services for refugees.

Ghana welcomes the deliberations which would focus on the topics on the Agenda of the International Law Commission, especially the topic on the Protection of the Environment in Relation to Armed Conflicts. The rise in armed conflicts across the globe and the consequent destruction of the environment underscores the need for the protection of the environment in order to preserve livelihoods, food and water security.

Your excellences, the devastating impact of environmental hazards more particularly climate change can be witnessed all over the world. There is an urgent need for these environmental issues to be addressed and tackled. Binding commitments by world leaders to engage in safe environmental practices to preserve our planet are required. Ghana remains committed to the Sustainable Development Goals (SDGs) in respect of climate action, clean and affordable energy etc. Climate change, justice and environmental sustainability are pressing issues which Ghana agrees must be addressed. Robust measures have been introduced to address environmental issues such as climate change and achieve a green economy.

On international trade and investment law, Ghana recognizes the impact foreign investments have on the economies of nations. Thus, in promoting measures to attract these investments, there is the need to have in place relevant laws that protect these investors. Issues relating to investor-State arbitration such as transparency in arbitration, exorbitant cost and lengthy durations in the arbitral processes are some of the concerns that I am happy will be discussed at this year's session. I am also pleased to learn that issues relating to international trade are going to be looked at. It is therefore not surprising that Ghana as a strong supporter of international trade, accepted to host the African Continental Free Trade Area (AfCFTA) Secretariat in its territory. The AfCFTA aims to promote and boost intra-African trade as well as Africa's trading position in the global market.

I am of firm belief that this Annual Session would generate meaningful discussions which will aid in addressing and tackling these issues. Your excellencies, I wish the house fruitful and meaningful deliberations. Thank you.

President: I thank the distinguished delegation of Ghana for their statement. Now we have exhausted the list of speakers from our Member States. Now I open the floor for observers if they wish to make any General Statement at this stage. I understand that UNIDROIT requested to take the floor. They are participating online.

Representative of the International Institute for the Unification of Private Law (UNIDROIT): Thank you, Madam President. Madam President, Mr Secretary-General, Distinguished Delegates, and Deputy-Secretaries-General, it is an honour and a pleasure to represent UNIDROIT at the Sixtieth Session of the Asian-African Legal Consultative Organization.

Dear colleagues, as many of you may know, the International Institute for the Unification of Private Law (UNIDROIT), is an independent intergovernmental Organisation founded in 1926, based in Rome, with 63 member States from all continents, which represent over 90%

of the nominal GDP and over 73% of the world population. Our aim is to formulate internationally harmonised, modern standards for private law, and particularly for commercial law and international trade. Thus, we have developed various kinds of uniform law instruments over the years, such as treaties, model laws, principles and contractual or legislative guides to achieve those objectives.

Allow me to come back to this point, because many of the instruments we have developed are well known to participants, as their countries have ratified them or are otherwise already benefiting from them.

But first, I would like to underline that we have a strong relationship with intergovernmental organisations, certainly our two sister organisations UNCITRAL and HCCH, but also many UN specialised agencies such as FAO and IFAD, and regional organisations. We are therefore in happy relationship with AALCO, which we view as of the utmost importance, not only because we share 14 Member States (including Cyprus, Egypt, India, Indonesia, Iran, Iraq, Japan, Korea, Nigeria, Pakistan, China, Türkiye, Saudi Arabia, and South Africa), but because we share the common objective of facilitating the creation of international instruments to bolster international trade through fair and balanced rules, always considering the goal of reaching a sustainable development.

And indeed, UNIDROIT's existing instruments and those being developed in the current contribute towards these goals. Allow me to mention here some of the areas where we are active and a few of the instruments that we have adopted or are developing. In the field of international contracts and contract enforcement, which is key to ensure the effectiveness of international commercial relationships, the UNIDROIT Principles of international commercial contracts, first published in 1994 and now in their fourth edition, are a soft law instrument prepared by a truly global group of experts that provide a well-balanced, internationally accepted restatement of general contract and obligation law. Their strength is that they can, and have been used in a variety of ways, as a tool for parties (contractual drafting, governing law particularly in arbitral cases), a tool for adjudicators, but also as a source of inspiration for legislators (Argentina, France, China).

International contract enforcement is also bolstered by principles and rules providing best practices for dispute resolution and procedural law, such as the ALI Principles and ELI Model Rules, but also the ongoing project on Best Practices for Effective Enforcement. Another key area for the development of international trade in which UNIDROIT is well known in many jurisdictions is the field of financing where we have adopted a number of highly technical but practically very useful instruments.

Most of the Member States of AALCO will be already familiar with the Cape Town Convention and its Aircraft, Rail, Space and Mining, Agricultural and Construction Equipment (MAC) Protocols, the latter also known as Pretoria Protocol having been approved in South Africa in 2019, whose aim is to facilitate the international financing of high value equipment in these fundamental economic sectors. At the same time, we are currently developing Model Laws to support sustainable financing of small to medium enterprises along the supply chain, in particular the Model Law on Factoring and the Model Law of Warehouse Receipts (together with UNCITRAL), but also, with a particular emphasis on the sustainability angle, the newly proposed projects on Legal nature of Voluntary Carbon Credits and on the Corporate Sustainability Due Diligence in Global Value Chains (together with FAO, IDLO and EBRD).

UNIDROIT also has a strong focus on the agricultural sector, in cooperation with the specialised UN agencies FAO and IFAD, having produced the Legal Guide on Contract Farming, the Legal Guide on Agricultural Investment Contracts, and the new project on Legal Structure of Agricultural Enterprises.

In all projects, we consider the impact of new technologies, including for example the use of digital assets in international trade. UNIDROIT therefore stands to make substantial sustainable development goals, namely, Number 2 (Zero Hunger), Number 8 (Decent Work and Economic Growth), Number 9 (Industry innovation and infrastructure), Number 10 (Reduced inequalities) and Number 13 (Climate Action). Let me Just make examples of very different instruments in relation to this latter point: The Cape Town Convention and its Rail Protocol will facilitate the financing of railway rolling stock, helping move persons and freight on rails instead of roads; the Agricultural Land Investment Contracts Legal Guide has a whole chapter on environmental protection, looking at mitigating and adapting to climate change through contracts.

So this concludes, Madam Chair, my intervention. Should any of the distinguished delegates have interest or questions regarding our work, please feel free to contact us. On behalf of UNIDROIT I wish to thank the Secretary-General, Dr Kamalinne Pinitpuvadol for having invited UNIDROIT to observe in this Sixtieth Annual Session, and look forward to strengthening our ties and establishing avenues of cooperation.

President: I do not see any other observers wanting to take the floor, let us move on to the next agenda item.

**IX. VERBATIM RECORD OF THE THIRD
GENERAL MEETING**

IX. VERBATIM RECORD OF THE THIRD GENERAL MEETING HELD ON TUESDAY, 27 SEPTEMBER 2022, AT 12:00 PM

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

AGENDA ITEM: VIOLATIONS OF INTERNATIONAL LAW IN PALESTINE AND OTHER OCCUPIED TERRITORIES BY ISRAEL AND OTHER INTERNATIONAL LEGAL ISSUES RELATED TO THE QUESTION OF PALESTINE

President: We shall now deliberate on the agenda item “Violations of International Law on Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine”. I invite the AALCO Secretariat to make the introductory remarks.

Dr Ali Garshasbi, Deputy Secretary-General of AALCO: Thank you, Madam President. Madam President, Excellencies, Ladies and Gentlemen, few topics in the history of AALCO have come close to determining the moral resolve of AALCO Member States towards bringing an end to impunity as the international law issues relating to the Question of Palestine. Over the years, AALCO has deliberated numerous aspects of the subject since 1988. Over the course of period of more than thirty years, AALCO has consistently applied itself to every conceivable international law dimension concerning the historic land of Palestine and her people. Special Studies outlining the position of the Secretariat on various aspects have been published and well appreciated by our Member States.

It has been our consistent position over the decades that the Palestinian people have been denied the fundamental protections afforded to them by international law. This year the report contained in document no. AALCO/60/NEW DELHI(HEADQUARTES)/2022/SD/4 focusses on the expansion of settlement and settler violence, violation of International Humanitarian Law and International Human Rights Law, a complete lack of accountability for crimes including grave violations of the Geneva Conventions as well as an application of a policy of apartheid by the Occupying power. All these issues have been the focus of much debate in the Human Rights Council based on the reports of the Special Rapporteurs and the Commission of Inquiry.

Thus, I invite the Member States to actively participate in the deliberations on this topic and share their informed positions regarding the issues raised in the report. Thank you, Madam President.

President: Now I invite Member States to deliver their statements on this agenda item. The floor is open. I invite the distinguished delegation from Palestine to make their statement.

The Delegate of the State of Palestine⁷:

In the name of Allah, the most Gracious and Merciful,

⁷ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

Madam President and Excellencies, Ladies and Gentlemen, Distinguished Attendees, we are pleased to be today in the Republic of India, for whose people and leadership we have great respect and appreciation, thanking them for hosting the Sixtieth Session of Asian-African Legal Consultative Organization (AALCO), hoping that the session will be crowned with success.

It was my pleasure to meet and accept your invitation to this meeting hoping that this will lead to a better mutual understanding on the issue of the people of Palestine and the Arab-Israeli conflict, which holds Palestine as its core and axis. As human beings, we need sincere knowledge that enters the heart and conscience to take from the interaction of the conscience with the mind, the ability to take the correct position and the right action.

I want to address your conscience and your minds because I am fully convinced that the best weapon to be used in the field of the Palestine issue is the weapon of honesty that addresses the mind, but at the same time, interacts with the conscience.

I also give special importance to this dialogue with you, whether you are politicians, lawyers, or parliamentarians. You represent the people, who are the natural source of authority. They gave you their confidence and thus gave you the power to turn the word into law.

Madam President and Excellencies, Ladies and Gentlemen,

It is unfortunate that since the Fifty-Ninth Session held last year, the general situation in occupied Palestine has been disappointing, as Israel, the occupying Power, persists in its illegal policies and practices against the Palestinian people. In addition to the systematic violations of human rights, the intensity of the State-sponsored attacks by the Israeli occupying forces and the masses of extremist settlers have reached unprecedented levels.

It has become clear, ladies and gentlemen, that Israel, which disavows the resolutions of international legitimacy, has decided not to be a partner in the peace process. Israel is the one that destroyed the Oslo Accords it signed with the Palestine Liberation Organization, and it is the one that, with its current policy, has sought and seeks with premeditation and determination to destroy the two-States solution, which is conclusive evidence that it does not believe in peace, but rather in a policy of imposing a *fait accompli* by brute force and aggression.

Thus, there is no longer an Israeli partner to talk to. It thus ends the contractual relationship with us and makes the relationship between the State of Palestine and Israel a relationship between an occupying power and occupied people, and nothing else, and we will not deal on this basis again. We call on the international community also to deal with the Israel with the way.

Israel is carrying out a frantic campaign to confiscate our lands, plant us in colonial settlements, and plunder our resources, as if this land is empty and has no owners, just as it did in 1948. It is also unleashing the army and terrorist settlers who are killing Palestinian people in broad daylight, stealing their lands and water, burning and demolishing their homes, forcing them to pay the price of demolition, or forcing them to demolish them with their own hands and uproot their trees, all with official protection.

According to the Office for the Coordination of Humanitarian Affairs, settlers launched 341 attacks against Palestinians in the first eight months of 2022, of which (90) cases of attacks by settlers resulted in injuries to Palestinians, including deliberate car-ramming attacks by Israeli settlers.

Also, during this year, the Israeli occupation forces carried out (108) raids and incursions into the West Bank within the Palestinian Authority areas, during which the Israeli occupation forces arrested (2236) Palestinian citizens. Israel imposes forged educational curricula in our schools in occupied Jerusalem, in violation of international law, and disrupts the presidential and legislative elections in Palestine, by preventing Palestinian citizens of Jerusalem from participating in them, as it happened during three previous elections (1996, 2005, 2006). Israel enacts laws that perpetuate a system of racial discrimination (apartheid) against our people, and escapes accountability and punishment, so why is Israel not punished for violating international law? Who protects Israel from this punishment? Why these double standards when it comes to Israel?

Ladies and Gentlemen, the lack of international accountability not only makes Israel dare to persist in its illegal colonization of our land and strip our people of their property, but also facilitates lawlessness, under which the environment of leniency and impunity continues to entrench. Day after day, year after year, and cycle after cycle, the international community is increasingly aware of the extent of the suffering and oppression suffered by the Palestinian people. Yet, Israel shows no desire to engage in any kind of accountability for the longest warlike occupation in modern history. Year after year, decade after decade, the Security Council and the General Assembly of the United Nations have witnessed and documented the massive violations of their resolutions, but they are taking no action in the face of this blatant case of non-compliance, cynicism, and impunity.

However, as usual, the Palestinian people still look up to the international community, especially your esteemed Organization with a long history of defending the rights of peoples for their right to self-determination. We, the Palestinian people, hope that you will contribute to breaking the cycle of inaction by the Security Council and the General Assembly of the United Nations and work concretely to uphold the rule of law and implement United Nations resolutions. We therefore call once again for serious measures, in consonance with international law without delay, to give hope to the millions of people who suffer from this terrible injustice so that yet another year will not be wasted, and that justice and peace are indeed made possible.

Ladies and Gentlemen, the United Nations, with its various bodies, has issued hundreds of resolutions relating to Palestine. However, not a single one of them has been implemented (754 General Assembly resolutions, 97 Security Council resolutions, 96 Human Rights Council resolutions). The Security Council has adopted clear resolutions whose implementation has the potential to achieve a just and comprehensive peace, the latest of which is Resolution 2334. The role of the Security Council is not limited to adopting resolutions only, but it must take practical steps to implement them, and it is not acceptable for Security Council resolutions to apply only to other countries and not to Israel (double standards), and if the Security Council fails to carry out its tasks, there is a clear role for the United Nations General Assembly which we will resort to.

In stark contrast to Israel's claims that it places value on protecting civilians, the severity of Israel's colonial policies aimed at uprooting Palestinians from their land, in 2022 alone and

not yet over, should have been enough to prompt the international community to act quickly. However, the chances of such a movement occurring in 2022 are more remote than they have ever been, further accentuating Israel's impunity, as evidenced by the number of Palestinians who were killed, the number of home demolitions, settlement expansion, the displacement of families, transfer of settlers, abuse of prisoners, exploitation of resources, and blatant violations of freedoms.

Ladies and Gentlemen, with appreciation for what the international community has done, or tried to do in terms of political and material support and backing for our people and their just cause, it has unfortunately been unable to end the occupation, deter the heinous and continuous Israeli aggression against our people, provide them with international protection, and bring them to their legitimate rights of freedom and independence.

Martyrs and wounded:

Since September 2021 until the convening of this Session, it was the bloodiest year in Palestine since the military aggression on Gaza in 2014. According to a report issued by the Palestinian Ministry of Health, the number of Palestinian martyrs who died at the hands of the Israeli occupation forces and settlers since the beginning of the year 2022 until today has reached 132, out of which 82 were from the occupied West Bank and 50 from the Gaza Strip.

The youngest of the martyrs is the child, Jamil Najm al-Din Jamil Najm (4 years), from the Gaza Strip, who died during the recent Israeli aggression on the Strip. The oldest of them is the martyr Omar Abdulmajeed Asad (80 years), from Ramallah and Al-Bireh governorate in the occupied West Bank. According to the statistics of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the number of wounded has reached to more than 6,965. This sharp increase in the number of Palestinians killed and injured by the Israeli occupying forces this year shows that repeated condemnations, never backed by serious measures, served as a green light for Israel to disregard all norms, rules and rights, even the right to life, without any fear of accountability.

Israeli crimes against journalists:

The occupation forces continue to kill journalists in cold blood. On the morning of May 11, 2022, journalist Shereen Abu Aqleh was assassinated after being shot in the head, and journalist Ali Samoudi, correspondent of the Palestinian newspaper "Al-Quds", was shot in the back by the Israeli forces while covering their storming Jenin camp.

Within the framework of a programmed Israeli policy aimed at imposing a state of isolation on the occupied Palestinian territories, as a first step towards escalating the crimes of murder and abuse against defenceless Palestinians, deliberately and intentionally during its recent aggression on the Gaza Strip and the West Bank in May 2021. According to statistics published by the Palestinian Journalists Syndicate, the Israeli warplanes bombed 33 media institutions, and more than 170 Palestinian journalists were injured during the aggression, 70 of them in Gaza Strip, and about 100 were injured as a result of the occupation's attacks in West Bank and occupied Jerusalem. Most of the injuries were hit by tear gas in West Bank, and shrapnel from the bombing of warplanes in Gaza.

Targeting journalists is a crime under international human rights and humanitarian law, and what has been happening is an Israeli policy to silence the press to obscure the truth and obscure the other's narrative that exposes its crimes against the Palestinian people.

Holding the corpses:

Israel, the occupying country, is still detaining more than 253 martyrs' bodies, including more than 106 bodies that have been kept in Israeli refrigerators since the occupation's return to the policy of detaining bodies after the start of the Jerusalem uprising in 2015, and the detained bodies of martyrs are buried without being photographed or having a burial order issued by the Israeli district officer, and some of them are buried without an iron card attached in which the name and number of the martyr and the date of his martyrdom are written.

The Israeli Supreme Court authorized the occupation army to continue detaining the bodies with the aim of using them as a bargaining chip during any future negotiations with the Palestinian factions. The decision is a historical precedent, and it is the most extreme since the Palestinian *Nakba*, considering that it violates the foundations of international law, especially the Convention against Torture.

House demolition:

Since the beginning of 2022, according to the statistics of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Israel's campaign of house demolitions has reached unprecedented levels, as more than (448) Palestinian homes and buildings were demolished in the West Bank and 102 homes in the Gaza Strip - the highest number since 2016. As a result, the lifestyle of hundreds of civilians has been affected and they have been deprived from their shelters, many of them have been left at the mercy of the weather factors in the harsh winter, during which countless human rights have been violated.

The continued international inaction was a green light for Israel to move forward with its frantic activity of home demolitions, and the message was sent to Palestinian families that nothing would be done to stop the eviction of their children from their homes in the middle of the night in order to make way for the Israeli bulldozers to demolish their homes. Equally, inaction and lack of accountability encouraged Israeli politicians and settlers to continue raiding Palestinian neighbourhoods, as happened recently in Sheikh Jarrah neighbourhood in occupied East Jerusalem, and harassing, terrifying, threatening, and explicitly intimidating Palestinian families, as a part of their continuous attempts to seize these areas.

Crime of preventing residents of the West Bank and Gaza from accessing the holy sites in Jerusalem:

For years, the Israeli occupation authorities have continued to prohibit the entry of worshipers from the West Bank and Gaza into Jerusalem and access to Islamic and Christian places of worship within the walls of the Old City of Jerusalem, except for those over the age of seventy years, while many elderly men and women were prevented from passing checkpoints and military crossings build on Jerusalem entrances.

Acts of provocation, incitement and intrusion into the holy sites in Jerusalem, including the Holy Masjid Al-Aqsa and the city's churches, at the hands of the Israeli occupying forces and

extremist settlers, in violation of the historical and legal status of the holy sites, also continue. The occupying Power is recklessly persevering in these serious violations and attempts to undermine the status of the Islamic endowments, by obstructing the restoration and maintenance work at Al-Aqsa Mosque, and undermining Jordan's guardianship over the Islamic and Christian holy sites in the city.

We also highlight, in this regard, a statement issued on January 8 by the Patriarch of Jerusalem of the Greek Orthodox Church, Theophilos III, who stressed, inter alia, that “our presence in Jerusalem is under threat. And our churches are being threatened by extremist Israeli fringe groups. At the hands of these Zionist extremists, the Christian community in Jerusalem is suffering greatly. Our brothers and sisters are victims of hate crimes. Our churches are systematically exposed to desecration and vandalism. Our priests are repeatedly intimidated.”

This situation, as absurd as it may sound, is the dark reality of hundreds of thousands of Palestinians in Jerusalem who live in a constant state of insecurity and uncertainty about their future. We recall here once again Security Council Resolution 2334 (2016), in which the Council unequivocally condemned “all measures aimed at changing the demographic composition, character and status of the Palestinian territory occupied since 1967, including East Jerusalem, which includes, among other measures, the construction and expansion of settlements, the transfer of Israeli settlers, land confiscation, house demolitions, and displacement of Palestinian civilians, in violation of international humanitarian law and related resolutions.”

Despite repeated warnings of the increased risk of State-sponsored attacks and coordinated incitement against Palestinian civilians at the hands of the Israeli occupying forces and settlers.

Settlements:

Israeli settlement activity in Palestine represents one of the most dangerous Israeli practices aimed at preventing the establishment of a viable Palestinian State in the West Bank and Gaza Strip. Various Israeli agencies, institutions and organizations, under the direct guidance and official support of the Israeli government, are working to implement a systematic program of settlement expansion in the various Palestinian areas. Statistical data prepared by the Palestinian Central Bureau of Statistics indicate that the number of Israeli settlements in the West Bank reached 151 at the end of 2019, including 26 settlements in the Jerusalem governorate, distributed as 16 settlements, and 10 settlements in Jerusalem, and the number of settlements in Ramallah and Al-Bireh governorate has reached 26 settlements, and the lowest number of settlements was in Tulkarm governorate with three settlements.

It is estimated that the number of settlers in the West Bank has reached 688,262 settlers, at the end of the year 2019, and it is clear from the data that most of the settlers live in Jerusalem governorate with 316,176 settlers, followed by Ramallah and Al-Bireh governorate with 136,954 settlers, 89,244 settlers in Bethlehem governorate and 47,233 settlers in Salfit Governorate. The governorate with the least number of settlers is Tubas and Northern Jordan Valley, with 2,465 settlers.

In the continuation of the crime of forced displacement, the Israeli court rejected on May 4, 2022 a petition submitted by the residents of the villages of the Masafer Yatta area, south of

Hebron in the West Bank, to object to a decision issued by the occupation authorities in 1981, which stipulates the complete closure of the area, the displacement of its residents, whose number is about 4000 Palestinians, and its transformation into a military area, which reinforces the role of the Israeli judiciary in providing legal cover for the grave and organized Israeli violations, despite the fact that the crime of forced displacement is among the crimes prohibited under the provisions of international law.

This is in addition to the apartheid wall that the occupying power erected in 2002 along the borders of the West Bank with the occupying power, and seized the lands of the residents and emigrated them, which was considered illegal by the International Court of Justice in its advisory opinion issued on July 9, 2004, given that it affects the various rights guaranteed under the conventions and covenants signed by the occupying power, such as the right to freedom of movement, the right to non-interference in privacy guaranteed under Articles (12, 17) of the International Covenant on Civil and Political Rights, as well as the right to work and the right to an adequate standard of living, and the right to Health, education, and housing guaranteed under the International Covenant on Economic, Social and Cultural Rights.

We see in the Israeli measures a serious attempt to undermine and squander the collective rights of the Palestinians, especially the political and legal ones, where compelling Palestinians by force to leave their homes and property is a clear violation of the Fourth Geneva Convention of 1949, the Rome Statute establishing the International Criminal Court of 1998, and other provisions of international law. Displacement also constitutes deprivation of the Palestinian people's right to self-determination, and a violation of the resolutions issued by the United Nations General Assembly, especially Resolution No. (3236), which affirmed the Palestinians' right to self-determination, independence and sovereignty, and the effects that resulted from the displacement operations constitute a violation of the right to protection of private property, the right to life, the right to freedom of movement and the right to personal freedom, and other rights that the occupation authorities have violated in the process of displacing Palestinians, which are guaranteed under international human rights law.

Prisoners in Israeli prisons and administrative detainees:

The Israeli judicial systems and the Israeli Prisons Service revolve around the Israeli security system, with the aim of turning the lives of Palestinians into hell outside and inside Israeli prisons, as the Israeli judiciary works to give a legal veil to arrest Palestinians and put them in prisons for many years in the complete absence of guarantees of justice, so that the Prison Authority completes the matter on the other hand, by turning the lives of detainees into hell inside Israeli prisons, supported by the veil of decisions of the Israeli judicial system.

4,850 Palestinian prisoners are still forced to remain in the occupation's prisons, amid great suffering as a result of the violations they are subjected to, and according to the latest statistics of the Prisoners' Affairs Authority, out of the total prisoners there are 43 women, and 225 children.

The policy of medical negligence is not new to the occupation authorities and the administration of their prisons, and that they take negligence as a policy towards sick Palestinian prisoners, as about 600 prisoners suffer from chronic diseases, about 200 of them suffer from serious and incurable diseases, including dozens of people with disabilities and

cancer patients, and that 73 Martyrs rose in occupation prisons as a result of medical negligence, out of 227 martyrs from prisoners until the end of 2021.

Among these sick prisoners is the case of the prisoner Nasser Abu Hamid, who is struggling with death in the occupation prisons, as he suffers from the consequences of removing a cancerous tumor in the lungs, which he underwent during the month of October 2021, and after the operation he was returned to prison before he recovered, and his condition is now very serious, unconscious and refusing. The occupation authorities do not allow his mother to visit him and refused to release him due to his poor health.

The case of administrative detainee Khalil Awawda, 40, who recently suspended his hunger strike after about six months of a continuous strike, highlighted the reality of the arbitrary use of administrative detention against Palestinians by the occupation forces.

We express our concern over the lives of detainees on hunger strike, and we hold the occupation fully responsible for the lives of detainees, and we call on the international community to immediately intervene to put an end to the policy of administrative detention and its arbitrary and illegal use by the occupying force against Palestinian detainees, and we call for intensifying local and international efforts for Solidarity with the Palestinian detainees in the occupation prisons and their just demands for freedom and a decent life.

Violations against civil society organizations and human rights defenders, describing them as terrorists:

On August 18, 2022, the Israeli occupation forces closed seven Palestinian civil society institutions in Ramallah, after storming them and confiscating some of their belongings. This decision came hours after the Minister of Defense of the occupying State, Benny Gantz, announced the classification of three civil society organizations, which are the “Bisan Centre for Research and Development, the Foundation of the Union of Palestinian Women’s Committees, and the Al-Dameer Foundation for the Care of Prisoners and Human Rights,” definitively, as terrorist.

These human rights organizations operate in Palestine as per the Palestinian law and have been authorized to do so, and there is a systematic policy by the Israeli occupation to throttle and harass the civil society institutions, especially human rights and development institutions, with the aim of silencing their voice and undermining their efforts to prosecute Israeli war criminals before the international judiciary, and to prevent any efforts to support the steadfastness of the Palestinian people under occupation, and we hold the international community responsible for obligating the occupying State of Israel with international humanitarian law and international human rights law.

On top of that, the Israeli government allowed the formation of racist Jewish terrorist organizations that practice terrorism against our people, and provided them with protection as they attack the Palestinians and call for their expulsion from their homes. At the top of these terrorist organizations are the Hilltop Youth, the Price Tag Groups, Lehava. Such terrorist organizations are led by members of the Israeli Knesset, and in this context, we call on the international community to put these terrorist organizations on the lists of global terrorism.

The crime of withholding funds from the tax revenues of the Palestinian Authority:

The international legal status obtained by the State of Palestine, on November 29, 2012, entitles it to exercise its right to sovereignty over its territory and to manage its public money, and deducting its tax revenues is a waste of this right and a violation of the Paris Economic Agreement of 1994, which requires the occupying force to transfer tax funds to the public treasury of the State of Palestine, and it is a breach of the Vienna Convention on the Law of Treaties approved by the United Nations in 1969, Article 27 of which does not allow any party to any treaty to invoke the provisions of its internal law as a justification for its failure to implement the treaty.

It is demanded from the international community to intervene urgently and seriously, in order to compel the occupying force to stop the implementation of the resolution and the law and to repeal them. This decision undermines the work of the State of Palestine and besieges it financially, and has contributed seriously to the deterioration of the humanitarian and economic conditions in the occupied Palestinian territories, and this decision amounts to be collective punishment, which is prohibited under international law.

Racist Israeli laws:

Recent years have witnessed a frenzied legislative attack launched by the Israeli occupation authorities against the Palestinian people, aimed at codifying the crimes and racist practices committed by the occupation authorities on the ground, throughout the seventy-four years of their occupation of the land of Palestine, which violate the rules of international law and international legitimacy, specifically, decriminalizing these practices, legitimizing them and granting them constitutional immunity.

The fierce legislative campaign mainly targeted (Judaizing the city of Jerusalem, encouraging settlement, abuse of Palestinian prisoners in occupation prisons, revenge against the families of martyrs and prisoners, and ending the Palestinian identity). The most dangerous of these laws was the national law of the Jewish State, which represents the culmination of a series of racist laws imposed by the Israeli occupation authorities as a *fait accompli*, and it is considered a dangerous precedent and a flagrant violation of the rules and principles of international law and international legitimacy, as it aims to legalize the heinous crime of apartheid as a crime against humanity, and establishes the perpetuation of the domination of what they call the Jewish people over the Palestinian people, the original inhabitants of the land.

Madam President and Excellencies, Ladies and Gentlemen, International law is considered a standard by which the behavior of States and non-State actors can be judged on an equal footing, and the Russian military operation in Ukraine exposed the policy of double standards with which the international community deals with the issue of the Palestinian people.

The fact that the International Criminal Court has opened a direct investigation in Ukraine, while it is still studying hundreds of files submitted to it by the State of Palestine about the ongoing crimes of the occupation against our people, reveals the double standards and the selective use of international laws.

We and the free world are wondering about this, and comparing an investigation and a movement within 6 hours, while it has not opened an investigation into the crimes committed against our people, since Palestine in 2009 submitted files to the court about the occupation's aggression on Gaza, no moves have been taken so far. What happened in the International

Criminal Court of opening an investigation into the Ukraine crisis may be an opportunity for our people to push their cause forward and pressurize the international community to act in the interest of our people's just cause.

In 2014, the State of Palestine had previously submitted lawsuits to the International Criminal Court against the crimes committed by the Israeli occupation forces against our people and these files “war on Gaza” and settlements “and prisoners,” are considered as files during which the occupation forces committed “war crimes” and ethnic cleansing, and we demanded an investigation into these files, hoping that they will lead the leaders of the occupation to international trials, and we count on you to support our efforts legally, politically and in the media, as well as urging influential international political forces to compel Israel to end its occupation and release all our prisoners from the prisons of the Israeli occupation.

In the end, I hope this conference will achieve its desired goals and find effective solutions to the issues on its agenda.

Recommendations:

1. Assigning the Secretariat of AALCO to address the United Nations and urge it through the General Assembly, the Security Council and the Secretary-General of the United Nations, to work on implementing all international legitimacy resolutions related to the Palestinian issue, foremost of which is Resolution 181 on the establishment of a fully sovereign Palestinian State alongside the State of Israel in accordance with Partition Resolution No. 181 of 1947, and Resolution No. 194, which stipulated the right of the Palestinian people to return to their homes from which they were displaced in 1948, and to compensate them for damages caused by the forced displacement and confiscation of their property.
2. Emphasizing on the continuation of the inalienable responsibility of the United Nations towards the question of Palestine until a just and comprehensive solution is found in all its aspects that guarantees the end of the occupation and enables the Palestinian people to exercise their inalienable national rights, including their right to return, self-determination and the establishment of their independent State on their national soil, with Al-Quds Al-Sharif as its capital.
3. Emphasizing the continuing responsibility of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in discharging its duties and mandates towards all the Palestinian people in all their places of residence in accordance with the General Assembly resolutions in this regard, and calling on States to provide more support to cover the Agency's budget to enable it to continue to provide its services.
4. Submitting a request to the United Nations General Assembly that the Conciliation Committee, in cooperation with the United Nations Relief and Works Agency for Refugees and the concerned countries, prepare a comprehensive inventory of Palestinian refugees and their properties and chalk out a comprehensive vision for solving their problems on the basis of their right to return to their homeland Palestine in accordance with UNGA Resolution No. 194, and a request from the Conciliation

Committee and the committee on exercise of inalienable rights of the Palestinian people, to establish the position of trustee or custodian of refugee property.

5. Submitting a request to the United Nations General Assembly to request an advisory opinion from the International Court of Justice on the interpretation of what was stated in Resolution 194 concerning refugees, especially paragraph (11) which states that “it was decided that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest”.
6. Requesting the United Nations General Assembly to discuss the conditions it has set on the State of Israel for accepting its membership in the United Nations.
7. Assigning the Secretary-General of the Organization to send messages to the international community and call for immediate action to stop the crimes of the occupation, and to call upon the eminent contracting countries to the Fourth Geneva Convention to fulfill their obligations mentioned in Article 1 of the Convention, under which they pledge to respect and ensure respect for the Convention in all situations, as well as their obligations mentioned in Article 146 of the Convention that aims to prosecute those accused of committing grave breaches of the Convention, and guarantee the right of protection for Palestinian civilians in the occupied territories.
8. Assigning the Secretariat of the Organization and working with the international community to intervene immediately to put an end to the policy of administrative detention and its arbitrary and illegal use by the occupying power against Palestinian detainees, and to stand in solidarity with their just demands for freedom and a decent life.
9. Issuing a statement denouncing the continuation of the Israeli occupation authorities the crime of detaining the bodies of Palestinian and Arab martyrs and demanding that these bodies must be returned immediately to their families and empowering these families of their right to their funerals and burials in accordance with their religious rites with human dignity.
10. Calling on the international community, especially the Member States of the Asian-African Legal Consultative Organization and the eminent Countries members of the Geneva Conventions, to issue a resolution condemning the Israeli occupying State for targeting Palestinian human rights organizations and accusing them of terrorism and to call on the occupying State to respect international human rights and humanitarian law in the occupied Palestinian territory.
11. Calling on all international, regional and national press organizations and institutions to continue to follow up on what journalists are exposed to in the occupied Palestinian territories and to make all efforts at the international level to ensure that pressure is exercised on the Israeli government to stop its crimes against Palestinian civilians and their property in general, and its crimes against journalists in particular.
12. Emphasizing that Israel’s aggression and occupation of the Syrian Arab Golan constitute a grave violation of the provisions, principles and purposes of the Charter of the United Nations and the principles and rules of international humanitarian law, and the right of the Syrian Arab citizens in the occupied Syrian Arab Golan to reject

the occupation, and call on the international community to take action to compel Israel to stop its practices that violate human rights and international humanitarian law in the occupied Syrian Arab Golan, pursuant to the Fourth Geneva Convention of 1949, specifically Article 1.

13. Emphasizing on the condemnation of the 1981 Israeli Knesset decision to apply Israeli laws to the occupied Syrian Arab Golan, and rejecting all legislative and administrative measures taken or to be taken by the Israeli occupation authorities with the aim of changing the nature and legal status of the occupied Syrian Arab Golan, considering them null and void and having no legal effect, because it constitutes a flagrant violation of international legitimacy and Security Council Resolution No. 497 of 1981 (issued in this regard).
14. Calling on the international community to condemn the Israeli measures that deprived the Syrian Arab citizens of the waters of the occupied Syrian Arab Golan and diverted them to Israeli settlements, as they constitute a violation of the provisions of the seventh preambular paragraph and the fifth operative paragraph of Security Council Resolution No. 465 of 1980 and the Fourth Geneva Convention of 1949.

President: I thank the distinguished delegation of Palestine for their detailed statement. Now I invite the distinguished delegation of the Syrian Arab Republic to deliver their statement.

The Delegate of the Syrian Arab Republic⁸: Her Excellency Madam President, His Excellency Secretary-General, Excellencies, Ladies and Gentlemen, the Syrian Arab Republic affirms that the Palestinian issue will remain the main Syrian issue, and it renews its firm commitment to support the inalienable rights of the brotherly Palestinian people, and to stand by it in its legitimate struggle to defend its land and its holy sites and restore its occupied lands and all its legitimate rights, especially its right to establish its independent State on its land and with Jerusalem as its capital, and the right of Palestinian refugees to return to their homeland, in accordance with international law and relevant United Nations resolutions, especially Resolution 194 of 1948, and granting Palestine full UN membership.

Madam President, the continuous and systematic Israeli aggressions against Syria's sovereignty represent a serious and dangerous threat to the security and stability of Syria and the region, and require immediate condemnation and urgent intervention in order to protect the 1974 "Separation of Forces and Disengagement" agreement.

The silence about these repeated aggressions, and about the practices carried out by Israel, the occupying power, towards our people in the occupied Syrian Golan, encouraged the occupation authorities to continue their violations of international law and the Charter of the United Nations, and prompted them, with the support of the governments of well-known countries, to expand the circle of aggression on Syrian territory. This exposes peace and security in the Middle East to real dangers. It also puts the credibility of the United Nations and the effectiveness of its competent bodies and agencies at stake.

Madam President, the Israeli occupation authorities continue their provocative practices and violations of the basic rights of the people of the occupied Syrian Golan, in flagrant violation of international legitimacy resolutions, especially Resolutions No. 242, No. 338 and No. 497

⁸ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

of 1981, violating its international legal obligations as the occupying power, the rules of international law and the Fourth Geneva Convention of 1949. This is reflected in the continuation of aggressive Israeli measures aimed at changing the legal and demographic nature of the Golan, seizing land and property, stealing resources, water and natural wealth, and implementing settlement plans and projects, with the aim of perpetuating and prolonging the occupation, and obliterating the Syrian identity of the occupied Syrian Golan in blatant defiance of all related UN resolutions.

Madam President, the Syrian Arab Republic strongly condemns these serious provocations and flagrant violations committed by the Israeli occupation authorities in the occupied Syrian Golan. The Syrian Arab Republic calls on all UN Member States and all defenders of international law not to recognize any illegal situation or reality resulting from the illegal practices of the Israeli occupation authorities in the occupied Syrian Golan, and to condemn such practices and move to put an end to them.

Madam President, the continuation of the series of Israeli aggressions on the sovereignty of the Syrian territories, and its recent hysterical recurrence, is clear evidence of its support for terrorism in Syria and its contribution to the war against it, and another dangerous escalation that threatens peace and security in the Middle East.

The Syrian Arab Republic reiterates its firm adherence to its right to restore the entire Syrian Golan, occupied since June 1967, by all available means guaranteed by international law as an eternal right that does not fall under any statute of limitations, and stresses that all decisions and measures taken by Israel, the occupying power, to change the natural and demographic features of the Golan, or the imposition of its laws, powers and administration on it, is null and void and has no legal effect under international law and relevant United Nations resolutions, especially Security Council Resolution No. 497 of 1981 which considered Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan null and void and it has no legal effect.

Greetings from Syria to the resistant and steadfast Palestinian people, and our right will remain and will not be forgotten, we will not forget it or leave it in Palestine and Syria. We will defend the land and honour. I thank you.

President: I thank the distinguished delegation of Syria for their detailed statement. Now I invite the distinguished delegation of Malaysia to deliver their statement.

The Delegate of Malaysia: Madam President, Malaysia wishes to reiterate its views and position with regard to the Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine as delivered in our General Statement yesterday. We further reaffirm our unwavering and continuous support for the Palestinians and their cause. Thank you very much.

President: I thank the distinguished delegation of Malaysia for their precise statement. Now I invite the distinguished delegation of Indonesia to deliver their statement. The floor is yours.

The Delegate of the Republic of Indonesia: Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, while the whole world is holding their breath as the war in Europe unfolds, we should not turn our back on what is happening on our doorstep. The Palestinian people continue to suffer under the occupation of a brutal apartheid regime. This

systemic injustice needs to stop, and Indonesia will not stop until they support the Palestinian cause towards achieving their independence, as mandated in our constitution.

Indonesia takes note of the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory (OPT), including East Jerusalem and Israel submitted at the 50th session of the UN Human Rights Council, which provides a detailed account of the situation in the OPT that comprises violations of IHL and IHRL, and any other heinous crimes, such as apartheid, to prolong the state of illegal occupation in the OPT. Indonesia would like to call on all parties to refrain from any acts of violence and to adhere to any undertakings of cessation of hostilities. Indonesia deplores any act of violation of international humanitarian law and international human rights law committed by the occupying power to prolong the state of illegal Occupation of the OPT.

Indonesia also regrets the indication of ever-prevalent discrimination and geographic, social, and political fragmentation committed by the occupying power within the OPT, as stated in the report. Indonesia deeply regrets the enactment of several laws that severely discriminate against the Palestinian people, through creating a difference in treatment regarding their civil status, legal protection, access to social and economic benefits, or right to land and property.

With regard to the policy of settlement instituted by the occupying powers that aims to alter the demographics of the territories with the eventual goal of stifling dissent, Indonesia is of the view that this policy constitutes an act of forcible transfer of population, which is considered a grave breach of the Fourth Geneva Convention. This is a direct violation of the Palestinian rights to self-determination as enshrined in the UN Charter, UNGA Resolution 2625, and the International Court of Justice Advisory Opinion regarding the Legal Consequences of the Construction of a Wall in the OPT, and therefore shall be opposed. We call upon AALCO member States not to recognize, aid, or assist the maintenance of the policy.

Indonesia calls on all to refrain from further acts of violence and calls for the strictest observance of international humanitarian law and international human rights law, particularly under the norms set forth under the Fourth Geneva Convention and any other IHL and IHRL relevant instrument. Indonesia also urges a more robust accountability mechanism to ensure the protection of the human rights of the Palestinians. In this regard, Indonesia stands at the forefront amongst other nations to support the Palestinian cause, which is aimed at achieving a just, comprehensive, and lasting peace in the Middle East.

Furthermore, with regard to the most recent development of the application of Palestine, as a full member of the United Nations, Indonesia stands ready to support the proposal as a full member.

Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, allow me once again to reiterate Indonesia's long-standing commitment to the independence of Palestine. As long as the freedom of Palestine is yet to be returned to the Palestinians, Indonesia will forever fight any act of occupation of the Palestinian land and its people. I thank you, Madam President.

President: I thank the distinguished delegation of Indonesia for their detailed statement. Now I invite the distinguished delegation of India to deliver their statement.

The Delegate of the Republic of India: Thank you, Madam President. On behalf of the Indian delegation, I take this opportunity to thank the AALCO Secretariat for preparing background document on the topic and the introductory statement made by the Deputy Secretary-General. My delegation would like to reaffirm India's unwavering commitment to establishing a sovereign, independent and viable State of Palestine living within secure and recognized borders, side by side at peace with Israel, taking into account legitimate security concerns of parties.

India has consistently called for direct peace negotiations between Israel and Palestine towards a two-State solution, taking into account the legitimate aspirations of the Palestinian people for statehood and legitimate security concerns of all sides. There is no other alternative to a negotiated two-State solution.

India has always attached great importance to ensuring a better livelihood for the Palestinian people and has provided timely assistance to improve the economic and humanitarian situation in Palestine. Thank you, Madam President.

President: I thank the distinguished delegation of India for their statement. Now I invite the distinguished delegation of the Islamic Republic of Iran to deliver their statement. You have the floor, Sir.

The Delegate of the Islamic Republic of Iran: Madam President, at the outset, my delegation would like to welcome the comprehensive and well-researched report of the AALCO's Secretariat on the topic of "Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine" in document AALCO/60/NEW DELHI (HEADQUARTERS))2022/SD/S4, which mainly concentrated on the human rights issues. We also appreciate the Secretariat for inclusion of this agenda on an annual basis.

Madam President, the international community has experienced a wide spectrum of internationally wrongful acts and also many criminal conducts. In light of the seriousness of breaches, international law has normally responded in an appropriate manner. However, this proposition does not work for the Zionist Regime whose flagrant violations of international law are under the full protection of the United States and other western countries.

For instance, we can refer to the fourth part of the draft principles of the International Law Commission on the protection of the environment in relation to armed conflict where it has focused on the principles applicable in the situation of occupation. This Draft asks the occupying power to administer and use the natural resources in an occupied territory for the benefit of the protected persons of occupied territory and for other lawful purposes. It has been demonstrated that this regime intentionally committed several ecological destructions and restructuring the occupied territories for the construction of unlawful settlements. The matter of water shortage and pollution which is the product of the wrongful acts of the occupying power threatens the people of Gaza strip.

Regarding the construction of settlements, it also needs to be reminded that Article 49 of the Fourth Geneva Convention states: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." It also prohibits the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory." Thus, international humanitarian law prohibits the establishment of settlements, as these are a

form of population transfer into occupied territory.

Last year, in our statement regarding the very topic my delegation recalled some of the gravest violations of international human rights and humanitarian law in Gaza Strip by the Zionist Regime. On 11 August 2022, this Regime, once again, launched some air strikes in which at least 45 people, including 16 children, were killed after the attacks. The OHCHR also verified that this Regime's Security forces had killed 58 Palestinians in the West Bank including 13 children.

Despite the repeated human rights violations and crimes committed in the Gaza Strip and the Occupied Palestinian Territory at large, the international community has systematically failed to hold Israel accountable. Protected by a culture of impunity, Israel has seen, once and again, that there is no political or economic cost to pay for its human rights violations which might force it to change its unlawful policies or practices, refrain from committing crimes and abide by its legal obligations. In this situation it is expected that the international community condemns these cruel and inhumane conducts which has existed for decades and repeated in the same manner each year. The double standards of some States in treating these crimes and distorting the facts in the field to show stories upside-down cannot bring innocent humans back to life.

On 11 May 2022, this criminal Regime killed Shireen abu Akleh, a Palestinian-American journalist, who worked as a reporter for the Al Jazeera. The legal team of Al Jazeera prepared a dossier on the killing of Abu Akleh for submission to the ICC prosecutor. The findings of the OHCHR show that the fire/bullets/bomb came from Israeli Security Forces and not from indiscriminate firing by armed Palestinians, as initially claimed by Israeli authorities.

Madam President, I would like to wrap up my statement by emphasizing the Palestinians' right to self-determination. While international law, more than every time before, appreciates the right to self-determination, the Palestinians have been deprived of their lands, properties and businesses while being forcibly evicted from their homes and subjected to violence, terror and intimidation. The Israeli regime, in line with its discriminatory and racist apartheid policies, has totally negated any right of the Palestinians to self-determination under the title of "one Jewish State". Moreover, it has taken unprecedented measures and provocations to accelerate Judaizing Al-Quds Al-Sharif and altering its demographic composition through the elimination of Palestinian Christians and Muslims in the Holy City.

It is evident that the only path to peace in Palestine is the holding of a referendum among all residents of Palestine, Jews, Christians, and Muslims, including displaced Palestinians and refugees.

The Islamic Republic of Iran reaffirms its strong support for and solidarity with the just cause of Palestine and reaffirms its commitment to continue supporting the Palestinian people in their quest to achieve their inalienable rights and legitimate national aspirations, including their right to self-determination, freedom and independence in their State of Palestine with Al-Quds Al-Sharif as its capital. I thank you, Madam president.

President: I thank the distinguished delegation of the Islamic Republic of Iran for their statement. Now I invite the distinguished delegation of the Federal Republic of Somalia to deliver their statement. The floor is yours, Sir.

The Delegate of the Federal Republic of Somalia: Thank you, Madam President. Madam President, Excellencies, ladies and gentlemen, I would like to appreciate and congratulate the President and Vice-president of this Session for their election. I would also like to appreciate the AALCO Secretariat for organizing this meeting.

Madam president, apartheid laws approved by the Israeli Knesset, such as the Nationality Law, the Citizenship Law, the Anti-Terrorism Law, the Planning and Building Law, in addition to the Settlement Law and dozens of other laws, constituted a discriminatory legal system. This is a crime against humanity as stipulated in international humanitarian law, as well in the Rome Statute and in the International Convention on the Elimination of All Forms of Racial Discrimination.

Israel's apartheid regime has been evident in its practices, such as land grabs and settlement establishment, with illegal demographic changes and strategic fragmentation of the territory. The occupying power continues to enjoy impunity. Israel has flagrantly violated its obligations under international law, depriving the Palestinian people from enjoying their inalienable rights, including the right to self-determination and the right to return. Israel was committing the crime of apartheid in the Palestinian territory, and this apartheid regime must be dismantled through all legal means. It is the duty of the international community to bring this deplorable situation to an end. The Palestinian people have the right to an independent, free and sovereign State, established as per the 1967 borders, and with East Jerusalem as its capital.

It is evident that the occupying power's human rights violations have been continuing, namely house demolitions and attempts to expel people from various areas. There is continuous targeting of Palestinian civilians and children. These constituted extra-judicial killings, and there are daily attacks on demonstrators, abuse at checkpoints, and denial of movement for those requiring medical treatment.

Madam President, illegal settlement activities constitute the main source of many human rights violations. The occupying entity continues to expand settlements, confiscate lands, take natural resources, and install different populations in areas, in total contradiction of its international obligations, seeking to change the demographic make-up of the occupied territory.

There have been several periods of intense and destructive violence with great loss of life and property against the Palestinians under occupation by the Israeli military, particularly in Gaza during the Great March of Return in 2018, and the short explosive war on Gaza in May 2021. The Israeli Occupation now in its fifty-fifth year with its end nowhere in sight - has become ever more entrenched and repressive. In terms of Palestinian deaths at the hands of the Israeli military, 2021 was the deadliest year since 2014. The instances of settler violence towards Palestinians in 2021 was the highest level of recorded attacks since statistics were first assembled in 2012. And the demolition of Palestinian homes by the Israeli military has also been spiking continuously upwards.

Madam President, applying the accepted three-part test taken from the 1973 United Nations Convention Against Apartheid, and the 1998 Rome Statute of the International Criminal Court, the political system of entrenched rule in the occupied Palestinian territory satisfied the prevailing evidentiary standard for the existence of apartheid. First, an institutionalised regime of systematic racial oppression and discrimination had been established. Second, this

system of alien rule had been established with the intent to maintain the domination of one racial-national-ethnic group over another. And third, the imposition of this system of institutionalised discrimination with the intent of permanent domination has been built upon the regular practice of inhuman(e) acts. This is apartheid. With the eyes of the international community wide open, Israel has imposed upon Palestine an apartheid reality in a post-apartheid world.

Israeli settlements are illegal. Annexation is illegal. The denial of Palestinian self-determination is illegal. Human rights abuses are rife. The Fourth Geneva Convention should be applied in full. None of the countless United Nations resolutions have been obeyed, and nothing has been imposed on Israel to bring it into compliance with the rules-based international order. International law is not meant to be an umbrella that folded up at the first hint of rain.

I would like to conclude my statement by stating that the Somali Federal Republic government supports the cause of the Palestinian people and the goal should be the realisation of Palestine by self-determination. I thank you.

President: I thank the distinguished delegation of Somalia for their detailed statement. Now I invite the distinguished delegation of the People's Republic of China to deliver their statement.

The Delegate of the People's Republic of China: Madam President, this year, the conflict between Palestine and Israel have broken out again, tensions have been flaring up, causing numerous civilian casualties including children, which makes it much distressed.

Under the mediation of regional countries, the two sides of the conflict have reached a ceasefire agreement. China welcomes the ceasefire agreement and appreciates the efforts of all sides. As the situation is still fragile at this moment, we urge all parties to exercise restraint, follow relevant UN resolutions, fulfil its obligations under international humanitarian law, avoid escalating the tension again and safeguard stability of the Palestine-Israel situation.

Madam President, China's position on the Palestine question is consistent and clear. We have been always firmly supporting the just cause of the Palestinians in pursuing the restoration of their legitimate national rights, and the establishment of a fully sovereign and independent State of Palestine based on 1967 borders with East Jerusalem as its capital, to eventually realize the peaceful coexistence between Palestine and Israel, and lasting peace in the Middle East.

China has always played a constructive role in resolving the Palestinian question. As the rotating president of the United Nations Security Council for August, China initiated and chaired an emergency opening meeting on the Palestinian question, working toward a de-escalation of the situation and peaceful settlement of the question. China will continue to work with the rest of the international community, to make unremitting efforts for a comprehensive and just settlement of the Palestinian question. Thank you, Madam President.

President: I thank the distinguished delegation of the People's Republic of China for their statement. Now, the delegation of Pakistan would like to make a statement. You have the floor, Sir.

The Delegate of the Islamic Republic of Pakistan: Thank you, Madam President. Madam President, as Pakistan clearly emphasised in its general statement yesterday, we unequivocally support the right of self-determination. Several UN resolutions, including UN General Assembly Resolution 2649, consider that the acquisition and retention of territory in contravention of the right of peoples of that territory to self-determination is a gross violation of the UN Charter. I reiterate Pakistan's consistent position that just and lasting peace in the Middle East can only be achieved with the acceptance of a viable, independent and contiguous Palestinian State with the pre-1967 borders and Al Quds Al Sharif as its capital.

Pakistan calls on Israel to put an immediate end to the blatant use of force and flagrant violation of human rights of the Palestinian people and the repeated desecration of the Al-Aqsa Mosque. In this context, while recalling the Universal Declaration of Human Rights and the principles of international law which uphold that no one shall be arbitrarily deprived of his or her property, Pakistan calls for the protection of the rights, property and interests of the people in the occupied territories and supports the right to return of the Palestinians to their homes from which they were displaced. I thank you, Madam President.

President: I thank the distinguished delegation of Pakistan for their statement. Excellencies and distinguished delegates, let us break for lunch now, and we should resume latest by 2:30 PM.

**X. VERBATIM RECORD OF THE THIRD
GENERAL MEETING (CONTD.)**

X. VERBATIM RECORD OF THE THIRD GENERAL MEETING CONTINUED ON TUESDAY, 27 SEPTEMBER 2022, AT 2:30 PM

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

AGENDA ITEM: SELECTED ITEMS ON THE AGENDA OF THE INTERNATIONAL LAW COMMISSION

President: Distinguished delegations and Member States, I can understand after a good lunch how difficult it would be to concentrate and focus on our deliberations, but let us resume back to work. Before we start the next agenda item, that is “Selected Items on the Agenda of the International Law Commission”, I would like to make a gentle reminder to the Member States. Firstly, those who want to make a statement are kindly requested to register with the AALCO Secretariat which has been entrusted with the responsibility of collating the list of speakers on each agenda item and collecting the statements from the floor. For those delegates wishing to take the floor for the agenda item being discussed the Heads of the Delegations may use the ‘raise hand’ function in zoom to so indicate. For those delegates making their interventions, online please remember to unmute your microphone when it is your turn to speak and mute the microphone after your intervention. Online delegations please kindly inform the Secretariat well in advance if you want to make the statement. Thank you. Excellencies, now we start the next agenda item: “Selected Items on the Agenda of the International Law Commission”.

I wish to place on record that on our invitation we have the august presence of Professor Dire Tladi, Ambassador Marcelo Vázquez-Bermúdez, Dr. Nguyễn Hồng Thao, distinguished members of the International Law Commission who will be joining us online as well as in person and enriching us with their insights. In addition, we also have the presence of Professor Bimal Patel, Member-Designate of International Law Commission who has joined us and will be making a presentation. I welcome you Sir. I thank each one of them for accepting our invitation. Member States and Observers wishing to comment can do so towards the end of the session. Now I invite the AALCO Secretariat to deliver the introductory remarks on the agenda item.

Dr. Ali Garshasbi, Deputy Secretary-General of AALCO: Madam President, Excellencies, Ladies and Gentlemen. It is my pleasure to invite you all to the discussion on the topic “Selected Items on the Agenda of the International Law Commission”. The ILC and AALCO have always shared a longstanding and mutually beneficial relationship. In addition to its role as a consultative body among its Member States, one of the primary roles of AALCO as stipulated in article 1(d) of its Statute is to I quote “examine subjects that are under the consideration of the International Law Commission (ILC) and to forward the views of the Organization to the Commission; to consider the reports of the Commission and make recommendations thereon wherever necessary to the Member States”. Fulfillment of this statutory mandate over the years has helped to forge a closer relationship between the two organizations. It has also become customary for AALCO and the ILC to be represented during each other’s sessions. The Asian and African members of the Commission have undoubtedly made, and continue to make a valuable contribution to the work of the Commission. Their presence is essential if the ILC is to be truly representative.

Now, I would like to welcome Members of the International Law Commission, Professor Dire Tladi, Ambassador Marcelo Vázquez-Bermúdez, and Ambassador Nguyễn Hồng Thao who have graciously consented to enrich our discussions today. Also we are delighted to have here with us today the ILC Member-Designate Professor Bimal Patel, who will enlighten us on this agenda item. We appreciate their presence and we hope that we will have more collaboration in the future in events like the recent webinar on Sea Level Rise.

Madam President, the document AALCO/60/NEW DELHI (HEADQUARTERS)/2022/SD/S 1, reports on the work of the ILC on the following substantive topics that were placed on the agenda for its seventy-third Session (2022): (1) Peremptory norms of general international law (*jus cogens*); (2) Protection of the environment in relation to armed conflicts; (3) Immunity of State Officials from foreign criminal jurisdiction; (4) Succession of States in respect of State responsibility; (5) General principles of law; and (6) Sea-level rise in relation to international law.

I encourage, on behalf of the Secretariat, all the delegations to actively participate in the deliberations on this agenda item and in doing so contribute to the codification and progressive development of international law from an Afro-Asian perspective. Thank you, Madam President.

President: I thank the AALCO Secretariat for their introductory remarks. I now invite Professor Dire Tladi to address the Sixtieth Annual Session of AALCO on the topic “peremptory norms of general international law (*jus cogens*)”. The floor is yours, Sir. Let me also take this opportunity to request the ILC Members to restrict their address to maximum ten minutes. Thank you very much.

Professor Dire Tladi, Member, International Law Commission: Thank you very much Madam Chair for your remarks and also I thank the Secretariat for this invitation to review the work of the Commission in respect of *jus cogens*, peremptory norms of general international law. My intention had been to provide a broad overview in my capacity as Chair but I see you’ve got other members of the Commission to do that so I’ll focus as you requested me to do on peremptory norms of general international law. Let me also just, before starting, echo the remarks of the Secretariat on the importance of the participation of AALCO Members in the work of the ILC because of the particular importance of the International Law Commission to the progressive development and codification of international law. I feel that it impacts us as Member States of AALCO in a very significant way which is not very immediate. So it is not very clear why it is so important, but if one takes a long-term view, one would be able to see it is of huge significance, therefore it is important that we pay particular attention to it. So with those brief introductory remarks, let me jump right in and speak about *jus cogens*, peremptory norms of general international law.

First, I need to say that this topic was at its second reading. In general, in terms of the work of the International Law Commission we take a number of years working on a topic and then we do what we call a first reading, which means the first final draft, the first final version of the text, we then send it out to States for their comments and States would then have a year in which to comment on the text. On the basis of those comments from States, the Special Rapporteur which is in this case me, would then present a report which responds to the comments by States and suggests any modifications that ought to be made, either to the text or to the commentary. So really what a second reading is the extent to which we are able to respond to the comments and observations by States and making modifications. So it is in

that context that I shall be sharing with you the work of the Commission in this session. One thing that I will say before I get to the substance is that in this session we found that by and large the comments that we received were largely from developed States which means that there were very few AALCO Member States that sent in submission; that of course is rather disappointing because it means that the influence is coming from elsewhere. Now within the Commission we have devised strategy where we can take into account the views expressed in the Sixth Committee but it really is the written comments and observations that is the most important, in part because they are the ones that are most thought through. So it is really important that we receive these comments. So as I said there was only one African State that made a written submission and as far as States from Asia it was only Japan that made a submission so that I think that is an indication of where we stand. With respect to the comments by States, the comments were generally very positive. There were a couple of States that adopted a rather critical review of the draft conclusions but as a whole the comments from States were rather positive. So on the basis of this the Commission adopted a set of twenty-three draft conclusions with an Annex attached to it. To give you a sort of sense, the draft conclusions are divided into four parts, the first part is an introductory part, the second part concerns identification or how we identify norms of *jus cogens*, the third addresses consequences of *jus cogens*. So once you identify a particular norm as a norm of *jus cogens*, what are the consequences that flow from that and then the final part is general provisions.

I'll just very quickly take you to three of these, and I believe there are six minutes remaining for me now. So as far as the introductory part is concerned, the introductory part is three draft conclusions. The first draft conclusion is "scope of provisions" which is not very controversial and then there was a draft conclusion 2 which used to be draft conclusion 3 on the characteristics of *jus cogens* or the general nature is what we call it. The third draft conclusion is "definitions". Of these the more, I don't want to use the word *controversial*, one might say the draft conclusions that attracted the most attention was draft conclusion 2 on the general nature of *jus cogens*. It basically provided that *jus cogens* norms reflect and protect the fundamental values of the international community, *jus cogens* norms are hierarchically superior to other norms of international law, *jus cogens* norms are universally applicable. There was a very small minority, I must emphasize a very small minority both within the Commission and outside of the Commission that was very strongly opposed to draft conclusion 2. There was also a very large majority both within the Commission and also from States that strongly supported this. So the Commission decided to retain it i.e. draft conclusion 2. It did again try not to look at things purely from who's got the biggest number, we also try ways to be responsive to States. So in this respect we have tried to be responsive to the minority of States. What we decided to do was to place draft conclusion 2 above draft conclusion 3, and the reason for this was we separated draft conclusion 2 from the criteria reducing the risk of these general characteristics being seen as part of the criteria. That is how we were responsive there.

As far as part two is concerned there weren't too many controversial issues. Part two contains one draft conclusion that basically sets out the criteria and it sets out the criteria that the norms in question must be a norm of general international law and secondly it sets out that this norm must be one that is accepted and recognized as one from which no derogation is permitted. There weren't too many controversial issues. There were two issues on which we had a bit of discussion, one concerned whether in draft conclusion 5 to use the words 'basis' or 'sources'. But again this was not a normative issue, so in light of the fact that I only have ten minutes I won't say anything else about it. One issue on which there was a substantive discussion, there were a lot of comments from States, was draft conclusion 7. In particular it

concerned the questions what is the threshold for the international community of States as a whole. In the initial text we have said that the threshold is a very large majority of States. But there were many States that correctly I think noted that this places too much emphasis on quantity not quality and therefore made a number of suggestions. To take into account the responses, the Commission decided to set the threshold at a large and representative majority. To make it clear that is not just about the number but the assessment that must be taken must be a qualitative assessment. So that is all I am going to say about identification. I want to spend a little bit more time on consequences. There are consequences related to treaty law, there is nothing special about these consequences because these basically come from the Vienna Convention and there are consequences relating to customary international law also nothing special because they are also based on Vienna Convention on the Law of Treaties but applied to customary international law. What was a little controversial was the question whether for draft conclusion 16 we ought to also reflect the Security Council? In other words, the idea that the decisions of the Security Council that are in conflict with *jus cogens* are not binding. Whether that should be reflected? So there was a big discussion about this. It's not reflected in the text but is reflected in the commentary, so the commentary makes clear that this is indeed the case. One of the issues there was a huge discussion concerning how to reflect in draft conclusion 19 and in particular consequences of serious breaches of *jus cogens* and the question was how to reflect the current conflict in Ukraine in the commentary. There were some members of the Commission that thought that the commentary that was proposed by the Special Rapporteur paid too much attention to it. In hindsight that was probably a good argument in that respect. So the Commission essentially reduced, if you like, those references and the references were essentially placed in the footnote.

I now move on to the very last part, Madam President. I know you are probably concerned about time, I'll move on to the very last part which is part 4 on "general provisions". Here the major change the Commission made was a change with respect to draft conclusion 21. Draft conclusion 21 set out the procedure for identifying whether or not there has been a breach of *jus cogens* and what the consequence ought to be. Many States commented either that the draft conclusion as it stood created law where there wasn't law or undermined existing rules. The draft was redrafted to make explicit that these draft conclusions are not in any way intended to undermine existing law and that it is simply a recommended procedure. I think that brings me to exactly ten minutes. So I will stop right there. Thank you very much Madam President.

President: Thank you very much Professor Tladi for those thoughtful insights on this very important and very difficult topic "Peremptory Norms of General International Law *jus cogens*". Thank you also for complying with the timelines. Now I invite Ambassador Marcelo Vázquez-Bermúdez to make his address on the topic "General Principles of Law". The floor is yours, Sir.

Ambassador Marcelo Vázquez-Bermúdez, Member, International Law Commission: Thank you Madam President. Distinguished delegates of members States of the Asian-African Legal Consultative Organization and distinguished observers, greetings from Quito, Ecuador. It is an honour for me to make a brief presentation on "General Principles of Law".

On the basis of the consideration of my three reports on the topic, at this year's session the Drafting Committee was able to present to the Commission a report with a consolidated text of 11 draft conclusions provisionally adopted. Of those draft conclusions, six have been

adopted so far with commentaries and the remaining will be adopted next year with the commentaries that I will prepare.

Draft Conclusion 1 on Scope states that “The present draft conclusions concern general principles of law as a source of international law.”

The legal nature of general principles of law as a source of international law is firmly established in State practice, including in bilateral and multilateral treaties, as well as in the decisions of different courts and tribunals.

As it is stated in the commentary, the draft conclusions aim to clarify the scope of general principles of law, the method for their identification, and their functions and relationship with other sources of international law.

Draft conclusion 2 reaffirms a basic element of Article 38, paragraph 1(c) of the Statute of the International Court of Justice, namely that for a general principle of law to exist, it must be “recognized” by the community of nations. The term “community of nations”, found in article 15, paragraph 2, of the International Covenant on Civil and Political Rights, is used as a substitute for the term “civilized nations”, which is considered anachronistic.

Draft conclusion 3 addresses the two categories of general principles of law. The term “categories” is employed to indicate two groups of general principles of law in light of their origins and thus the process through which they may emerge. That general principles of law include those derived from national legal systems is established in the jurisprudence of courts and tribunals and in teachings, some references of which are included in the commentary to this draft conclusion. The commentary also states that the existence of the category of general principles of law formed within the international legal system appears to find support in the jurisprudence of courts and tribunals and teachings, some references of which are also included in the commentary.

Draft conclusions 4 to 6 deal with the methodology for the identification of general principles of law derived from national legal systems. Draft conclusion 4 provides that to determine the existence and content of a general principle of law derived from national legal systems, it is necessary to ascertain: (a) the existence of a principle common to the various legal systems of the world; and (b) the transposition of that principle to the international legal system.

Draft conclusion 5 addresses the first step of the two-step methodology, that is, the determination of the existence of a principle common to the various legal systems of the world. Paragraph 1 states that a “comparative analysis of national legal systems” is required. The “comparative analysis” does not require that particular methodologies that exist in the field of comparative law be employed. What is relevant is that a common denominator is found across national legal systems. Also this comparative analysis must be “wide and representative, including the different regions of the world”.

Draft conclusion 6, provisionally adopted by the Drafting Committee, addresses the determination of transposition to the international legal system. It states that “A principle common to the various legal systems of the world may be transposed to the international legal system in so far as it is compatible with that system.”

The principle found in national legal systems must be suitable to apply in the international legal system. It seems evident that it is not necessary that a principle *in foro domestico* be compatible with every rule of international law. It seems, on the contrary, that the compatibility test must be in relation to norms that are universally accepted and that could be considered as a reflection of the basic structure of the international legal order.

Draft conclusion 7 which was adopted by the Commission with commentaries addresses the identification of general principles of law formed within the international legal system. Paragraph 1 provides that “to determine the existence and content of a general principle of law that may be formed within the international legal system, it is necessary to ascertain that the community of nations has recognized the principle as intrinsic to that system”. The Commission considered that the existence of this type of general principle of law is justified for a number of reasons. First, there are examples in judicial practice which appear to support the existence of these general principles of law. Second, the international legal system, like any other legal system, must be able to generate general principles of law that are intrinsic to it, which may reflect and regulate its basic features, and not have only general principles of law borrowed from other legal systems. Third, nothing in the text of Article 38, paragraph 1(c), of the Statute of the International Court of Justice limits general principles of law to those derived from national legal systems. And fourth, the Commission also considered that the travaux préparatoires of the Statute do not exclude the existence of such principles.

As regards the methodology for their identification, the Commission considered that it is similar to that applicable to general principles of law derived from national legal systems. In both cases, first, an inductive analysis of existing norms is carried out: in the case of the principles of the first category, existing rules in national legal systems are analysed; in the case of the second category, existing rules in the international legal system are analysed. The methodology is also deductive for both categories: in the case of general principles of law derived from national legal systems, their compatibility with the international legal system must be determined; and in the case of principles formed within the international legal system, it must be shown that such principles are intrinsic to the international legal system. The word “intrinsic” captures the idea that what the provision is dealing with are principles that are unique or specific to the international legal system, which reflect or regulate its basic features, or that, in the view of some members of the Commission, are essential for the international legal system to function.

The second paragraph of draft conclusion 7 indicates that the draft conclusion is without prejudice to the question of the possible existence of other general principles of law formed within the international legal system. This paragraph was included to reflect the view of some members of the Commission who considered that paragraph 1 of the draft conclusion would be too narrow and would not encompass other possible principles. Examples of general principles of law formed within the international legal system that were referred to by members of the Commission include the principle of sovereign equality, the principle of territorial integrity, the principle of *uti possidetis juris*, the principle of non-intervention, the principle of consent to the jurisdiction of international courts and tribunals, elementary considerations of humanity, respect for human dignity, the Nuremberg Principles and principles of international environmental law.

It has to be noted that draft conclusion 7 was adopted by consensus by the Commission. Nevertheless, following the practice of reflecting the views of the minority during first reading, those views are included in the commentary to this draft conclusion.

In this regard, the commentary notes that some members, while not excluding that a second category of general principles of law might exist, raised the concern that no sufficient State practice or jurisprudence existed to support fully their existence. Others considered that general principles of law are limited to those principles derived from national legal systems.

I will turn now briefly to Draft conclusion 8 which introduces the concept of subsidiary means for the determination of general principles of law. Those are decisions of international courts and tribunals, and appropriate decisions of national courts.

Draft conclusion 9 refers to the teachings of the most highly qualified publicists of the various nations that may serve as a subsidiary means for the determination of general principles of law. This draft conclusion, like draft conclusion 8, preserves consistency with Article 38, paragraph 1(d), of the Statute of the International Court of Justice.

Draft conclusion 10 sets out the main functions of general principles of law with a view to providing clarification to practitioners on this matter. Paragraph 1 reads: “General principles of law are mainly resorted to when other rules of international law do not resolve a particular issue in whole or in part.” This is considered a statement of fact. The draft conclusion wants to convey the idea that this is the main role played by general principles of law in practice, while preserving a certain degree of flexibility, since they may play other roles. This draft conclusion does not explicitly refer to the so-called “gap-filling” role of general principles of law as the Committee considered this term to be colloquial and not entirely accurate. Turning now to paragraph 2, this paragraph aims at illuminating aspects of what general principles of law do in practice in the international legal system, in addition to what is contained in paragraph 1. The *chapeau* states that general principles of law contribute to the coherence of the international legal system. Paragraph 2 adds that “They may serve, inter alia, (a) to interpret and complement other rules of international law and (b) as a basis for primary rights and obligations, as well as a basis for secondary and procedural rules”. The commentary will provide examples for each of the functions.

Draft conclusion 11 addresses the “Relationship between general principles of law and treaties and customary international law”. Paragraph 1 reads: “General principles of law, as a source of international law, are not in a hierarchical relationship with treaties and customary international law”. It was clarified that States can agree on the applicable law in particular treaty regimes, such as in the Rome Statute, but paragraph 1 of draft conclusion 11 refers to the absence of a hierarchical relationship between general principles of law, as a source of international law, and the other two sources of international law as a general rule. Paragraph 2 states that: “A general principle of law may exist in parallel with a rule of the same or similar content in a treaty or customary international law”.

It implies that if a general principle of law is codified fully or in part in a treaty or may give rise to the formation of a rule of customary international law with the same or similar content, the conventional or customary rule in question does not supervene the general principle of law, and the general principles of law maintains its distinct and separate existence and applicability. In practice, a general principle of law with a same or similar content to that of a treaty or customary rule may serve to interpret or complement the latter, or it may be used as a means to reinforce legal reasoning.

Finally, paragraph 3 provides that: “Any conflict between a general principle of law and a rule in a treaty or customary international law is to be resolved by applying the generally

accepted techniques of interpretation and conflict resolution in international law”. For example, *lex specialis*, *lex posterior*, and *lex superior* as in the case of a conflict with a *jus cogens* norms.

Madam President, distinguished delegates, the objective of the Commission is to complete the first reading of the set of draft conclusions with commentaries next year. The Commission and myself in particular welcome the views and comments of member States of AALCO, and of observer States. Thank you very much for your kind attention.

President: Thank you very much Ambassador Bermúdez for addressing the Sixtieth Annual Session of AALCO and the topic ‘general principles of law.’ Now I invite Dr. Nguyễn Hồng Thao to address the gathering. The floor is yours, Sir.

His Excellency, Ambassador Nguyễn Hồng Thao, Member, International Law Commission: Your Excellency, Madam Uma Sekhar, President of the Sixtieth Annual Session. Your Excellency, Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, distinguished delegates, ladies and gentlemen. Thank you Madam President for giving the opportunity to speak at the Sixtieth Annual Session of AALCO. Furthermore, I would like express my sincerest gratitude to AALCO Members to support the election this year and work of the International Law Commission. AALCO and the International Court of Justice are two partners that are invited interact directly with the ILC Members every year. Last year we had the honour of the visit of the H.E. Professor Gastorn and heartily welcome the visit of the H.E. Dr. Pinitpuvadol next year at the ILC to convey the view of AALCO and its Member States on the work of the Commission. The ILC considers the exchange of views significant because the work of the Commission is based principally on State practice especially from developing countries. AALCO’s comments on the topics under discussion have helped the ILC guide its codification and progressive development activities.

As members of the African-Asian States in the Commission, we tried all our best to reflect the view and protect the interest of developing countries. The topics selected and realized within the framework of the Commission are always based on State practice and satisfy the pressing concerns of the international community. This year the ILC has just adopted two new traditional topics for the next quinquennium. Both special rapporteurs are from developing countries Mr. Cisse on Piracy in International Law and Mr. Jalloh on subsidiary means of the determination of international law.

Beside traditional topics, the ILC is actively involved in new issues arisen from the urgent concern of the community. COVID-19 indicates that the world needs to have a new international instrument to improve the global health care system based on global cooperation and global solution for a common threat. In 2020, some members of the ILC, Mr. Grosmans, Mr. Jalloh and me submitted a proposal on the study “Epidemics and international law” to the programme of work of the Commission. It reflects a new approach to take international law as a central tool to coordinate all efforts in protecting human life from pandemics, a pressing concern of the international community as a whole. Last December WHO decided to develop a negotiation process of a new pandemic treaty and the International Negotiation Body invited Members of the ILC to cooperate in consultation meetings. The study of the Commission, if approved will supplement the Pandemic treaty. It is a new model of cooperation between the two international bodies for a common objective. The Study Group will underline the importance of equitable access to vaccines, advance therapies and diagnosis technologies, for one health approach and principle of common but different

responsibilities in preparedness, prevention and response to pandemics for the benefit of developing countries. We hope to have your support so that the Commission to make a more significant contribution in the codification and progressive development of international law, in serving the concern of the whole international community including developing countries. Thank you very much.

President: Thank you very much Dr. Nguyễn Hồng Thao. I now invite Professor Bimal Patel, Member-Designate, International Law Commission to address the gathering. The floor is yours, Sir.

Professor Bimal Patel, Member-Designate, International Law Commission: Madam President, Secretary-General, Excellencies, ladies and gentlemen. I thank AALCO for extending me an invitation as a Special Invitee to this Session of AALCO. It is an honour to deliver a Statement as an incoming member of the ILC. I express my deep gratitude to distinguished representatives for the same.

I extend a warm gratitude to Mrs Meenakshi Lekhi, Honourable Minister of State for External Affairs of India, for her encouragement and support for the enhanced contribution of AALCO towards the codification and progressive development of international law to realise the goals of the UN Charter.

AALCO and the ILC share and work for several common goals which is inclusive of values, legal systems and aspirations of Asia and Africa and the cooperation and exchange of views between the ILC and AALCO are vital as the work which emanates from the ILC if have sound encapsulations of aspirations and concerns of the Asian and African states, the ILC work not only will stand the test of time but will find more easy acceptance among these nations. Transformation of international legal system from Eurocentric traditions to inclusive system covering all regions can only ensure universal appeal, relevance and utility of international law.

My statement will cover developments on topics that happened at the seventy-third session of the Commission; views on strengthening of relations between the Commission and the Sixth Committee of the UN General Assembly and ideas and suggestions which can enhance contribution of the Asian and African States to the work of the Commission in general.

The draft articles on the Crimes against humanity, adopted by the Commission and the debates in the Sixth Committee of the UN General Assembly in 2021, shows that undoubtedly, an attempt has been made to fill gaps in international law but 'building consensus' remains an important task before any expediting calls are made, amidst of the debate on the Sixth Committee procedures and to break away from the consensus approach and resort to voting procedures. This topic continues to engage legal advisers and State representatives in differing stances as some draft articles are largely based on existing international conventions and devoid of international practice, as well as over-dependence on the non-universal international criminal tribunals, and missing out the regional approaches, content and aspirations. In this context, it goes without saying that fight against impunity, a cherished goal of large international community, can be realised when the whole of the international community acts together and finds a balanced and consensus approach. There can never be a possibility to evade accountability.

The Commission adopted the entire set of draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*) which Professor Tladi mentioned.

As we all are aware, environmental effects occurring both during and after armed conflict have the potential to pose a serious threat to the livelihoods and existence of individuals and communities. Taking into consideration three temporal phases — before, during and after armed conflicts, the twenty-seven draft principles and commentaries, adopted by the Commission, on the protection of the environment in relation to armed conflicts, provide an important opportunity to international community to take note of the draft principles and encourage the widest possible dissemination by States and international organisations, through the UN General Assembly resolutions.

An important topic “Immunity of state officials from foreign criminal jurisdictions” which has been under its deliberations shows that the Commission adopted eighteen draft articles and a draft annex and that comments and observations by States will be called upon to be submitted to the UN Secretary-General by 1 December 2023.

As far as the topic of “Succession of States in respect of State responsibility”, is concerned, the work is in progress – the latest ILC report allows us to observe that the fifth report addresses the problems relating to a plurality of injured successor States or of responsible successor States. It is also important to note that the outcome on this topic is likely to be draft guidelines instead of draft articles which was the case earlier. It is important to note that the draft articles and commentaries are intended to apply in the absence of an alternative solution agreed upon by the States concerned. Undoubtedly, the work of the Commission clarifies the interaction between the law of succession of States and the law of responsibility for internationally wrongful acts and fills the gap to this extent particularly bearing in mind the importance of maintaining consistency with the previous work of the Commission on various aspects of the two areas. Nevertheless, the latest discussion with regard to the future of articles of responsibility of States for international wrongful acts, in various forums, suggest that the State responsibility topic itself requires certain re-examination in view of State practice and doctrines.

With regard to the topic of “General Principles of Law”, Professor Bermúdez has already mentioned so I shall not repeat on the same.

An important topic of “Sea-level rise in relation to international law” saw a reconstitution of the Study Group which had before it, a paper concerning issues relating to statehood and to the protection of persons affected by sea-level rise.

It is important to note that the Commission decided to include the (a) “Settlement of international disputes to which international organizations are parties”, (b) “Prevention and repression of piracy and armed robbery at sea”, and (c) “Subsidiary means for the determination of rules of international law,” in its programme of work and also appointed Special Rapporteurs for each of these topics.

The work and contribution of the ILC to the codification and progressive development of international law has been immense which in turn has directly and indirectly contributed to the goals and objectives of the UN Charter. ILC is a subsidiary organ of the UN General Assembly which abides by clearly set rules. It works on selected approved topics that are

suitable for codification and development of international law. The work of the Commission and its products take years and in a couple of cases it has taken indeed decades but we all are reminded that the work which the Commission does, is not what we see in the media or by experts in the field. The Commission strives to ensure that the progressive development of international law and its codification must always be inclusive in considering law texts, State practice, precedents and doctrines. In the process, the Commission seeks to provide us all a common language, a rules-based system, for the conduct of peaceful and harmonious relations among States, guided by the principles and purposes of the UN Charter.

At times, a global citizen may think why the Commission is unable to study ‘visibly pressing’ topics and come out with products but the work of the Commission is based upon three fundamental considerations while choosing a topic, namely, the Commission applies three tests for the choice of topics: the ‘topic should reflect the needs of States’, the ‘topic should be sufficiently advanced in stage in terms of State practice’ and the ‘topic is concrete and feasible’. This well-established practice remains an article of faith. As far as the content is concerned, the thoroughness and technical quality of its work is central to the authority and persuasiveness of its outputs.

During my interactions with the delegations in New York in 2021, I did emphasise that a study is required on the question of how to improve the capacity of States including AALCO Member States to engage meaningfully in the debate on the Commission’s report, either through adjusting the timing of the respective sessions of the Commission and the Sixth Committee, and/ or finding ways to make the Commission’s report more accessible and digestible. It is important that the Commission finds ways and means to engage in this important discussion. This is along the lines of UN Secretary-General initiative back in 1971 when the International Court of Justice was going through a phase of renewed interest yet scepticism and the UN Secretary-General invited Member States then in 1971 to give recommendations on the Enhancement of Role and Effectiveness of the International Court of Justice. Similar exercise in the context of the ILC as it celebrates 75 years of its establishment will certainly be helpful to the Commission, to the international community and moreover it will also generate interests in academic and research community to promote studies and research in international law.

The output of the Commission is one of the most important means to measure its effectiveness. Draft convention on the basis of ILC draft articles remains perhaps the most important and even desired outcomes but the fact remains that during the last 15 years – no convention has been adopted by the General Assembly, nor under its auspices, on the basis of a final draft by the International Law Commission. In the past two decades, the Commission has submitted to the Assembly nine final drafts on diverse topics, all aimed to eventually serve as the basis of international codification conventions.

As the Commission members enter into quinquennium from 1 January 2023, certain ideas based on my reading and understanding of the Commission’s functioning and work are presented. I believe that the Commission should focus on general international law, while there may be calls for more specialization, I personally believe that to achieve more effectiveness and avoid constraints of expertise on overly specialized topics in the final products, this can be kept in mind. Equally important to keep in mind is the number of topics, five to six topics can be considered each year. Another vital suggestion is that the Commission should continue to strive to adopt and achieve a truly universal approach, by enhancing its ability to understand the practice and the precedents of the various regions of

the world and by considering due regard to the rules concerning the linguistic coverage. On part of the States, it is highly desirable that States clearly convey their expectations regarding the Commission and its work. In this regard, States can more actively propose topics for the attention of the Commission. A very important suggestion is that where the common concern of humankind is evident, the Sixth Committee can entrust proactively work to the Commission to adopt and develop international law. More involvement of States in the topic selection as well as enhanced interests and proactive submission of inputs to the Commission's work will be highly welcome.

Excellencies, ladies and gentlemen, one way to promote and generate interest in the work of the ILC and international law in general would be to develop an active group of scholars, researchers and even students who provide valuable input to the governments on substantive topics. In this regard, allow me to state input expected from States on various topics. The idea is to encourage AALCO Member States to become more aware about their input and plan, disseminate the information so they are in a better position to provide input when the topics will be considered.

With regard to sea-level rise in relation to international law, there is a timeline to provide input before 1 December 2022. With regard to the topic Statehood and Protection of persons affected by Sea-level rise is concerned, the time-line is before 30 June 2023.

For the topic on Piracy and Armed Robbery, contribution in form of laws and practice, agreements and role of international organization the time-line is 1 May 2023.

It is also expected that with regard to the topic on the settlement of international disputes to which international organisations are parties, questionnaires will be sent to States and international organizations and they will be required to submit input before 1 May 2023.

On the topic of Subsidiary means for the determination of rules of international law, the Commission would appreciate receiving information from States, international organizations and others, by 1 December 2022.

Finally, capacity-building in the field of international law has never been such an urgent requirement. While commending the efforts of the United Nations, many Member States in this regard, an establishment of the ILC Trust Fund, at the earliest, to help the Special Rapporteurs in availing research assistance of brilliant minds of international law, in preparation of their reports and relevant materials for the consideration of the Commission is imperative. This topic has been under the discussion in the Commission and in the Sixth Committee, I believe AALCO member States together with all other member States of the UN will realise this critical requirement at it deliberates the Commission report at the seventy-seventh session.

As was mentioned by the Honourable Minister, the philosophy of “*Sabka Saath, Sabka Vikas, Sabka Vishwas, Sabka Prayas*” meaning, the support of everyone, development of everyone, the trust of everyone and everyone's effort, as promulgated by Shri Narendra Modi, Honorable Prime Minister of India, can provide a solid base for the peace, prosperity and security of humanity and international law has an important role to play in the realisation of this goal of humanity. In another context, the five Ss, namely, *Samman* – Respect, *Samvad* – Dialogue, *Sahyog* – Cooperation, *Shanti* – Peace, *Samriddhi* – Prosperity, which India has

been promoting embody the inherent perpetual core of international law and it is an honour to serve the humanity through the medium of international law.

I thank you all for your patience hearing and assure AALCO of my continuous support and engagement to realise the common goals of the ILC and AALCO. Thank you so much.

President: Thank you so much Professor Bimal Patel for those very thoughtful and very informative introductions. Excellencies, now I open the floor for statements on the topic. Discussion on this topic are open to both Member States and Observers. I wish to remind you that Member States and Observers wishing to make any statement on this item should register themselves with the AALCO Secretariat or Heads of Delegations may use the 'raise hand' function in Zoom to so indicate. Now I invite the distinguished delegation from Malaysia to make their statement. The floor is yours, Sir.

The Delegate of Malaysia: Madam President. On the topic on *jus cogens*, Malaysia acknowledges that the Commission had, on 27 July 2022, adopted the Conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*).

Malaysia welcomes the conclusion of this topic by the ILC and recognises its importance in providing clarity and guidance in identifying the peremptory character of norms of international law and the legal consequences. In this regard, Malaysia considers that it is vital that the Conclusions and accompanying commentaries provide guidance accurately to States, national courts, international and regional courts, and other parties, who may be called upon to consider the existence of *jus cogens* norms and their legal consequences. Malaysia also recognises that the AALCO Member States have been deeply engaged with this topic and have taken an active part in the deliberations by providing their views of the same.

To this end, Malaysia appreciates the work done by AALCO in deliberating the ILC work on the topic of *jus cogens* and the observations on the draft conclusions. Malaysia recognizes the complexity and its value to the international law community as a whole. Thank you Madam President.

President: I thank the distinguished delegation from Malaysia. Now I invite the distinguished delegate from Japan.

The Delegate of Japan: Thank you Madam President. Taking the opportunity of the discussion today, Japan would like to reiterate its commitment in supporting the work of the ILC. Given the importance of the work of the ILC, it is crucial for States to engage with and contribute to the ILC and also for the ILC to fully consider the views of States.

Japan notes that the ILC was unable to have an exchange of views with regional organizations during the past few years due to the COVID-19 pandemic. As the ILC plays a pivotal role in the process of codification and progressive development of international law, it is important that the ILC maintains a dialogue with regional organizations including AALCO in order for views from the international community, particularly voices from Asia and Africa to be properly reflected.

Upon resuming the exchange of views between ILC and AALCO, AALCO can play a role to suggest topics to be selected for examination by the ILC to be practical topics that reflect

actual and pressing concerns of the international community as a whole. Japan wishes a constructive interaction between these two important organs will be further strengthened. I thank you, Madam President.

President: I thank the distinguished delegate from Japan. Now invite the distinguished delegate from the Islamic Republic of Iran.

The Delegate of the Islamic Republic of Iran: Thank you Madam President. First of all, I would like to commend the Secretariat for the preparation of a comprehensive report regarding the Report on Matters related to the Work of the International Law Commission at its Seventy-third Session.

The International Law Commission has been playing a crucial role in the codification and development of international law. We appreciate the humble efforts of the Commission and its Special rapporteurs in preparing and drafting the topics in its agenda. The commission, in its seventy-third session, has finished its work on three items, namely peremptory norms of international law (*jus cogens*), protection of the environment in relation to armed conflict and sea level rise.

The first reading on the topic of immunity of States officials from foreign criminal jurisdiction was completed in the very session. We hope that this situation reduces the workload of the Commission in the next session. We are of the view that the high volume of works in the ILC is a significant obstacle to precise consideration of the topics by the States.

My delegation believes that a cautious approach by the Commission in the inclusion of the topics in its program of work may contribute to the intended result from the topics. In this relation, the four elements introduced by the Commission for the selection of topics in 1998 are the appropriate guidance for States and the Commission.

Madam President, turning now to the topics of the ILC, I would like to start with our observation on the topic of “general principles of law.” We commend the Commission for its studies on the sources of international law embedded in Article 38 of the Statute of the International Court of Justice and also the Special Rapporteur Mr. Marcelo Vázquez-Bermúdez for preparing the reports. We appreciate the approach of the Commission for the rational replacement of the phrase “general principles of law recognized by the Community of States” instead of “civilized nations” in the definition of the concept.

However, we are still concerned about the inclusion of the concept of general principles formed within international law in this topic. We are not convinced that such principles or rules serve as a category of general principles of law as embodied in Article 38(1)(c) of the ICJ Statute. Moreover, principles formed within international law generally come to existence through the process of the development of customary international law. In this regard, it should be underlined that the declaration on principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations was adopted by the General Assembly on 24 October 1970, has already provided States with the general principles formed within international law.

Regarding the topic of peremptory norms of International law (*jus cogens*), we support the general approach taken by the Commission to identify peremptory norms of general international law. The second reading of the topic was completed by the Commission and it

seems that the draft conclusions will be a guide for the identification of *jus cogens*. However, it deems necessary for ILC to shed light on this matter whether the “draft conclusions”, “guidelines” and other similar documents are of a prescriptive or descriptive nature and define their boundaries and scope and more generally, determine what their status in international law is. In the same vein, it should be elucidated what is the meaning and scope of the new concept of “codification by interpretation” referred to by the special rapporteur in his fifth report.

On Draft Conclusion 16 regarding “obligations created by resolutions, decisions or other acts of international organizations conflicting with a *jus cogens* norm”, we emphasize that non-derogability of peremptory norms would be equally applicable to the resolutions, decisions and other acts of the UN bodies, specifically the Security Council. In this regard, we are of the conviction that Article 103 of the UN Charter is solely with respect to contractual commitments and as has been stipulated in this Article, “in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.” Therefore, in the event of conflict between peremptory norms and the Charter obligations, *jus cogens* norms remain superior and Article 103 of the United Nations Charter will not be applied.

In this context, those parts of the issued Security Council resolutions that are contrary to peremptory norms of general international law, will not create any obligation for States. Although the possibility of adoption of a Security Council resolution in complete contrast to a norm of peremptory character is unlikely; however, it is not impossible. The history of the practice of the Security Council exhibits instances of adopted resolutions that at the stage of implementation led to a potential conflict with norms of *jus cogens*. Thus, it was necessary to provide a clear reference to the Security Council resolutions in the text of Draft Conclusion to indicate the sensitivity of matter and importance of resolving this conflict.

With regards to the text of Draft Conclusions, on draft conclusion 23 on “non-exhaustive list,” it is hardly to be convinced by the necessity of introduction of a non-exhaustive list of norms of peremptory character as the annex, since from a methodological point of view, this list may substantially change the process oriented nature of this topic. It might also lead to the misinterpretation that the ILC is the main body to recognize and identify the peremptory norms of general international law. In our view the Commission should have concentrated on discussing methodological aspects and secondary rules, rather than the legal status of particular norms.

I would like to wrap up our statement by presenting our observations regarding the topic of “protection of the environment in relation to armed conflicts.” We thank the Commission for the completion of its work on this topic.

As a general comment, my delegation would like to point out as far as the law of armed conflict is concerned, both the customary rules and the provisions of treaty law prohibit belligerent parties, directly or indirectly, from inflicting unnecessary damage on the environment. In accordance with well-established rules of customary law pertaining to armed conflict, parties to the armed conflict are obliged, to protect the environment during the armed conflict. These rules include proportionality and the prohibition on military operations not directed against legitimate military targets, as well as the prohibition of destruction of enemy property not imperatively demanded by the necessities of war.

We take note that the draft principles would apply to international as well as non-international armed conflicts without any distinction; however, considering the dichotomy introduced in the Geneva Conventions between international armed conflicts and non-international armed conflicts, my delegation is of the view that the applicability of the rules of former to the latter doesn't seem possible, since the scope and type of government's obligations towards the environment in armed conflicts are different comparing to non-State actors. For example, a non-State actor cannot be bound to compensate for damages inflicted to environment, nonetheless, this should not be regarded as the freedom of States not to comply with the rules of International Humanitarian Law. I thank you Madam President.

President: I thank the distinguished delegate from the Islamic Republic of Iran. Now I invite the distinguished delegation from the United Republic of Tanzania.

The Delegate of the United Republic of Tanzania: Madam President, the United Republic of Tanzania attached great importance to the mandate of the International Law Commission and the codification and progressive development of international law and fostering international relations with the international community. The United Republic of Tanzania has continued to demonstrate our obligation under international law ensuring that codification and progressive development of international law manifests itself in realizing its objective as stipulated under customary international law and the principles of the United Nations Charter. Madam President, In fulfilling the mandate of International Law Commission, the United Republic of Tanzania has continued to implement in its internal policy and confirmed to implement in its internal policy and domestic laws taking into cognizance of peremptory norms of customary international law, protection of the environment in relation to armed conflicts, Immunity of State officials from criminal jurisdiction as provided under Vienna Convention on Diplomatic Relations, 1961, general principles of law and matters related to Ocean Governance including measures to address issues on sea-level rise.

On Ocean Governance, the United Republic of Tanzania calls upon AALCO Member States to engage positively and in constructive way in the ongoing negotiations of an international legally binding instrument of the protection and conservation of Marine Genetic Resources of Biological diversity at High Seas in order to have an international agreement which is inclusive, balanced and more comprehensive. It is only through this approach, the proposed Biodiversity Beyond National Jurisdiction agreement can be effective in its implementation.

Once again Madam President, the United Republic of Tanzania remains committed in implementing the work of the International Law Commission in codification and development of international law.

President: I thank the distinguished delegate from the United Republic of Tanzania. I now give the floor to the distinguished delegation from the Republic of Korea. You have the floor, Sir.

The Delegate of the Republic of Korea: Thank you Madam President and I would like to thank the Members of the ILC from providing the recent developments. Good afternoon to all.

The Republic of Korea fully appreciates the International Law Commission on its recent work and progress made. We would like to briefly touch upon the following four issues placed on the agenda item.

With regard to the topic of “protection of the environment in relation to armed conflicts,” my delegation would like to express our gratitude to the ILC for adopting recently the second reading twenty-seven draft principles and a preamble on protection of the environment in relation to armed conflicts. My delegation would like to agree with that the draft principles and preamble reflect the increased awareness on the issue and will contribute for the progressive development of international law in the relevant field.

My delegation would like to appreciate its gratitude to the ILC for finishing first reading of the draft articles on the “Immunity of State officials from foreign criminal jurisdiction.” The Korean Government considers that it is important for the Commission to provide appropriate outcomes to meet States’ concerns and mediate divergent opinions within the Commission about this topic.

With regard to the topic “Succession of States in respect of State responsibility,” my delegation reiterates its view that an agreement between the parties concerned should be considered in priority when dealing with this issue. My delegation would like to recall that, in the Sixth Committee of the seventy-sixth session of the United Nations General Assembly, many countries expressed doubt as to whether there is sufficient State practice to ascertain universal rules regarding this topic, and would like to point out that draft article 1(2) also puts emphasis on the subsidiary nature of the draft articles.

Turning to the topic of “General Principles of Law,” with respect to the two types of general principles of law addressed in the Special Rapporteur's second report, namely the one derived from national legal systems and the other formed within the international legal system, my delegation is of the view that the meaning and contents of the latter are rather unclear and would like to suggest the Commission to further examine and study on that issue more in depth. Thank you very much Madam President.

President: I thank the distinguished delegate from the Republic of Korea for their statement. Now I invite the distinguished delegate from the Republic of Indonesia.

The Delegate of the Republic of Indonesia: Madam Chair, Excellencies, distinguished delegates, ladies and gentlemen. Indonesia applauds the ILC's work, which has resulted in significant progress on a wide range of international law issues. It is our view that the agenda of the Commission is worthy of thorough and continuous consideration. Indonesia also fully appreciates the role of the ILC in promoting the development and codification of international law.

We would like to comment on several topics. First, on the topic of peremptory norms of international law (*jus cogens*), second, environmental protection in the context of armed conflict, third, immunity of State officials from foreign criminal jurisdiction, fourth, on the topic of sea level rise in relation to international law.

With respect to the peremptory norms of international law (*jus cogens*), Indonesia appreciates the work of the ILC on this issue. According to Indonesia, the draft already included a consistent definition of *jus cogens*, as enshrined in Article 53 of the 1969 Vienna Convention on the Law of Treaties.

On matters relating to Draft Conclusion 4 regarding the identification of peremptory norms and Conclusion 6 on ‘acceptance and recognition,’ Indonesia views the importance of the

need to clarify proper criteria relating to the identification of *jus cogens*. This topic has been the subject of deliberation within Indonesian courts and jurists for a long time.

This was exemplified in one of Indonesia's landmark decisions, where the Indonesian Supreme Court appears to have applied the principles of international law by declaring that its judges may use rules of international law if they perceive them as part of *jus cogens*.

Knowing its importance in terms of developing the concrete contour of the *jus cogens* norm, Indonesia would like to conduct further study on the relevant draft conclusion accordingly.

On Topics Relating to the Protection of the Environment in Relation to Armed Conflict, Indonesia is of the view that this issue has always had a solid foundation in international law. We view that the inclusion of principles applicable during armed conflict as enshrined under Draft Principles 12 to 19 represents the highest importance to recourse to the solid foundation of the Geneva Convention and other constituent norms and customary international humanitarian law. This inclusion of principles marks the need to provide the same protection for the environment as it does for humans, signifying the inseparable nature of humanity and the environment.

We would also like to comment on the use of the term “Indigenous people” within the draft Principle 5. In this regard, our position has been consistent for many years.

We would like to emphasize that any reference or draft provisions intended to impose both substantive and procedural duties or obligations under international law concerning indigenous peoples apply only to the States covered by these provisions.

In the Indonesian context, we do not recognize the concept of “Indigenous people,” as the entire population of Indonesia since the time of colonization and independence has remained unchanged. As a multicultural nation, we do not have a policy of clustering our society based on such concepts or backgrounds. What the Indonesian government recognizes is the customary law community or we call it *Masyarakat Hukum Adat*, which is firmly inscribed and protected under the Indonesian Constitution.

On topics relating to the immunity of State officials from foreign criminal jurisdiction, Indonesia would like to reiterate our position that there should be no impunity for grave international crimes.

However, due to the complexity and sensitivity of this topic, particularly on matters relating to subjects such as “definitions”, “dispute settlement” and draft article 18 relating to “relationship with internationalized tribunal” or “relationship to specialized treaty regimes,” we are of the position that a more extensive and in-depth study of the draft articles is necessary.

On the topic relating to sea level rise in relation to international law, Indonesia emphasizes the maintenance of the concepts of clarity, security, and predictability as well as the preservation of the balance of rights and obligations.

My delegation is of the view that the changes in the natural landscape which may be impacted by the inundation of the sea should not impact the existing maritime boundary agreements and the law of treaties shall prevail.

In this regard, charts or lists of geographical coordinates of baselines that have been deposited with the Secretary-General pursuant to Articles 16 (2) and 47 (9) of UNCLOS shall be respected.

We believe that maintaining existing maritime baselines and limits that correspond to the principles of certainty, security, and predictability reflects the interests of many States in connection with the effects of sea level rise.

We also welcome the idea of future work on the topic, particularly in relation to statehood and the protection of people affected by sea-level rise. We emphasize that further study is pertinent on this issue, as the adverse effect of sea-level rise might severely affect small island States.

My delegation welcomes and encourages further consideration by the international community, including AALCO member States, to seek an acceptable 'best solution' in addressing and resolving the international legal dilemma relating to baselines and maritime boundaries impacted by sea level rise. I thank you, Madam President.

President: I thank the distinguished delegation from Indonesia for their statement. I now give the floor to the delegation from India. You have the floor, India.

The Delegate of the Republic of India: Thank you Madam President, the Indian delegation takes this opportunity to thank the Deputy Secretary-General for his introductory remarks.

The delegation also thank distinguished Members of the International Law Commission for giving excellent presentations on various items on the agenda of the International Law Commission. Special thanks to ILC Member-Designate, Professor Bimal Patel for his presentation. We are confident such discussion will strengthen the relationship between AALCO and the International Law Commission and facilitates Member States in having an in depth understanding of the topics on the agenda of the ILC.

As we all are aware that Article 1(d) of the Statute of AALCO mandates the AALCO Secretariat to consider the matters relating to the work of the ILC in its Annual Session. In this context, the Indian delegation would like to urge the AALCO Secretariat to have dedicated intersessional meetings on ILC topics which are of importance for AALCO Member States. This will give more time to Member States and AALCO to focus on select topics of the International Law Commission.

We also take note of the excellent background document prepared by the Secretariat which is very useful for the Member States to understand the nuances of the topics.

Madam President, due to the paucity of time the Indian delegation will not read the full text of the statement. We would be making a few general observations and text of the statement will be submitted to the Secretariat to reflect in the official records of the Session.

Madam President, India is aware of the impact of sea-level rise and the immense challenge of understanding complex legal and technical issues associated with sea level rise without losing sight of their human dimension. The legal implications of sea level rise will manifest at the national, regional and international levels. Potential effects on statehood, maritime zones, and human rights need to be examined.

The Small Island Developing States (SIDS) are facing disproportionate challenges to their social and economic development given their small size, remote location, vulnerability to sea level rise, high costs for energy and transportation. In effect, it's an existential crisis for them. The territories of SIDS, and the maritime zones established under the United Nations Convention on the Law of the Sea (UNCLOS) are central to their statehood, economies, food security, health and education prospects, and even their unique cultures and livelihoods. Therefore, the work of the ILC is particularly of importance to SIDS countries. Reducing the vulnerability of SIDS and strengthening their resilience to climate change should be a collective responsibility of the international community.

We would like to thank the International Law Commission, and in particular the Study group on Sea-Level Rise in relation to International Law, for their work. We look forward to further discussions and considerations by the International Law Commission with due respect for the integrity of the UNCLOS.

Madam President, as per the draft articles on Responsibility of States for internationally wrongful acts, 'every internationally wrongful act of a State entails the international responsibility of that State.' From this background, India has been supporting the work of the International Law Commission (ILC) on the topic 'Succession of States in respect of State responsibility.' The grey area of the remedies for the injured States when there is a succession of the States involved in harmful acts or omissions needs attention.

India takes note of the fifth report of the Special Rapporteur. India notes that the fifth report primarily addresses the problems relating to a plurality of injured successor States or of responsible successor States. India agrees with the approach that the work of the ILC on this topic would take the form of draft guidelines, rather than draft articles.

Provisions regarding reparation committed for injury resulting from internationally wrongful acts committed against the predecessor State is a notable addition in the fifth report. Responsibility arising out of the plurality of States makes it clear as to when more than one States are involved as predecessors or successors. However, as provided under draft article 15, the question whether the successor States, after their succession can also claim reparation individually is debatable as after the succession, the State loses its earlier identity.

The Indian view, in general, is that, the draft guidelines presented by the Special Rapporteur were subsidiary in nature and that priority should be given to agreements between the States concerned, as stated in draft article 1, paragraph 2. India's view is that neither the 'clean slate rule' nor 'automatic succession' could be accepted as general rules as both these theories have their own drawbacks.

As to the outcome of the final document, Indian preference is to have "softer" outcome, such as draft guidelines or conclusions, rather than a treaty or agreement on the topic.

Madam President, we take note of the fifth report of the Special Rapporteur on Peremptory Norms of General International law (*jus cogens*).

We commend the work of the Special Rapporteur in particular and the Commission in general on this highly relevant topic is very much commendable. We agree with the view that there isn't sufficient State practice on the topic and congratulate the Special Rapporteur in his attempt to maintain a balance of approach between theory and practice.

Since peremptory norms of general international law (*jus cogens*) were hierarchically superior to other norms of international law and hence, the standard used to identify them must be clear and unambiguous. For this reason we believe that "Fundamental values of the international community of States as a whole referred in the draft conclusion 3 may require further clarification.

Draft conclusion 23 provides for a non- exhaustive and illustrative list of peremptory norms. Some of the norms on the list may not be well defined in international law and the interpretation of their applicability differed from State to State; the norms themselves as well as the desirability of including such a list should also therefore be subject to further discussion.

The existence and definition of regional peremptory norms had been debated at length by international legal scholars. Peremptory norms might be influenced by regional State practice, the idea of some norms being peremptory was precisely that they were universal in nature and in application. Whether norms that applied to some but not all States could still be considered peremptory was a question that merited careful examination. We welcome the Commission's position on this issue that "regional *jus cogens* does not exist."

Madam President, we take note of the third report of the Special Rapporteur, Mr. Marcelo Vazquez Bermudez, on "General Principles of Law." The third report seeks to complete the set of draft conclusions proposed by the Special Rapporteur which addresses issues such as transposition of principles common to various legal systems of the world to the international legal system, matters regarding the methodology for the identification of general principles of law formed within the international legal system, the functions of general principles of law, as well as their relationship with other sources of international law.

We reiterate the importance of the topic and believe that the basis for the work of the Commission on the topic should be Article 38, paragraph 1(c) of the Statute of the International Court of Justice and also State practice and jurisprudence.

We take note of the approaches to the draft conclusion particularly on approach to the issue of "transposition of the general principles of national legal system to the international legal system."

We take note of the Special Rapporteur's views on the suggestions made during the discussions particularly on transposition, recognition of transposition and precise criteria for ascertaining transposition. The suggestions regarding transposition also highlights that such transposition should not be incompatible with the basic elements of international law and should strike a balance between rigor and flexibility so that the methodology for identification is based on objective criteria for performing their functions.

On the second category i.e the general principles of law formed within the international legal system, we have taken note of the divergent views expressed by the Members including doubts on its existence. We welcome further discussion on this for a clear distinction between the second category and other sources of law particularly customary international law.

We also take note of the general consensus that general principles of law plays a role of gap filling in relation to treaties and custom, despite the absence of a hierarchy among the

sources. Detailed statement of the delegation will be submitted to the AALCO Secretariat for reflecting in the official records. Thank you Madam President.

President: I thank the distinguished delegate from India. Now I give the floor to the distinguished delegate from the People's Republic of China.

The Delegate of the People's Republic of China: Madam President, the International Law Commission remains committed to the codification and progressive development of the international law. This year, the Commission once again managed to overcome the adverse effects brought about by the COVID-19 pandemic, and conducted in a hybrid format its 73rd session, during which 6 topics such as "peremptory norms on international law" were discussed. China wishes to express its appreciation towards the toil and sweat of all members as well as the Secretariat.

Madam President, taking advantage of this opportunity, we would like to share our opinion with colleagues from the region on the following topics:

With respect to "Peremptory norms of international law (*jus cogens*)", the draft conclusions were adopted by the Commission on second reading during this session. China wishes to thank the Special Rapporteur, Mr. Dire Tladi of South Africa, for all his efforts. Being a question of extreme importance to international law, the rules of *jus cogens* must be interpreted on the solid basis of careful, sound studies. The draft conclusions touch upon the nature, definition, methods of identification and legal consequences of *jus cogens*, and can serve as development to the relevant rules. We notice that, from the discussions taken place in the Commission as well as the Sixth Committee, parts of the draft conclusion remain controversial, for example, the situation where Security Council resolutions "conflict" with *jus cogens*, and the non-exhaustive list in the annex. Generally speaking, China believes that there is still room for improvement in terms of the methodology and final outcome adopted by the Commission on this topic.

With respect to "Immunity of State Officials from Foreign Criminal Jurisdiction", which is the most contentious and divisive topic discussed for the longest period so far, the Commission continued to consider issues related to strengthening procedural safeguard for the exception of immunity at this session. However, this is not enough to fix the fundamental flaw of the present draft articles on substantive issues. With respect to draft article 7, China joined many other countries in expressing concerns at the Sixth Committee. It is our concern that there is far from consensus on some important issues such as the exception of immunity *ratione materiae*. It is our view that draft article 7 is not a codification of customary international law, and lacks support from State practice. We are concerned that the draft article 7, by expanding the scope of the exception of immunity *ratione materiae*, would lead to abusive prosecution of foreign leaders and governmental officials. And in practice, officials from developing countries are targeted by such abusive prosecution. Therefore, we hope that the Commission will have a serious review of this draft article during the second reading, and come up with a correct conclusion solidly grounded on general State practice and *opinio juris*.

With respect to "General Principles of Law", China supports the Commission in strengthening relevant studies, which is helpful to improve the understanding of international law. The Special Rapporteur submitted his third report to the Commission at this session, which was relatively balanced as a whole. For the draft conclusion 5, "to determine the

existence of a principle common to the principal legal systems of the world, a wide and representative comparative analysis of national legal systems is required”, China agrees with this principle and believes that it is necessary to satisfy the requirement of paragraph 1(c) of Article 38 of the Statute of the ICJ, and fully reflect the general consensus of the international community including developing countries. Therefore, we suggest that the Commission further emphasizes in the commentary that the legal principles recognized only by a small number of countries or groups of countries do not constitute the above-mentioned “common principles.” For the draft conclusion 7, i.e., “Identification of general principles of law formed within the international legal system”, China believes that at present there lacks sufficient theory and practice to support the existence of such category of general principles of law, and that it is unnecessary to bring this category into discussion.

Madam President, China has always attached great importance to, and has always actively supported the work of the Commission. This year marks the final year of the term of office for the current panel. Next year, there will be twelve new members from Member States of AALCO starting their service for the next quinquennium. The work of these members will definitely contribute to reflecting the practice of and concerns on international law from Asian and African countries within the Commission. China will, as always, be supportive to the cooperation and interactions between AALCO and the International Law Commission, hoping that both organizations will go hand in hand in upholding the international order based on international law, and in promoting the international rule of law. Thank you, Madam President.

President: I thank the distinguished delegation from the People’s Republic of China. Now I invite the distinguished delegation from the Socialist Republic of Viet Nam. The floor is yours, Sir.

The Delegate of the Socialist Republic of Viet Nam: Madam President, distinguished delegates. First and foremost, our Delegation would like to express our gratitude and appreciation to the comprehensive report by the AALCO Secretariat on Selected items on the agenda of the International Law Commission at its seventy-third session as well as to the fruitful work by the International Law Commissioners as a whole.

On this occasion, allow us to acknowledge the ILC's dedication to the progressive development and codification of international law. We share the belief that topics discussed at the ILC are of high significance and would influence modern international law. Therefore, we thank AALCO for providing us another forum to voice our opinions and share our points of view with the ILC members directly. Also, we would like to express our support for Vietnamese ILC member, Ambassador Nguyễn Hồng Thao, in his contribution to the work of the ILC.

Turning to the specific topics, we would first of all congratulate Mr. Dire Tladi and Madam Marja Lehto for concluding their drafts on “Peremptory norms of international law” and “Protection of environment in armed conflicts” for the second reading of the Commission. We are of certain belief that, the drafts would be carefully examined and considered during the seventy-seventh session of the General Assembly in October 2022.

Madam President, regarding the topic immunity of State officials from foreign jurisdiction, Viet Nam maintains the view that whereas we are attempting to combat impunity for serious international crimes. The fundamental principles of international law stipulated under the UN Charter shall be of utmost importance, namely the sovereign equality and non-interference in

States' internal affairs. Accordingly, States' criminal jurisdiction should be born in mind when taking into account immunity of foreign officials.

Next, our delegation would like to express our appreciation for the latest report on "General principles of law" by Mr. Marcelo Vázquez-Bermúdez, which discussed systematically the functions of general principle, particularly to fill the lacunae of international law, avoiding the situation of *non liquet*, as well as the relation between general principles and other sources of international law. Viet Nam sustains the view that, any principle transited from domestic legal system must be compatible with fundamental principles of international law enshrined in the UN Charter, underlines the strictly complimentary role of general principles to other sources of international law and the priority of application of treaty rule. We hope the Special Rapporteur would come up with a methodical approach to the origin and creation of a general principle, as well as States' acceptance of such principle and the lack thereof, focusing on its quality and the application.

Last but not least, we applaud the progress in the topic "Sea level rise in relation to international law." As one of the countries most heavily affected by sea level rise, Viet Nam pays high attention to the study of sea level rise and its impacts upon the development of States, as well as the stability and security of international relations. First and foremost, we reaffirm the universal role of UNCLOS in dealing with marine issues, including matters arising from sea level rise, and underscore that maritime boundaries are final and not to be changed due to the effects of sea level rise. We encourage the Study Group to incorporate in the report the examination of international environmental law, and are convinced that, to cope with sea level rise in the long term, States need to fulfil their environmental commitment and further facilitate international cooperation.

Once again, we congratulate and thank the International Law Commissioners for a hard-working and successful term, despite setbacks from the COVID-19 pandemic. We look forward to the new Commission for the term 2023-2027 and trust the Commission's continued effort to address significant legal issues. I thank you, Madame President.

President: I thank the distinguished delegate from the Socialist Republic of Viet Nam. Excellencies, with this we have exhausted the list of speakers on this agenda item. If there are no further statements from the Member States, I will now open the floor for the Non-Member States and Observers if they wish to make any statements. If there are no further interventions, I now open the floor for a brief question and answer session. So this session is only for ten minutes. I understand that delegations can make use of this opportunity to interact with the ILC Members for any questions or any clarifications they would want to seek. If there are none we will take up the next topic for discussion scheduled today. Shall we proceed? Now we take up the last topic for the day 'International Trade and Investment Law.' I invite the AALCO Secretariat to make introductory remarks.

**XI. VERBATIM RECORD OF THE THIRD
GENERAL MEETING (CONTD.)**

**XI. VERBATIM RECORD OF THE THIRD GENERAL MEETING CONTINUED
ON TUESDAY, 27 SEPTEMBER 2022, AT 4:15 PM**

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

AGENDA ITEM: INTERNATIONAL TRADE AND INVESTMENT LAW

His Excellency, Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO: AALCO's engagement with the topic "International Trade and Investment Law" could be traced back to the times when these topics were dealt with separately. AALCO's tryst with WTO law dates back to the time when the topic "WTO as A Framework Agreement and Code of Conduct for the World Trade" was placed on the agenda of AALCO at its Thirty-Fourth Session held in Doha, the State of Qatar in 1995, the same year in which the Uruguay Rounds of Negotiation were completed leading to the establishment of the WTO.

As regards the work on International Investment Law, although the topic is of much recent interest to States, AALCO has had a long-standing association with it since the days of the Charter of the Economic Rights and Duties during the nascent days of the development of the field of law as we know it today. Although the topic did not receive stand-alone consideration, it featured in the program of work titled as 'The Treatment of Aliens' and was a prominent part of the topic 'Regional Cooperation in the Context of the New International Economic Order.' The topic "Promotion and Protection of Investment on a reciprocal basis" was first discussed at the Twenty-First Annual Session of AALCO held in Jakarta, Indonesia, in 1980.

The topics "World Trade Law" and "International Investment Law" were considered together in the same general meeting, and dealt with in the same brief as a combined topic having common concerns and synergies in discussion, for the first time at Tokyo, Japan during the Fifty-Seventh Annual Session of AALCO in 2018.

The document AALCO/60/NEW DELHI (HEADQUARTERS)/2022/SD/S13 that contains the report on the topic 'International Trade and Investment Law' raises the following three issues of contemporary relevance. First, Recent developments at the 12th Ministerial Conference of the World Trade Organizations (WTO). Second, the work of the UNCITRAL Working Group III on the reform of Investor-State Dispute Settlement Mechanism completed during its recent sessions. And third, the work of the UNCTAD on the recent developments in the area of International Investment Agreements or IIAs.

Looking at prevailing environment in international relations, the topics chosen could not have been more relevant. It is believed that Member States would have much to contribute towards taking the discussion forward on these key issues. Thank you.

President: I thank the Secretary-General of AALCO for his very insightful remarks on the topic. I now invite Dr. Aniruddha Rajput, Member, International Law Commission to make his presentation on the topic.

Dr. Aniruddha Rajput, Member, International Law Commission: Thank you Madam President, Excellencies, ladies and gentlemen. It's a great honour and privilege to address you

all although virtually on this important topic of international investment law. I wish to of course begin by thanking the Secretariat for this kind invitation and for the organization of this event but so seriously. In the next ten minutes in which I intend to make a brief presentation I wish to address the issue of counterclaims in investment treaty arbitration. I think it is one of the most critical aspect from the perspective of States. While making presentation I have three broad themes to make. The first theme is why are counterclaims so important in the context of investment treaty arbitration. Secondly, what is the current state of counterclaims in the discussion in the UNCITRAL Working Group on Reforms to ISDS and thirdly what could be potential way forward for Asian and African States to protect their interests and make sure that foreign investment is used for their benefit and investment arbitration doesn't become a mechanism for massive financial losses. Which has been the case in Asia and Africa and the developing world generally.

Now addressing the first point of benefits of counterclaims in investment arbitration. The first benefit is that counterclaims provide a mechanism and forum for addressing the imbalance between the interest of the investor and the interest of the host State. Counterclaims provide an opportunity for a host State to raise claims against the investor for having committed actions which would contradict either the domestic law or international law. Criticisms of the mechanism of ISDS is that it's a one sided mechanism and only investors can file claims against States, but what if an investor has damaged the environment? What if an investor is acting contrary to corporate social responsibility laws of the host State? What if an investor has committed serious human rights violations? Does it mean that the host State has avenues to raise all these issues?

Of course one mechanism is to raise these issues before domestic courts, but the problem with the domestic court is that once the decision is rendered by the domestic court that decision can be further challenged by the foreign investor before investment treaty arbitration. So the availability of remedy before national courts is not as effective as much as a counterclaim would be. Most importantly a counterclaim would be raised immediately when a claim is raised by an investor. Which means that in the same proceeding the State would be able to raise serious violations of other laws of its own national and international law by the investor which might even include allegations of corruption, abuse of the process etc.

Now this can be done procedurally the moment the proceedings begin. What did it allow in the proceedings it removed the possible of multiple cases being fought on the same issue either before the national court or before the international fora. But the most important effect of a counterclaim is that it acts as major dissuasion for any frivolous or baseless claims that might be brought by a foreign investor.

The scenario of foreign investment protection has drastically changed today due.to presence of third party funders. There are several funders in the market that take up the claim of an investor, pay the money and then fight the claims on behalf of the investor deciding to split the gains from these proceedings. Now in such situations there is a possibility that a funder might be simply gambling and trying to take chances. But if there is a fear of a counterclaim, possibility of a counterclaim then there is every reason that any such frivolous claims would be thought quite carefully right at the inception and probably may not be brought before an investment tribunal. So there are several benefits which entail if there is a provision of a counterclaim.

But let us look at where the status of law is at the moment. At the moment there are not many investment treaties that contain provisions on counterclaims. The most cited example is the example of the International Convention on the Settlement of Investment Disputes and in particular article 46 of the ICSID Convention and rule 40 of its rules and procedures which provide for a possibility of making a counterclaim. But the nature of counterclaims as contained in the ICSID Convention is very detailed. The ability of a State to raise a counterclaim is substantially narrowed down. This narrowing down of the right of States to file a counterclaim is primarily because when the ICSID Convention was formed it was not created to address bilateral investment treaties, it was created to address contractual disputes. Because there was a possibility of these disputes arising purely out of contracts, the question was how to address this and therefore the counterclaims were limited.

The ICSID Convention limited counterclaims in only three situations. First the counterclaim has to arise directly out of the subject matter. Now if it is said that it is to arise directly out of the subject matter which means that an investor can very much say that although I may have committed breaches of the environment, I may have committed violations of human rights, I may have indulged into corruption it doesn't have any connection to my claim because the nature of the proceedings would be limited to the claims which have been sought to be made by the foreign investor. But an appropriate way therefore would be all counterclaims could be in relation to all investments, which means all forms of investment at its several stages would be covered and the State would be entitled to have a broader right to have a counterclaim. Which doesn't seem to be the case unfortunately in the way article 46 is formulated.

The second requirement is that the counterclaim has to fall within the scope of the consent of the parties. Now the consent of the parties has been used by several investors to reject counterclaims by States. According to most of these tribunals it is necessary that the investor also agrees to the filing of a counterclaim by the State or its home State has agreed to the filing of a counterclaim. Now this introduces a very high burden.

Now it is very interesting, some of these issues came up before investment tribunals but on the other side. They came up on the other side which means that whether a State's consent to the ICSID Convention or whether a State's entering into a bilateral investment treaty by itself is sufficient for a claim to be filed. There the tribunal said that's enough as a consent and we have to interpret the consent broadly because when a State enters into an investment treaty there is an offer to have arbitration proceedings. I think this same principle ought to be applied and to say that the moment that the investor initiates those proceedings he has accepted the offer and therefore has also accepted the possibility of a counterclaim being filed against the investor, which unfortunately doesn't seem to be the approach in some of the major decisions of investment tribunals.

The third requirement is that dispute should be otherwise within the jurisdiction of the ICSID. Which is a fairly understandable situation because these principles are quite well settled and it is easy to ensure that a jurisdiction falls within the jurisdiction of the ICSID. But the critical is that firstly the dispute should arise directly out of the subject matter and secondly it should fall within the consent of the parties.

Let me quickly address what is the status in the UNCITRAL Working Group, and why I don't think it's going in the right direction. Right from the moment the discussions started, I understand that the issues of counterclaims were left behind. It was always said that this is without prejudice to any decision on counterclaims. We'll come to it later, but the most

important aspect of counterclaims has been pushed behind. There are several interesting arguments in my view unfortunately none of those arguments are tenable. The first argument that has been often made is that these are procedural matters, the UNCITRAL Working Group is working on procedural matters and counterclaims are substantive. I don't think that's the right argument because counterclaims have both aspect procedural as well as substantive. For example the definition of investment as contained in the ICSID Convention is both substantive and procedural. Still the matter of definition of investment is decided by the ICSID Convention and superimposed on the investment treaties. So I don't think that it is right to say issues of counterclaims are substantive or the substantive aspects of counterclaims need to be ignored. I think that is not the right approach. These issues of counterclaims are linked and there they ought to be considered.

Now the question is what are the substantive issues which I think fall under the broad umbrella of a procedural aspect. What are those substantive issues that are important and that's also one of criticism of some of those who don't want counterclaims to be introduced. Obviously the States who are pro capital exporting States are keen that their investors are protected. What they tend to say is when it comes to the substantive obligations. There are no substantive obligations that can be identified because investment contain only obligations on States and not on foreign investors, which is a mistake because one of the elementary requirements all investment treaties have is that the investment should be made legally, that is called the doctrine of legality in accordance with domestic laws. So an investor has to enter and perform his activities in accordance with the domestic laws of the host State. So all the issues of corruption, abuse of human rights, breaches of the environment, non-compliance with climate change regulations, would definitely fall in that rubric of the domestic law of the host State. Additionally it is both international law and domestic law that is applicable. A Classical example is article 42 of the ICSID Convention which recognizes this and that is the settled jurisprudence.

There is also a way to apply all the aspects of obligations on foreign investors. So there is perfectly a mechanism to do that. Now before I conclude, I really wish what could be a potential direction for Asia and Africa in this situation before the UNCITRAL Working Group. A good example is interestingly from India and from Africa. The first is the example of the Indian Model Bilateral Investment Treaty. I have the great privilege of being involved in finalizing that treaty as a part of the Law Commission of India. The second example is the Pan-African Investment Code; there is also an Argentina-Qatar Investment Treaty; all these treaties provide if a State finds it necessary would have a right to file a counter claim. There are no further restrictions imposed on counterclaims. Counterclaims are drafted in the broadest possible manner by treaties of Asian and African States because they do realize there might be occasions where counterclaims need to be filed. Therefore, that's the kind of formulation the broad formulation which ought to be followed. If that is followed it would provide a balance; it would not just be in favour of the developing States, Asian-African States, but it will also ensure that legitimate investors are protected.

What we have today is two versions. One version is where counterclaims are drafted in a manner so broad that they could never be filed. The existing case-law shows us that none of the counterclaims were entertained as they were always rejected and never met the innumerable number of conditions that were imposed under the ICSID Convention. Unfortunately, that seems to be the draft that is now being deliberated at the working group at UNCITRAL. An appropriate way is to follow the approach which the Asian and African States have followed within their region and their investment treaties, which is to have a

narrowly defined counterclaims clause implying that States would be able to freely bring in counterclaims without any restrictions, which I think would be an appropriate approach.

Many thanks for this invitation to speak to you all and thanks to you all for listening to my presentation. I am of course happy to take any questions towards the end of the presentation.

President: I thank Dr. Rajput for his in-depth presentation. I now invite delegates from Member States to deliver their statements on the topic. The distinguished delegate from Malaysia, you have the floor, Sir.

The Delegate of Malaysia: Madam President, Malaysia thanks the Secretariat for the report on this topic. Our intervention is in response to the issues highlighted in the report.

First on WTO Reform, Malaysia supports any efforts made to review and enhance the WTO's functions in order to restore the effectiveness and credibility of the WTO as the main forum for the negotiation of trade rules and further liberalisation. In today's multi-faceted challenges facing the world's overall trading system, WTO needs to be capable of responding more effectively to those challenges.

Malaysia notes that the report touched on the revival of the Appellate Body of the WTO. In this regard, Malaysia believes that the Member States of the WTO need to vigorously engage in constructive discussions with an aim of achieving concrete solutions in line with the WTO's mission of being a forum for Members to settle trade disputes. The Appellate Body is one of the important bodies of the WTO without which WTO's function as the main forum for settling trade disputes would fail.

Malaysia understands that since the WTO is consensus-based, reaching an agreement on reforms among all 164 members may pose difficulties. However, without a concentrated effort to end the crisis, not only will Member States diminish the chances of Appellate Body reform but also reduce the likelihood that the entire WTO membership will agree on new trade liberalising agreements.

With regard to Special and Differential Treatment (SDT) provisions, it could be found in many provisions under the WTO Agreements such as Article XVII of the General Agreement on Tariffs and Trade, Article IV of the General Agreement on Trade in Services and Article 4.10 of the WTO Dispute Settlement Understanding which gives sympathetic consideration or leeway to developing and least developed countries in implementing their WTO obligations. These types of preferential treatment have been adopted by WTO Members into their bilateral or regional Free Trade Agreements (FTAs).

Considering that Malaysia is a developing country and subject to policy consideration, Malaysia has no objections for the provision on SDT to be accepted and adopted in our FTAs.

Madam President, Malaysia supports the work done under Working Groups II and III of the United Nations Commission on International Trade Law (UNCITRAL) to improve the process and procedures for alternative dispute resolution mechanism in particular the work on establishing a Code of Conduct for Adjudicators and the possibility of establishing a Standing Multilateral Mechanism for International Investment Disputes.

Malaysia acknowledges the importance of having a Code of Conduct for Adjudicators handling International Investment Disputes since this will increase the transparency and give confidence in the impartiality and the independence of those adjudicators the disputing parties trust to resolve their issues. The Code of Conduct would also lay a foundation to be followed by those who intend to incorporate such codes into their agreements. We note the discussions on the Code of Conduct is at an advanced stage under ICSID but we encourage other AALCO Members to continue to support the discussions and the establishment of the Code.

In relation to the discussions on the Standing Multilateral Mechanism for International Investment Disputes, Malaysia is always supportive of efforts to improve the ISDS regime and although the discussion is still at a preliminary stage, Malaysia strongly believes that all concerns and issues raised should be looked at and addressed in detail before the draft provisions are further firmed up and formulated. Malaysia is of the view that the two important issues arising from the draft provisions are on the scope of the standing tribunal to be established, the jurisdiction of the standing tribunal and the selection of members of the tribunal.

With regard to the scope of the standing tribunal, Malaysia notes that the improved element would be the fact that it is meant to be a permanent body to resolve international investment disputes. The permanent nature of the tribunal would be an important element which must be expressly included in the draft provisions. In absence of the phrase "permanent" in draft provision 1, it raises the question of whether such tribunal may be able to function as a permanent or *ad hoc* body.

On another note, the Commission should also simultaneously commence discussions relating to the organisational and administrative aspects of a permanent body namely expenses of maintaining such body. Such issues are difficult issues and should not be placed at a later stage for discussions.

Further, on the jurisdiction of the standing tribunal, draft provision 2 sets out the scope and parameter of the tribunal's jurisdiction and it is of utmost importance for the provision to be formulated accurately. Malaysia notes that both Option 1 and Option 2 of draft provision 2 allow for any dispute to be brought before the tribunal and not limited to investment dispute. Malaysia is of the view that considering the object and purpose for the reform is to make improvements for investment dispute mechanism, the reform should focus on limiting the scope to disputes between investors and the host State only and is not to be extended to a State to State dispute. If the reform is to be applied to all forms of arbitration, it could be proposed for such subject matter be introduced under the UNCITRAL Working Group II which has a broader application.

In general, Malaysia supports the draft provisions for the establishment of a standing multilateral mechanism for adoption by States.

Madam President, Malaysia notes that the United Nations Conference on Trade and Development's (UNCTAD) key aim in reforming International Investment Agreements (IIAs) is to introduce policies that are in line with its sustainable development goals. Most IIAs do not specifically provide for sustainable development provisions due to the inability of the host State to enforce or implement such provisions, the need for the host State to attract capital intensive investments and ensure the economic growth of the State or both.

Malaysia is of the view that the issue of whether and to what extent IIAs should be sustainable development-oriented not only depends on the availability and types of sustainable development provisions contained in the IIAs, but also relies on the practical effectiveness of the provisions. Further, policy consideration is required before such provisions are introduced.

In practice, Malaysia has always dealt with the idea of sustainable development separately from IIAs as the purpose of IIAs are for purposes of promoting, facilitating and providing protection to investments. Elements of sustainable development have always been addressed under specialised treaties, such as international human rights treaties and their implementation regimes. If it may appear insufficient and ineffective in addressing sustainable development concerns, then the insufficiency should be addressed in those specialised agreements.

Although many agreements containing investment obligations and commitments have incorporated elements of sustainable development, the elements varies and depends on the specific issues the parties intend to address, such as environmental or labour and human rights protection. Although the expansion of the scope of investment facilitation to include other elements of international law such as human rights and labour rights is inspiring, its implementation may prove to be challenging.

Madam President, in short, Malaysia has actively contributed in most of the areas highlighted in the report and will continue our engagement especially in the UNCITRAL Working Group III to ensure that a dynamic and robust discussion is conducted and for our position to be incorporated in those forums. Thank you, Madam President.

President: I thank the distinguished delegation from Malaysia for their statement. Now I invite the distinguished delegation from the Socialist Republic of Viet Nam. Before I give the floor to the distinguished delegate, I once again request all the delegations to be precise in their interventions so as to enable all the Members to participate and contribute effectively. Thank you very much.

The Delegate of the Socialist Republic of Viet Nam: Madam President, first of all, our delegation would like to thank the AALCO Secretariat for the informative report on the topic “International Trade and Investment Law.” We would like to draw the highest attention to the second section, with reference to the third Working Group of the United Nations Commission on International Trade Law.

During recent years, along with the surge in foreign investment in developing countries, including Viet Nam, there arises not only opportunities and prosperity but also the risks of investor-State disputes. The complex nature of such disputes calls for careful reviews of international and regional investment frameworks, as well as a comprehensive reform of the dispute settlement mechanism between the State and the investor.

As a member of the UNCITRAL since 2019, Viet Nam is proud to have participated actively and proactively in the ongoing reform discussions at the Commission, especially at the Working Group III, and has witnessed promising results although agreement is yet to be reached. We fully support the development of the Code of Conduct for Adjudicators in International Investment Disputes, taking note that the draft is now under its second reading

along with the commentary provided by the Secretariat. We encourage States to continue putting forward their opinions concerning the above-mentioned draft and commentary.

The Code of Conduct aims to set out a set of principles and provisions related to the independence and impartiality of the ISDS tribunal members. Among the provisions, Article 4 regulating the “double hatting” issue has gained tremendous attention and scrutinisation. Therefore, Viet Nam agrees with limits on arbitrators acting in multiple roles under Article 4 of the draft Code, requiring arbitrator to refrain from acting concurrently as a legal representative or an expert witness in another investment dispute involving the same measures, the same or related parties, or the same provisions of the same treaty until the case is concluded. We are also supportive of provision prohibiting arbitrators from double hatting in cases of substantially similar legal rules which might give rise to breach of the impartiality and independence obligation. As of Article 8 regarding confidentiality, we are of the view that the Adjudicator shall not accept and use any confidential information from another case that is disclosed or publicised against the principle of confidentiality.

Madame President, when it comes to the establishment of a multilateral mechanism, namely a permanent tribunal, the selection and appointment of members of the tribunal members should be of highest priority. We emphasize, among other things, the requirements of qualifications and adjudication experience of judges. At the same time, we need to ensure diversity of legal system, language, backgrounds in fields of international law. On allocation of seats, we concur with allocation of seat according to the UN system while also taking into consideration the mechanism membership.

Lastly, we should avoid the assignment of cases on random basis, to ensure a panel with suitable backgrounds, experience and workload. In any case, we emphasize the importance of the possibility for States to remove or challenge members of a panel, as in other *ad hoc* arbitration tribunals.

To conclude, our delegation once again thanks UNCITRAL members and legal experts for having embraced such a challenging matter. We sincerely hope to expand our view through insightful sharing from AALCO members. I thank you, Madam President.

President: I thank the delegation from the Socialist Republic of Viet Nam. Now I invite the distinguished delegation from the Republic of Kenya.

The Delegate of the Republic of Kenya: Thank you Madam President, it is with great honour that I have this opportunity to make the following statement on behalf of the Republic of Kenya on this agenda item.

Madam President, the 12th WTO Ministerial Conference convened amidst an unprecedented economic situation occasioned by the COVID-19 Pandemic, as well as the prevailing geopolitical trends. These have presented both trade-related challenges and opportunities all over the world, in varying measures.

As an outcome of the Conference, the Ministers reaffirmed the provisions of special and differential treatment for developing country Members and LDCs as an integral part of the WTO and its agreements; noting that Special and differential treatment in WTO agreements should be precise, effective and operational. A successful conclusion would ensure that

developing countries use Special and Differential Treatment to accelerate their growth and development.

Distinguished delegates, Kenya was represented in the Africa Forum organized by the UNCITRAL secretariat, along the side-lines of MC12. The objective of this Forum was to discuss commercial law to facilitate sustainable development from an African perspective, which was a topic of interest for Kenya and the continent.

Kenya is committed to this process and acknowledges that Africa has massive resources but is largely deficient in capital and technological know-how to tap the potential in the various sectors. This gap is usually filled by foreign investors and this has contributed to conclusion of Bilateral Investment Treaties (BITs) with other States to attract investors. The situation remains complex as it is faced with many challenges including balancing of interests of the investors and those of the host country. To this end, there has been a growing need to undertake a cost-benefit analysis to establish co-relations between the BITs and Foreign Direct Investment (FDI) flows given the surge in investment disputes.

Distinguished delegates, Kenya is also keen on the discourse on Investor State Dispute Settlement (ISDS) reforms under Working group III of UNCITRAL and has made valuable contribution to the issues under consideration. In the recently concluded 43rd session of Working Group III, on Investor-State Dispute Settlement Reform, which deliberated and considered the Second reading of the Code of Conduct for Adjudicators, Kenya affirmed its support towards the development of a Code of Conduct for Adjudicators in International Investment Disputes. The code should build uniformity in standards, deal with issues of independence and impartiality, and the dilemma of double-hatting and repeat appointments amongst other challenges. Kenya supports the process and the deliberations of UNCITRAL under Working Group III as it will go a long way towards informing future discussion on international investment law and trade law.

President: I thank the distinguished delegations from the Republic of Kenya for their statement. Now I invite the distinguished delegation from Japan.

The Delegate of Japan: Thank you Madam President. There are three points to make. First regarding the twelfth Ministerial Conference of the WTO that is MC12. After postponed for three times, the Twelfth Ministerial Conference (MC12) of the WTO was successfully held in June this year. This was the first time in six and a half years that the Ministerial Declaration had been issued. Japan highly appreciates the declaration that shows unanimous direction toward which the WTO should work.

During the MC12 the WTO confirmed its role as a core of the multilateral trading system in addressing the challenges faced by the international community, such as the COVID-10 crisis and food insecurity.

In addition, MC12 brought more than 20 years of negotiations on fisheries subsidies to an agreement in the text as a first but significant step. Such achievement demonstrates that the WTO is an international organization that will contribute to the achievement of SDGs.

WTO reform, in particular dispute settlement reform, is the urgent matter shared amongst all Members. Japan will continue to collaborate with all Members to pursue a long-lasting solution to the dispute settlement.

Japan will continue to spare no efforts foreseeing MC13 and beyond to maintain and strengthen the multilateral trade system through the WTO.

The UNCITRAL Working Group III is working diligently on the ISDS reform. We recognize that this expressed the will of many countries to establish a comprehensive and more improved ISDS mechanism. Japan believes that fair and effective ISDS is meaningful to ensure a stable investment environment and attaches importance to the discussion in the working group.

At the forty-third session from September 5 to 16, the discussion included the Code of Conduct, third-party funding, advisory centre and others. We discussed how ISDS should be consistent and flexible, based on recent trends. Japan has made proposals on the Code of Conduct on the session and has been taking an active part in the Working Group.

Japan considers that ISDS mechanism needs a balance between protection of investors and States' rights to regulate. Japan recognizes the trends in international discussions that the current ISDS mechanisms should be reformed. Japan intends to fully engage in the Working Group III discussion of the UNCITRAL so that the discussions on appropriate reforms will be conducted without prejudice to the outcome and will appropriately address actual concerns.

UNCTAD has contributed to the development of the international investment agreements regime through various initiatives and capacity building.

The reports composed information based on the monitoring of international trends are one of the elements of such contribution, and they are also utilized in the practical work regarding investment-related agreements in the Japanese government.

As the report released by UNCTAD titled 'International Investment Agreements: Reform Accelerator' refers Japan-Jordan Bilateral Investment Treaty effected in 2020 on several articles, Japan has been actively engaged in concluding investment agreements with modernized content.

More recently, in June 2022, Japan signed the Bilateral Investment Agreement with Bahrain, which is a Member State of AALCO. We will continue to work on improving the legal foundation to enhance predictability for investors and promote investment activities.

President: I thank the delegation from Japan for their statement. Now I invite the distinguished delegation from the United Republic of Tanzania. You have the floor, Sir.

The Delegate of the United Republic of Tanzania: Madam President, Tanzania wishes to commend the work of AALCO in fostering its core values in upholding international legal regime particularly international trade and investment law. It is our belief that member States will continue to honour our obligations as members to this Organisation. We all know that international trade and investment always attract disputes emanating from the duo. Disputes settlement mechanism in investment and business has over the past decades increasingly seen and accepted as the most effective way in resolving international commercial disputes. This process has been applied for years to resolving international investment and commercial transaction happening in the world. The increase in international disputes has resulted in the increased number of disputes settlement bodies, including arbitration centres and institutions

providing a wide choice for countries and companies. Such mechanism has brought an immense impact in Africa and Asia in terms of investment and international trade activities.

It is in this respect that there is a need to address the potential increase of disputes between partners especially amongst AALCO Member States in order to mitigate and if possible eliminate them. This is to say that dispute settlement through different mechanisms including arbitration is strongly encouraged to be applied as an exceptionally effective and widely accepted means of resolving international trade and investment disputes.

Madam President, Tanzania as a developing country attaches great importance to the efforts that MLCO is thriving to achieve in settlement of disputes in investment regime. We believe that this method will not only help Tanzania but all member States to reduce risks associated with foreign investments predominantly by proving a neutral forum for their final and binding resolutions of such disputes as AALCO member States embark in establishing a candid system, we believe if well implemented, dispute settlement forums can help lessen commercial disputes accumulation, and hence increase foreign investment and promote economic development.

Since independence Tanzania has undertaken some strong initiatives to achieve its economic development. The current government under the leadership of H.E. Samia Suluhu Hassan, the President of the United Republic of Tanzania has embarked on a number of initiatives towards realizing industrial economy. The country in so doing has in 2020 enacted a new Arbitration Act and its rules to promote speedy, timely and just resolution of international trade and investment disputes. We understand investors need the guarantee of local legal regime in the case of disputes. In this context there is need to strengthen national courts and our institutions for settlement of disputes.

Madam President, over the past few years we have been working hard to handle a number of proceedings all over the world. The experiences we have had so far have opened up our thinking and made us strong, and as a country, to come up with strong dispute resolution framework. We believe this forum is the right place for us to network with AALCO Arbitration Centres toward restructuring our arbitration legal and institutional framework. Tanzania therefore, reiterates her commitment to continue to working with AALCO and member States. We will as well continue to render all necessary support to the Secretary-General and the Secretariat to pursue the noble goals of this Organization.

President: Thank you very much. The next statement is from the distinguished delegation from the Republic of Indonesia. You have the floor, Sir.

The Delegate of the Republic of Indonesia: Madam President, distinguished delegates, ladies and gentlemen. Indonesia appreciates the Geneva Package as the output from the 12th WTO Ministerial Conference (MC12) which enables more policy space, including in the aspect of strengthening agricultural sovereignty and security, protection of small-scale fisheries, access to vaccine production, and legal certainty in dispute settlement and digital economy in Indonesia. Indonesia encourages AALCO Member States to respect and implement the Geneva Package to ensure effective policy sustainability.

On the issue of ISDS Reform, Indonesia continuously involved in the deliberations on UNCITRAL Working Group III and consistently encourages the reform to balance the rights and duties between investors and States.

Indonesia takes its example from the recent cases of arbitration proceeding concerning Churchill Mining and Planet Mining v. Government of Indonesia, where the arbitration rendered the award in favour of the Indonesian Government, and the ICSID tribunal declared the Claimant to pay compensation amounting to US\$ 9.4 Million. However, the reality is far from what is expected based on the tribunal decision. The Indonesian Government never got the compensation it deserved since the claimants tried to escape from its responsibility by filing for bankruptcy as soon as the decision was rendered by the tribunal. It was later known that the Claimants were funded by a third-party funder as secured creditor to institute proceeding at the ICSID. The third-party then decided not to pay compensation after the Claimants were declared as the losing party. In this regard, the third-party funder escaped from its responsibility to pay compensation.

Under this unfortunate experience, Indonesia then submitted several suggestions for the amendment of ICSID rules. The changes relates to provision concerning third-party funder and security for cost, which had been accepted by ICSID, with note that application of security for cost must be done by request. This rule exist to guarantee a balance between investors and States. The amendment was eventually concluded on 1 July 2022.

Indonesia encourages investors to exhaust local remedies before making an ISDS claim, which also consistent with customary international law which suggests that there should be a State's first and foremost avenue of resolution before any proceeding of international arbitration may be initiated. Indonesia also emphasizes the use of mandatory mediation after the exhaustion of the consultation process as a way out to prevent a dispute from escalating into further legal proceeding which can be costly and damaging to the disputing parties' relationship.

Indonesia has introduced mandatory mediation procedure in its bilateral International Investment Agreements negotiation as an alternative dispute resolution which shall be mandatory for the investors before they proceed to ISDS. It is expected that instituting a formal step in the process will help to raise the profile of alternative dispute resolution process as an effective alternative given the fractious nature of litigation and international arbitration. I thank you Madam President.

President: I thank the distinguished delegation from Indonesia for their statement. I now invite the distinguished delegation from Nepal. You have the floor, Sir.

The Delegate of Nepal: Madam President, first of all I would like to thank AALCO for the preparation of this precise document on international trade and investment law. AALCO's involvement on the topic of international trade and investment law has a long history. The topic of promotion and protection of investment on reciprocal basis was discussed at the twenty-first Annual Session of AALCO in 1980. Nepal recalls the twenty-fourth Annual Session held in 1985 in Kathmandu adopted Model Investment Agreements which were transmitted to the Member States. Nepal appreciates for including this topic in the current session.

For the socioeconomic development of AALCO member States, foreign investment is an essential tool. The last decade of the twentieth century and the first decade of the twenty-first century, the World Trade Organization (WTO) and associated instruments were guided by the liberalization of trade and WTO dispute settlement mechanism, which were considered as a core feature of the system.

Madam President, in line with WTO, the regional organizations have also adopted the liberalization and free trade regime. However, towards the end of the first and second decade of this century, the process is jeopardized by unilateralism and new form of protectionism on one hand, and the least developed countries' reform initiatives have not yielded any fruits because of non-effective implementation of the special and differential treatment system, structural and capacity constraints and imposition of technical and non-technical barriers for the goods of LLDCs, on the other. Therefore, comprehensive reform in the international trade regime seemed imperative.

Madam President, the dispute settlement mechanism of WTO is time consuming and a large number of disputes have been unsettled. The availability of multiple forums for the settlement of investors-State disputes through investment treaties entered into by States to promote foreign direct investment created problems: such as forum-shopping, lack of stability and predictability of arbitral award, arbitrator's professionalism, impartiality and independence are questioned, lack of specific code of conduct of the arbitrators' adjudication, third party funding which affects the balance between the parties' rights, the time frames are overly long and costs overly high. Moreover, the investment treaties and the dispute settlement mechanisms have undermined the sovereign regulatory power of the States taken in furtherance of environmental protection, sustainable development, safeguarding public health and taxation, national security or other social aims have been challenged by investors before dispute settlement mechanisms.

Therefore, Madam President, modernization or reform of old bilateral, regional and multilateral treaties relating to investment and trade is becoming inevitable, which may address the above mentioned problems being faced by old trade and investment regime, taking into special account of the LLDCs. AALCO must take up these issues into the UNCITRAL, UNCTAD and other relevant forums. I thank you Madam President.

President: I thank the distinguished delegation from Nepal for their statement. The next speaker on the list is the distinguished delegation from the Islamic Republic of Iran. You have the floor, Sir.

The Delegate of the Islamic Republic of Iran: Madam President, I would like to appreciate the Secretariat for preparing the guiding brief on the international trade and investment contained in the document AALCO/60/NEW DELHI (HEADQUARTERS)/2022/SD/SI3. This brief concentrates on the most important development in last year. I will present our statement regarding the UNCITRAL Working Group III and then I proceed to the topic of UNCTAD.

Regarding the UNCITRAL Working Group III, we believe that the ISDS reform process should be an effort to strike a balance between the rights and obligations of all relevant stakeholders including protecting investors and their investments on the one side and preserving a State's policy space and right to regulate foreign investments in its territories on the other side. The ISDS reform process should strike a more equitable balance between the objectives of foreign investors and the host State and also legitimate public policy objectives.

In this regard, the Islamic Republic of Iran welcomed the decision of the UNCITRAL at its fiftieth session in 2017 to give a broad mandate to the Working Group III to work on the possible reform of investor-State dispute settlement (ISDS). We believe that the Working

Group could remarkably identify and consider concerns regarding ISDS and develop concrete solutions in light of desirable identified concerns from its thirty-fourth to forty-third sessions.

Therefore, the Islamic Republic of Iran welcomes the work carried out by Working Group III. In accordance with the last session of Working Group III, we would like to express that for achieving the best solutions it is crucial that reforms would be comprehensive enough to provide equal opportunity for different points of view raised by many States as well as to achieve a fair and equitable ISDS system that all countries, in particular, developing countries, can rely upon.

With respect to the proposals made for the establishment of an advisory center for addressing the concerns regarding the cost and duration of ISDS, and in light of the consideration that the cost of ISDS creates a burden on States, in particular developing and least developed countries, as well as investors, mainly small- and medium-sized enterprises and individuals, we strongly believe that the establishment of an advisory center would be useful and efficient. The center would be tasked to provide low-cost and inexpensive legal advice for developing countries and LCDs on investment law before a dispute arises and act as counsel when there is a dispute. The center could also help States in capacity-building and the sharing of best practices. The services provided by the advisory center must be affordable and reliable to developing countries and LDCs.

My delegation is of the view that this center should only provide advisory services on international investment law and support other services of this center such as dispute settlement proceedings, alternative dispute resolution (ADR) services, as well as sharing of the best practices. In our view, the services of the center must reduce concerns of developing and least developed countries, especially regarding the cost and duration of the ISDS mechanism. This matter should be the core focus of any types of services of the center in the provisions of the establishment document.

Regarding the establishment of a Permanent Investment Court, we believe that even in order to enhance systemic consistency, there is a need for fundamental reform to avoid further fragmentation of the system. However, In light of the complex, multi-faceted and multi-layered nature of the ISDS regime, the creation of a permanent investment court at least at this period could not resolve the gaps, overlaps, and inconsistencies between IIAs and other international law instruments and between IIAs and domestic policies.

In this regard, despite the lack of consensus about the creation of any permanent body in the last sessions of Working Group III, there was a draft text of the multilateral convention in the last session. We are of the view that this multilateral instrument for creating a permanent multilateral body would not be able to resolve many corners of the international investment dispute settlement. In this relation, there are three important propositions that must be addressed. First, the ISDS regime's existing practices are diverse. Second, the regime is too complex, decentralized and multi-faceted to allow for the simple implementation of simple instruments across the board. Third, replacing this complex system with a simple and more unified one at least for this stage is out of reach.

A better approach would be to think through the concerns of the ISDS regime identified at the outset and consider how to leverage each of these in ways that promote the adoption of beneficiaries. We believe that it would be more efficient and fruitful if we go forward with

specifying the best solution for any types of concerns at the first stage and after that we discuss the form of the instrument.

In relation to the Code of Conduct of adjudicators, the recent decisions in the domestic courts and international arbitral tribunals indicate that there is indeed now a groundswell of support for the institution of further norms and standards for arbitrators and decision-makers. In our view, increased knowledge and sensitivity of adjudicators regarding ethical standards could lead to higher-quality decisions.

Any reform related to the code of conduct of arbitrators and decision-makers should be provided for stricter standards of independence, impartiality and avoidance of conflicts of interest of arbitrators. These reforms also should forbid the arbitrator-counsel dual role by stipulating a clear prohibition rule on double-hatting.

The delegation of the Islamic Republic of Iran is of the view that existing instruments such as the CETA standards, IBA code of conduct and ICSID amendment rules are appropriate but not complete in this matter. It means that these documents have some limitations in the determination of the code of conduct and thus, these need to be refined. Existing efforts are still in the early stages and suffer from ambiguity and lack of completeness. So for avoiding duplicate work in this area, creating a new code of conduct for present and future investment adjudicators is essential.

Madam President, turning now to the UNCTAD, I would like to focus on annual publication released on 9 June 2022, titled the World Investment Report 2022. This report has considered issues relating to International Tax Reforms and Sustainable Development. While investment in Greenfield projects was still lower than pre-pandemic levels, much of the growth came from investment in the renewable energy sector, while infrastructure, food and health only saw a partial recovery. In this regard, further support is urgently needed from developed countries, international trade and financial institutions and specialized agencies, especially in terms of technology transfer, capacity building, inclusive investment and trade as well as sustainable financing, to developing and less developed countries.

I would like to add that upholding multilateralism is critical in addressing the challenges to the multilateral and international economic, trade and investment system. In this regard unilateral economic and financial measures or any restriction which is not in accordance with international trade and investment law and the Charter of the United Nations impede the inclusive investment and trade and sustainable development, particularly in developing countries thus leave many peoples around the world behind. I thank you, Madam President.

President: I thank the distinguished delegation from the Islamic Republic of Iran for their statement. Now I invite the delegation from India to make their statement.

The Delegate of the Republic of India: Thank you Madam President, on behalf of the Indian delegation, let me thank the Secretary-General for his introductory remarks. Special thanks to Dr. Aniruddha Rajput, Member, ILC for his very insightful presentation. Our delegation takes this opportunity to also thank the AALCO Secretariat for its background document on the topic. My delegation would like to make a few general observations on the topic.

On WTO Reforms, our delegation believes that the outcomes of the Twelfth Ministerial Conference of the WTO are a testimony of the strength in the multilateral trading system of the WTO whereby members came together in pursuit of mutually beneficial outcomes. India believes that the WTO members need to build trust among each other and repose confidence in the Multilateral Trading System which needs to be continued.

For future work in agriculture, a permanent solution on public stock holding for food security purposes remains a priority issue for India under agriculture pillar. Role of public stock holding remains vital in addressing food insecurity concerns, especially for India and developing countries. India is of the view that agriculture negotiations at the WTO should ensure that the special and differential treatment for developing countries is preserved.

It is critical that the foundational principles of open, transparent, non-discrimination, inclusive, rules-based multilateral trading system with Special and Differential Treatment and consensus-based decision making are strengthened while undertaking the WTO reform.

India does not support mainstreaming of environment, climate change issues within WTO's work. These issues should be dealt within the appropriate international forums. India is of the view that the multilateral trading system should not take over the vision and the goals laid out under the Multilateral Environmental Frameworks or agreements such as UNFCCC and Paris Agreement.

As regards e-commerce, increasing participation of developing countries in global e-commerce continues to be a challenge and that there has been no comprehensive assessment of the developmental aspects of global e-commerce under the Work Programme on Electronic Commerce.

It can be seen that the Ministerial Declaration on the WTO Response to the Covid-19 Pandemic and Preparedness for future Pandemics agreed at MC12 provides a template for a faster and globally coordinated response for future pandemics. The declaration, among other issues, recognizes the importance of supply constraints of Covid-19 vaccines, therapeutics, diagnostics and other essential medical goods faced by countries and therefore, the need for increasing and diversifying production for Covid-19 vaccines, therapeutics, diagnostics and other essential medical goods, and diversifying manufacturing locations. India considers that this is a welcome step.

Madam President, on UNCITRAL Working Group III and Investor-State Dispute Settlement Reform, we would like to make the following observations:

India is a growing economy and supports a liberal policy to attract potential investors. The developing and developed member States have proposed different reform options which need further consensus among the member States to arrive at a practical solution towards the reform of the Investor-State Dispute Settlement Mechanism. India considers that the discussion on reform options ranging from the Code of Conduct of Arbitrators to Third Party Funding etc., becomes very important.

India views that the current ISDS mechanism also results in concurrent proceedings or multiple proceedings, treaty shopping and enforcement issues. The investors may misuse the corporate structure of their companies to initiate proceedings under different treaties, either simultaneously or consequently.

There are exorbitant economic liabilities/penalties/costs involved with the current system. According to a study by ICSID, on an average each party spends approximately 8 million US dollars on ISDS cases, excluding the damages awarded. Investors misuse provisions of the investment agreements to claim unfair compensation or award against the legitimate policies and regulations of the host States and even challenge criminal or regulatory proceedings or security measures adopted by host States. Therefore there is a need to discuss the various reform options at the UNCITRAL WG. Thank you, Madam President.

President: I thank the delegation from India for making their statement. Now I request the distinguished delegation from the Republic of Cameroon to take the floor.

The Delegate of the Republic of Cameroon: Thank you, Madam President for giving us the floor once again. Madam President, we wish to raise two points. First, concerning the Working Group III of UNCITRAL.

Madam President, in some African countries, nationals are encouraged to invest locally in their country. So this specificity of African investment law has to be considered in the deliberations that are currently underway at the UNCITRAL Working Group III.

For the second point Madam President, I apologise to take you back for a point already presented. This is in relation with immunity of State officials from foreign criminal jurisdiction adopted by the ILC on the first reading. Article 3 of this document reads as follows, and I quote “Head of State, Heads of Government and Ministers of Foreign Affairs enjoy immunity *rationae personae* from the exercise of foreign criminal jurisdiction.”

Why not extend this immunity to civil servants implemented official duty abroad? So Madam President, this delegation would be thankful to the AALCO Secretariat if it could echo these position respectively at the UNCITRAL Working Group III and at the ILC. I thank you for your attention.

President: I thank the distinguished delegation from the Republic of Cameroon for their statement. Now I invite the distinguished delegation from the People’s Republic of China. You have the floor, Sir.

The Delegate of the People’s Republic of China: Thank you, Madam President. In June this year at the Twelfth Ministerial Conference of the World Trade Organization, members reached a package of agreements on issues such as WTO reform, waiver of the intellectual property rights for COVID-19 vaccines, fishery subsidies, food security and e-commerce with fruitful results. This is a crucial and important victory for multilateralism and it reflects the determination of WTO members to jointly tackle global challenges and promote the recovery of the world economy.

As a staunch supporter of the multilateral trading system, China is willing to work with Asian and African countries to promote the implementation of the MC12 outcomes, to expedite the ratification process of the Agreement on Fishery Subsidies and to actively participate in the follow-up negotiations on fisheries subsidies adhering to the principles of transparency, inclusiveness and non-discrimination. My government would actively participate in the consultation on waiver of intellectual property rights for COVID-19 diagnosis and treatment equipment, mainly focussing on the accessibility and affordability for Asian and African developing countries.

China would like to enhance communication and cooperation with the AALCO Member States on WTO Reforms as well as other important issues aiming to promote the multilateral trading system and global economic governance.

Madam President, as for the UNCITRAL Working Group III on the Investor-State Dispute Settlement Reform, China believes that it will help overcome the shortcomings of the current investment dispute settlement mechanism and help maintain the balance between investors and States. China supports this reform. My government is willing to promote communication with UNCITRAL members especially in the Asian and African region to jointly advance the reform process. Thank you, Madam President. Thank you all.

President: I thank the distinguished delegation from the People's Republic of China for their statement. Excellencies, with this we have exhausted the list of speakers from the Member States on this topic. If there are not further statements from the Member States, I will now open the floor to the observers. The first in my list is the Hague Conference on Private International Law (HCCH). You have the floor.

The Delegate of the Hague Conference on Private International Law (HCCH): Thank you, Madam President. Madam President and distinguished delegates, as this is the first time that my organisation is taking the floor, allow me to congratulate you, Madam President, as well as the Vice-President, on your election. Allow me also to congratulate the Secretariat of the Asian-African Legal Consultative Organization (AALCO) for the successful organisation of this Sixtieth Session.

The Hague Conference on Private International Law, or HCCH, is the world organization for the progressive unification of the rules of private international law. The HCCH strives to establish effective frameworks, including cooperation mechanisms, for the promotion of and respect for the rule of law at the national and international levels. The HCCH aims to help individuals, families, commercial operators and institutions overcome legal challenges that they often face in a cross-border context. Allow me to emphasize how much the HCCH appreciates the opportunity to share with AALCO here highlights of its work and the close parallels between the work of the HCCH and AALCO on the promotion of the rule of law and, in particular, international trade and investment law.

A global, intergovernmental organization, the origin of which can be traced back to 1893, the mandate of the HCCH is to progressively unify the rules of private international law through the framework of international Conventions and other instruments. The HCCH acts in the common interest of its 91 Members, which comprise 90 Member States across the globe, and one Regional Economic Integration Organisation. The overriding purpose of the HCCH framework is to provide individuals, families and children, businesses and investors, whose lives and activities across the borders between different jurisdictions, with a high degree of legal certainty and predictability. The HCCH therefore establishes frameworks that include effective cooperation mechanisms that can overcome the challenges of cross-border procedures and promote the orderly and efficient settlement of disputes, good governance, sustainable development and the rule of law. The work of the HCCH acknowledges and respects the diversity of legal systems and traditions across the globe. Its scope includes work in three legal divisions: international family and child protection law, transnational litigation and Apostille, as well as international commercial, digital and financial law.

Guided by its Council on General Affairs and Policy, the Work Programme of the HCCH includes normative work in the negotiation and conclusion of Conventions that address pressing contemporary needs. The normative work of the HCCH, which is the first Priority in its Strategic Plan, aims to encourage the progressive development of private international law and its codification.

The HCCH recognizes the important role of multilateral and bilateral treaties and treaty processes in advancing the rule of law. The HCCH considers it to be its mission to encourage its Members to further consider the promotion of treaties in areas where international cooperation could benefit from treaties. To that end, the HCCH is pleased to report that its latest treaty, the 2019 HCCH Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters, which was successfully concluded on 2 July 2019 in The Hague, the Netherlands, will enter into force on 1 September 2023, with the accession of the European Union and Ukraine on 29 August 2022.

The second Strategic Priority of the HCCH focuses on non-normative work that assists with the implementation and practical operation of its Conventions and instruments. The HCCH reaffirms the importance of adherence to the rule of law, and the need to strengthen support to Members in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, in order to develop, reinforce, and maintain domestic institutions active in the promotion of the rule of law at the national and international levels. The HCCH notes that AALCO has adopted model legal instruments which are closely compatible to HCCH instruments. For example, AALCO has adopted at its twenty-third session the Model for bilateral arrangements on mutual assistance for the service of process and the taking of evidence abroad in civil or commercial matters, which is close to the 1965 HCCH Convention on the service of documents abroad and the 1970 HCCH Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters.

This Convention increases business and legal certainty for operators across borders, making investment easier and safer, and increase trade between countries. There are many areas of synergy between the work of the HCCH and AALCO.

Madam President, the diversity of legal systems and traditions among HCCH Members, and the respect that the work of the HCCH has for this diversity, is recalled in its third Strategic Priority - that of promoting inclusiveness amongst its Members in the promotion of and respect for the rule of law. This is in line with the third purpose and objective of AALCO as stipulated under Article I of its Statutes, which includes “the exchange of views, experiences and information on matters of common concern.”

Madam President, today the global digital economy is conservatively valued in excess of 18 trillion US dollars. Over the last three decades, every dollar that a State invested in digital technologies and the digital economy added 20 dollars to its GDP, a yield that is 6.7 times higher than non-digital investments. The digital economy is a driver for global economic resilience, innovation, inclusive growth and the rule of law. The digital economy is based on fast-evolving digital technologies and applications, such as cognitive artificial intelligence, financial technology, blockchain, the Internet of Things, cloud computing and the metaverse. The use of these digital technologies and applications give rise to various private international law issues.

Contributing to the realisation of the UN Sustainable Development Goals, and in pursuit of achieving the Priorities set out in its Strategic Plan, the HCCH continues its normative work in various fields of private international law. It is currently exploring the feasibility of advancing work on the private international law issues relating to private international law issues in the digital economy.

To that end, the HCCH organised a very successful conference from the 12-16 September- just two weeks ago- called the HCCH Commercial, Digital and Financial Law (or CODIFI) Conference. CODIFI examined issues of private international law in the Commercial, Digital and Financial sectors, highlighting developments in the digital economy and fintech industries as well as clarifying the roles of core HCCH instruments: the 1985 Trusts Convention, the 2006 Securities Convention, and the Principles on Choice of Law in International Commercial Contracts (Choice of Law Principles). CODIFI brought together 93 expert panellists from a range of backgrounds, drawing on the expertise of specialists in public service and government, legal practice, finance, the technology sector, the diplomatic community and academia. Panellists represented every continent on the globe, including and especially Asia and Africa. Close to 700 participants registered to join the CODIFI Conference, which in the end consisted of more than 32 hours of substantive content, now available through the HCCH online through the website. The outcomes of the CODIFI Conference will inform HCCH Members as they decide on the workplan of the HCCH going forward in these fields.

The HCCH was particularly honoured to have the Secretary-General of AALCO, Kamalinne Pinitpuvadol, provide a keynote introduction at CODIFI. This underscores the close relationship and cooperation between AALCO and the HCCH, one that shows how important it is for both Organisations to continue working closely together for the benefit of our respective Members and for the advancement of the rule of law, including in investment and trade.

In the field of international civil procedure and litigation, the HCCH looks to enhance legal certainty and predictability in the simplification of legal procedures across borders. The suite of HCCH civil procedure and litigation Conventions: the 1961 Apostille Convention, 1965 Service Convention, 1970 Evidence Convention, the 1980 Access to Justice Convention, the 2005 Choice of Court Convention, the 2015 Choice of Law Principles, and the 2019 Judgments Convention comprise a formidable toolkit for Contracting Parties seeking to simplify their cross-border civil procedure and litigation mechanisms.

Three of these Conventions – the Service, Evidence and Access to Justice Conventions, will have their practical operation debated and reviewed by HCCH Members at a Special Commission meeting next year, in mid-2023.

The HCCH recalls that international trade and investment is intertwined with the international legislative process. This contributes to the rule of law with a mature system of rule-based commerce as a stabilizing factor, and a factor for mobilizing resources for development, including due process and a strong judicial and legal infrastructure. In this as in other things the HCCH cooperates closely with AALCO and with the HCCH's sister organization UNCITRAL in its various working groups including the one of electronic commerce. The work of the HCCH continues to be directly relevant to all dimensions of access to justice across borders, including normative prevention, access to effective remedies, and legal and procedural transparency.

Madam President, the constructive partnership between the HCCH and AALCO is particularly important. The HCCH is particularly pleased to be here with you at this Sixtieth Session, and looks forward to further cooperation and collaboration with AALCO, including in the fields of international trade and investment. I thank you, Madam President.

President: I thank the HCCH for their statement. Any other Observers or Non-Member States who wish to take the floor at this stage? I see none. Excellencies and distinguished delegates, with this we come to the end of day two. I thank all the delegations for your support and cooperation. We shall meet tomorrow at 11:00 AM Indian Standard Time. And I request all the delegations to be on time so that we can start the proceedings without delay. Thank you very much. The meetings is adjourned.

His Excellency, Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO: With your kind permission Madam President, I would like to make an announcement. Tonight at 6:30 PM the AALCO Secretariat would like to welcome you all for dinner here in this room. Thank you.

**XII. VERBATIM RECORD OF THE THIRD
GENERAL MEETING (CONTD.)**

XII. VERBATIM RECORD OF THE THIRD GENERAL MEETING CONTINUED ON WEDNESDAY, 28 SEPTEMBER 2022, AT 11:00 AM

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

AGENDA ITEM: THE STATUS AND TREATMENT OF REFUGEES

President: Excellencies, Distinguished Delegates, Ladies and Gentlemen. Good Morning. I welcome you to the final day of the Sixtieth Annual Session of AALCO. We had very fruitful discussions and constructive contributions for the last two days and I hope that we shall conclude the Annual Session today on a successful note. I must say with your cooperation and support all the Member States contributed very constructively and I am taking and opening this third day session with a very happy note. I must thank each one of you. Before I proceed, I would like to mention that the summary report of the first two days was circulated to the Heads of Delegations last night by email. The hard copy of this report has also been circulated by the AALCO Secretariat and you may find it on your table. The final summary report will be adopted today in the concluding session and I once again request all the delegates to keep their statements precise and to the point. Also, the hard copies of the three organizational resolutions have been placed on your table. These will be adopted in the concluding session.

President: Excellencies, Distinguished Delegates. As we continue the Third General Meeting, we shall now take up the next topic on the agenda, ‘The Status and Treatment of Refugees’. I now invite the AALCO Secretariat to make the introductory remarks.

Mr. Sun Guoshun, Deputy Secretary-General of AALCO: Thank you Madam President. Good Morning, Excellencies, Distinguished Delegates, Ladies and Gentlemen. The topic ‘The Status and Treatment of Refugees’ has been one of the oldest topics on the agenda of AALCO. It was introduced as an agenda item of AALCO in 1964 at the request of the Arab Republic of Egypt. Ever since, AALCO has been constructively and meaningfully engaging with the topic both independently and jointly with the United Nations High Commissioner for Refugees (UNHCR). In 1966, AALCO adopted the “Principles Concerning the Treatment of Refugees” also known as the Bangkok Principles at its Eighth Annual Session. Later, two addenda were introduced in 1970 and 1987 respectively. The first addendum contained an elaboration of the ‘right to return’ of any person who because of foreign domination, external aggression or occupation had to leave his or her place of residence. In 2001, the Bangkok Principles were further revised. AALCO has also contributed normatively to the conceptualization of certain normative principles in the field of refugee law. The ‘Concept of the Establishment of Safety Zones for Internally Displaced Persons’ was a key area of focus in this regard. AALCO’s efforts in this respect lead to the adoption of ‘A Framework for the Establishment of a Safety Zone for Displaced Persons in Their Country of Origin’ in 1995. Around twenty principles that provide for various safety measures are incorporated in this framework.

Furthermore, AALCO had prepared a “Model Legislation on Refugees” following the mandate it received from the Thirty-First Annual Session held in Islamabad, Pakistan in 1992 for the benefit of Member States aimed at facilitating the codification of domestic laws on the topic. The Model Legislation was submitted to the Thirty-Fourth Annual Session of AALCO

held in Doha, the State of Qatar, in 1995. AALCO also had the opportunity to prepare a Special Study titled ‘The Problem of Statelessness: An Overview from the African Asian and Middle Eastern Perspective’ in collaboration with the UNHCR. This Special Study was released at the Forty-Sixth Annual Session of AALCO held in Cape Town, the Republic of South Africa, in 2007. This topic was last deliberated at the Fifty-Sixth Annual Session of AALCO in 2017, but in 2018 the United Nations General Assembly adopted the Global Compact on Refugees (GCR) after intense deliberations with various stakeholders. The GCR is a framework mechanism offering a sustainable and result-oriented refugee response framework rooted in fair and equitable terms. Giving effect to the principles of humanity and international solidarity, the GCR seeks to broaden the principles of burden and responsibility sharing so as to better protect and assist refugees while supporting host countries and communities.

Against this backdrop, it was considered worthwhile and necessary to re-introduce the topic as a substantive agenda item for this Annual Session. The deliberations are sought to be centred on the GCR at the current session. In addition, international treaty and soft-law frameworks on this topic are addressed in this brief AALCO/60/NEW DELHI (HEADQUARTERS)/2022/SD/S3 prepared by the Secretariat. The Secretariat hopes that discussions taking place on this topic in the current Annual Session will be highly fruitful and can help Member States structure their response to refugee protection in a manner consistent with international law. Thank you Madam President.

President: I thank the Secretariat for the statement. I invite the representative from the UNHCR, Ms. Ragini Trakroo. The floor is yours Madam.

Ms. Ragini Trakroo, UNHCR: Good Morning Everybody. My name is Ragini and I represent the United Nations High Commissioner for Refugees here. It’s an honour to be here and to speak to all of you, distinguished guests, ladies and gentlemen. The Sixtieth Session of the Asian-African Legal Consultative Organization comes at a unique moment when the entire world is besieged by numerous challenges. We live in a world where multiple crisis’ erupt or worsen every day. We saw this with Covid-19, which has left no corner of the world untouched showing starkly the interconnectedness of regions, countries and individuals but also in many respects the Covid-19 pandemic stripped us of many illusions and exposed stark justice and solidarity deficits in the face of an existential crisis.

At UNHCR, we see a world where new conflicts are constantly emerging and at what cost especially to families who are forced to flee. These trends are yet to be reversed. This year we have reached a staggering figure of 101 million forcibly displaced persons. Please consider that this is roughly the population size of probably Philippines or Ethiopia. This is a grim milestone that should never have been reached and yet here we are. The crisis and attendant displacement in Ukraine, Ethiopia, Burkina Faso, Myanmar, Nigeria, Afghanistan and Democratic Republic of Congo have all contributed to this staggering figure. The global food crisis fuelled in part by conflict and the Covid-19 pandemic is also growing. The ripple effects of the war in Ukraine is driving up the prices of food, fuel and fertilizers pushing people into further poverty. The interlocking effects of this conflict is yet to fully unfold. The nexus between climate change and displacement has never been clearer. We see more communities in Africa and Asia forced to flee or displaced and subsequent reversal of development gains as well as increased competition for the ever dwindling resources. Refugees and other displaced persons particularly those in the global south face a double

jeopardy in the sense that not only do they have to confront the displacement conditions but they now have to content with an additional layer of difficulties.

Throughout our Seventy-One years of existence, we have been at the frontlines of many emergencies standing with refugees, the displaced, the stateless persons. Instead of sheltering those fleeing wars and other crisis, we have seen rejections in the form of walls, violent pushbacks in the refusal of powerful countries to rescue people at sea, in increasingly restrictive laws, in more detention including of children and dangerous xenophobic rhetoric. Security and counter-terrorism imperatives do not preclude asylum claims from being heard in a fair and fast system or those in need of international protection from being admitted and helped and those found not in need of international protection or deserving of other humanitarian considerations can be returned in full compliance with their human rights and dignity.

Allow me to touch on the forced displacement context specific to Asia and Africa. Millions of Afghans have been uprooted for more than forty years and developments over the past years have created new challenges. We share the deep concern of neighbouring countries in this respect whose hospitality to generations of Afghans is stretched to the limits after more than four decades. While we gather here today there are over one million Rohingyas hosted in several countries and a growing number of internally displaced in Asia because of recent developments. Conflict management must be prioritized so that conditions can be conducive for safe and voluntary returns.

The African continent is home to thirty million internally displaced persons, refugees and asylum seekers majority of whom are children and youth under the age of 18. Some refugee camps in Africa have existed for more than forty years. This year alone we witnessed new internal displacements due to violence and armed conflicts in countries including the Democratic Republic of Congo, Ethiopia, Central African Republic, South Sudan and Nigeria.

And yet it is not all doom and gloom because in some contexts we have made progress. For example, in the elimination of Statelessness, we marked sixty years of the 1961 Convention last year with the accession of Togo to the Convention and the work recently undertaken by other States like Kenya and Namibia to eradicate this preventable challenge. The examples set by the governments of Ivory Coast as well as those of Ghana, Guinea, Liberia, Mali, Mauritania and Togo which have demonstrated political will to implement a comprehensive roadmap to solutions for Ivorian refugees have led to the general secession of refugee status for Ivorian refugees that took effect on 30 June this year. Since 2014, when we launched the 'I belong' campaign strategy launched to eradicate statelessness globally by 2024 more than 163,000 cases of statelessness have been resolved in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The Kyrgyz Republic is an excellent example of how statelessness can be eradicated by bringing the number of stateless people in the country from over 13,000 to zero in just five years.

The solutions deficit continues to grow as more people are forced to flee than are able to return home, resettle to a third country, or integrate fully into the country where they have sought safety. In other words, forced displacement is outpacing solutions for those who need it. But it doesn't have to be this way. Leaders can work together to make peace and resolve the plight of those who have been displaced with lasting and humane solutions.

Alongside the search for solutions, there should be a renewed effort to address the root causes. Regional mechanism and platforms exist and can be used effectively as we have witnessed on many occasions.

The Global Compact on Refugees, or the GCR, was a critical moment in galvanising more solidarity and assistance for refugees and their host communities. In retrospect, many refugee hosting countries, whether in Asia or Africa, were already practising the very concept of what the GCR expounds. Indeed since the launch of the GCR, we have seen the “whole of society” approach come to fruition in a number of areas, including in the more than 1400 pledges that were made in 2019 in the Global Refugee Forum. Displacement is more and more featured in the development agenda. The inclusion of refugees in interventions of development organizations are increasingly relevant to realizing their own mandates for economic growth, social cohesion and poverty reduction. This has important consequences to meet the medium and longer-term needs of refugees and host communities, which humanitarian assistance alone is ill-suited to address. The role of the private sector in terms of predictable financing must continue to be enhanced. At UNHCR, we call upon States to embrace the GCR as it offers more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation.

As I conclude, let me say that we must multiply our efforts in addressing the challenges of forced displacement more persistently and systematically. None of us can do this alone. We must unite, now more than ever, to ensure that an international community, we deliver on the hope of refugees in Asia, African and beyond. I want to thank this remarkable institution, AALCO, that has brought us here together today, and acknowledge the tremendous work of the AALCO Secretariat under the distinguished leadership of H.E. Professor Kamalinne the SG of AALCO. By way of conclusion, let me also thank all the distinguished delegates, participants and other guests present here today, for the very informative and enriching conversations and we hope together we will make a difference to this world. Thank you!

President: Thank you very much Madam for that very insightful statement. Now I invite the delegates from Member States to make their statements on this topic. The first in my list is the Republic of Kenya. You have the floor.

The Delegate of the Republic of Kenya: Thank you Madam President for the opportunity to make the following statement on behalf of the Republic of Kenya on this agenda item.

Distinguished Delegates, the Government of the Republic of Kenya, with the combined support of the United Nations High Commissioner for Refugees (UNHCR) development partners, and financial institutions, continues to protect all refugees and asylum-seekers through government-led protection processes. These processes include registration, documentation, refugee status determination and data management.

Madam President, as one of the countries working to promote the implementation of the Comprehensive Refugee Response Framework (CRRF), Kenya has made great strides towards economic inclusion for refugees in national and county plans, policies and programmes. The economic inclusion of refugees is through progress with the localization of the Global Compact for Refugees and the Kenyan comprehensive framework. These have been articulated locally through government-led programs that focus on host and refugee communities as well as private sector development that encourage refugee-self-reliance.

Additionally, Kenya has reviewed its refugee law, which provides for the recognition, protection and management of refugees and gives effect to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa and for connected purposes.

Madam President, the new law includes significant changes in policy on refugee economic inclusion, integration, refugee status determination and the ability of refugees to contribute to Kenya's national economy. Kenya continues to affirm her commitment towards the global support and improving the welfare of refugees.

Madam President, as I conclude, allow me to echo the sentiments of AALCO by calling upon the international community to appropriately give effect to the Principle of Burden and Responsibility Sharing in a fair and equitable manner as highlighted in the Global Compact on Refugees, 2018. Madam President, this will not only be in the best interests of the refugees but it will also enhance friendly and harmonious relations between States. Thank you Madam President.

President: I thank the distinguished delegate from the Republic of Kenya. Now I invite the distinguished delegate from the Democratic People's Republic of Korea. You have the floor Sir.

The Delegate of the Democratic People's Republic of Korea: Your Excellency Madam President. I should begin by saying that, today, the worldwide refugees are numbered over 80 million, and more than 38 million become refugees in Afghanistan, Iraq, Syria and other countries due to the wars broken by the western forces headed by the U.S behind the screen of "anti-terrorism" and "safeguarding the democracy."

The refugee issue, as the global one difficult to solve, has been created by the foreign forces' aggression and interference which overthrew the legitimate governments of the sovereign States and created disorders in those countries in the way of inciting incessant national and tribal conflicts.

In this context, the DPRK delegation regards the main key to solution of this issue is to criminalize the unlawful military and economic interference in the sovereign States which is the main cause of it and put an end to it. Thank you.

President: Thank you very much! The next statement is from the distinguished delegate from the People's Republic of China.

The Delegate of the People's Republic of China: Madam President, the refugee issue remains a severe global challenge at present, with the Asian and African countries hosting most of the refugees. China highly appreciates the efforts and contributions made by AALCO to solve the problem of refugees, and welcomes Member States of AALCO to conduct thorough discussion on this topic with the aim of reducing the numbers of refugees and achieving better protection of refugees.

China attaches great importance to, and is actively committed to the settlement of the refugee issue. As a permanent member of the UN Security Council, China actively participates in solving the hotspots, advances the peaceful settlement of disputes by dialogues, consultations

and other political means, and which could help eliminate the root causes of the majority refugees. China firmly supports multilateralism, fulfills its international obligations under the Convention Relating to the Status of Refugees and its Protocol in good faith, and supports the adoption of the Global Compact on Refugees by the UN General Assembly. China has also provided assistance to relevant countries in response to the refugee crisis through bilateral and multilateral channels. To make greater contribution to the global efforts on refugees' protection, China is willing to strengthen cooperation and coordination with all parties.

Madam President, the protection of refugees is a common responsibility borne by the international community. China has the following proposals in view of better protection of refugees. First, we should adhere to multilateralism, respect the sovereignty of all States and effectively implement the Global Compact on Refugees. Second, we should persist on a comprehensive approach, both by increasing humanitarian assistance to alleviate the plight of refugees, and by eliminating regional conflicts and other major root causes of refugees. Third, we should continue addressing the issue of refugee by means of development. The origin, transit and destination States should strengthen cooperation, and fulfil obligations according to their respective capabilities based on their national circumstances and legal systems. The international community should increase support to developing countries, and promote long-term stability, development and prosperity in the origin States.

Madam President, it is worth noting that, many criminals are fleeing abroad and seeking refugee status in order to escape justice of their home countries. There are also cases of illegal immigrants seeking refugee status for asylum. China is of the view that we should distinguish those from the refugees who are really in need for assistance, so as to avoid abuse or politicization of international refugee protection mechanisms. Thank you, Madam President.

President: I thank the distinguished delegate from the People's Republic of China for their statement. The next statement is from the Islamic Republic of Iran.

The Delegate of the Islamic Republic of Iran: Madam President, I would like to thank the Secretariat for providing an informative report regarding the current topic contained in the report AALCO/60/NEW DELHI (HEADQUARTERS)/2022/SD/S3. In light the extent of this topic and with due regard to continuity of this problem a comprehensive overview to this item is necessary.

Madam President, the Islamic Republic of Iran as one of the major host of the largest protracted refugee situation globally, having persisted for more than four decades, has so far maintained its long-standing tradition of hospitality towards refugees. My country, in dire situations and even while facing the severe barriers that sanction and unilateral coercive measures (UCM) have been creating for our economic growth and development, has indeed spared no efforts to provide refugees with protection and assistance in different areas like education, health and livelihood.

Considering the rising number of refugees, my delegation would like to put emphasis on and remind the fact that external factors including unilateral coercive measures threaten the situation of refugees and achieve durable solutions by affecting the host countries' capacity to protect. The continuous influx of people on the move is imposing an additional burden on existing services and resources, such as infrastructure, education, health services and access to water, overstressing the capacities of the national and local systems.

In this occasion, I would like to bring an instance with reference to the case of Afghan refugees. Despite some efforts by UN bodies like UNHCR and WFP to meet the needs of the Afghan refugees through absorbing international assistance. However, it should be declared that these contributions have been minimal in comparison with the costs incurred by Iran for meeting those needs. The long-standing hospitality of several major host countries across the world, in particular, the Islamic Republic of Iran urges more international contributions to prompt a proportionate commensurate reciprocation and serve the very principle of equitable burden sharing by other countries.

Ever since the withdrawal of the USA from the JCPOA and the onset of mass influx towards neighbouring countries of Afghanistan, local host communities have generously shared their facilities with Afghan nationals, although they have been dealing with economic pressure and lack of facilities. Moreover, the overloaded infrastructures are liable to decay, which is substantially caused by unilateral sanctions and insufficient international assistance. However, Iran has facilitated the documentation renewal for Afghan refugees within the country through the 17th round of the Annual Amayesh Registration Exercise and conducted a nationwide census, in which over 2 million undocumented Afghans were registered, besides 800 thousand Refugees and almost 270 thousand Family-Visa holders.

There are three durable solutions: Voluntary Repatriation, Local Integration and Resettlement. We consider Voluntary Repatriation and Resettlement as the preferred solutions for Iran, according to the situation and our experience. Any successful measure to realize Voluntary Repatriation and sustainable reintegration correlate strongly with stability, security and employment within Afghanistan.

By the end of 2021, more than 500 thousand Afghan nationals have enrolled in primary and secondary schools. Especially after the Taliban decree on education ban for women and augmentation of movements towards Iran, we have afforded an opportunity for many of them to continue their education in Iran.

Madam President, it is found it imperative to add that the majority of Afghan nationals residing in Iran are economic migrants or illegal immigrants or undocumented displaced persons, while a fraction of them are entitled to protection, and have been carefully gone through due process to enjoy protections, in compliance with Iran's international commitments under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. I thank you.

President: I thank the distinguished delegation from Iran. Now I invite the distinguished delegation from the Federal Republic of Somalia. Somalia you have the floor.

The Delegate of the Federal Republic of Somalia: Thank you Madam President. Distinguished Delegates, Ladies and Gentlemen. The 1951 Convention Relating to the Status of Refugees was the first comprehensive attempt to define refugees and charted a detailed guideline for host countries to ensure the adequate protection and preservation of the rights of all refugees. The document was initially limited in its temporal and spatial scope as it covered the period before 1 January 1951 and confined its mandate to European Refugees. The 1967 Protocol Relating to the Status of Refugees expanded the Convention's scope, making it the most relevant international legal regime for addressing the contemporary global refugee crisis.

According to the United Nations High Commissioner for Refugees (UNHCR), 82.4 million individuals were forcibly displaced worldwide by the end of 2020 due to persecution, conflict, violence, human rights violations and events seriously disturbing public order. Of these forcibly displaced persons, 26.4 million are refugees, over 20 million of whom are under the mandate of the UNHCR. The scale of global displacement and forced migrations solidify the importance and indispensable nature of the 1951 Convention. Indeed, the Convention has evolved through the decades while remaining fundamental to the refugee protection regime.

Madam President, as new political, social, economic, developmental and environmental challenges emerge in an increasingly globalised world, the process of refugee creation has increased manifold. In 2021, the Convention marked its 70th year of coming into force. People, institutions and countries have long debated the relevance and limitations of the Convention, criticising its diminishing impact and application. This can be attributed to allegations that some developed countries have flouted the norms set by the Convention, such as Australia and also the US.

Madam President, the Convention defines the status of a refugee, their rights and the responsibilities of the State in granting them protection. It also provides the obligations of the refugee to the host State. An important feature of the Convention is the universal definition provided for the term ‘refugee’-an individual who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” and “is unable or unwilling to return to his country or nationality.” While this definition met the needs of the past decades, it is an exclusionary to the people subjected to protracted wars and conflicts in present times. “A well-founded fear of persecution” implies a direct threat to the person seeking asylum. As the Convention fails to provide a definition for the word “persecuted”, it excludes those who are fleeing violence, conflicts and human rights violations, threats from non-State actors, food insecurity, and climate and environment disasters. Additionally, the Convention has also referred to as having “excluded women from the international right to protection from persecution”. As the idea of protection is central to humanitarianism, it is indeed necessary to revisit the efficacy of the Convention in contemporary circumstances.

The most important principle in the 1951 Convention is that of ‘*non-refoulement*’, provided in Article 33 (1). If the life or freedom of the refugee is threatened in their country of origin, States that are signatories to the Convention are obliged not to return or expel such individuals. This provision has been adapted as customary international law and is also applicable to non-signatory States. All refugees are protected by the principle of *non-refoulement*, irrespective of the ascension or ratification to the Convention by the host country.

Notably, the 1951 Convention is supplemented by other international conventions, regional agreements, national legislations and judicial decisions which together form the international refugee protection regime. These include the Convention Governing Specific Aspects of Refugee Problems in Africa and the Cartagena Convention that covers Latin America and Mexico. These conventions provide a broader definition of refugees, widening the ambit of refugee protection in these regions by integrating the principles into national policy frameworks.

Lastly, efforts should be made by all States to mitigate worldwide refugee crisis and no State should unwelcome refugees as refugee crisis is a collective world responsibility.

President: I thank the distinguished delegate from the Federal Republic of Somalia. The next on my list is the distinguished delegate from the Republic of Indonesia.

The Delegate of the Republic of Indonesia: Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, on behalf of the Indonesian Delegation, allow us to express our sincere gratitude for the opportunity to present our view on issues relating to the Treatment of Refugees.

This year has been a year beyond expectation. We have yet to fully exit the pandemic, and at the same time natural disasters, conflict, war and humanitarian crises are happening around the world which has led to an increase in the number of refugees in the world. With 85% of the world's refugees hosted in developing countries, and 27% of the total are granted asylum in least developed countries, the GCR's principle of burden and responsibility sharing has never been more relevant.

Hence, the call for all countries, especially those parties to the 1951 Refugee Convention and its protocol, to realize their commitments and obligations should be continuously made. This is not the time to close our border completely, this is the time to put humanity first.

Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, on our part, Indonesia has gone beyond its obligations. At the end of 2016, the President of the Republic of Indonesia has enacted Presidential Regulation No. 125 of 2016 concerning Handling of Refugees. The regulation provides an operational guide for government and international organizations in rescuing refugees in an emergency situation at sea, where this is relevant with the most common life-threatening situation faced by refugees within the territory of the Republic of Indonesia.

Various provisions under this regulation will enable the Indonesian Government and the UNHCR to work closer, including matters relating to joint registration of asylum seekers. This provision is particularly important considering Indonesia's geographical location that lies at the crossroads of refugee and asylum seekers route, in which such cooperation in this regard will be very important.

Indonesia would like to assert that Indonesia is not a State Party to the 1951 Refugee Convention. However, as parties to several international human rights instrument, Indonesia has consistently upheld to guarantee fundamental human rights without distinction to all persons, including for refugees. Furthermore, Indonesia also consistently upholds the norm of *non-refoulement* and non-discrimination.

Indonesia has also experienced the increasing influx of refugees. In 2021, more than 13,100 refugees are situated within the territory of Indonesia, in which 27% of them are considered juveniles.

Indonesia stresses the importance of creating a well-functioning mechanism by international organizations such as UNHCR and IOM as relevant international organizations in handling refugees in Indonesia. Indonesia also holds the view that AALCO members should unite their perception regarding this issue to ensure the handling of refugees does not become the sole

responsibility of a certain country, but rather a common responsibility of the international community, including the strengthening of function and management of international organizations. We stress the importance of international cooperation to collectively address the challenges of refugee protection, as well as ensure their safe return and repatriation.

In this regard, Indonesia also underscores the observance of the Burden Sharing principle as enshrined under the 1996 Bangkok Principles. These Principle are particularly relevant in light of identifying durable solutions to the refugee problems, particularly to relieve the burden of countries facing large-scale influx of refugees.

On matters relating to GCR, Indonesia has played an active role in the formulation of the Global Compact for Orderly Migration and Refugees in 2015, which leads to the adoption of the New York Declaration on Refugees and Migrants within the UN General Assembly in 2016. Indonesia is of the position that GCR should be considered as a framework to strengthen and to complement existing frameworks relating to the protection of refugees. In this regard, we also view that the discussion on issues pertaining to refugees under the framework of GCR and migration in the framework of GCM must be discussed separately.

We also share the view that GCR should reflect s strong commitment in efforts to achieve durable solutions that is to address the root causes in the country of origin and to accelerate resettlement and humanitarian processes by the country of destination. Indonesia welcomes future discourses on the GCR, and will support further discussion regarding this issue in the future. I thank you Madam President.

President: I thank the distinguished delegation from Indonesia for their statement. Now, I invite the distinguished delegate from the State of Palestine. You have the floor Sir.

The Delegate of the State of Palestine:⁹ H.E. Madam President, H.E. Secretary-General, Excellencies, Ladies and Gentlemen. The issue of Palestinian refugee is one of the most important contemporary issues in the light of international refugee law. However, the issue of protection and treatment of refugees was discussed, but legal protection of Palestinian refugees, which began in 1948, was not discussed.

In 1984, UNRWA was established by the United Nations General Assembly for the care of Palestinian refugees. The Geneva Convention for the Care and Protection of Refugees was adopted in 1951. Paragraph 4 of Article 1 stipulates that refugees who receive care from other United Nations bodies are excluded from the legal provisions contained in the Convention, meaning that Palestinian refugees do not enjoy the protection of international law for refugees, especially the 1951 Convention, but Article 1 applies to legal protection for refugees who are not registered with the United Nations Relief and Works Agency for Palestine Refugees.

This text was interpreted by the High Commissioner emanating from this Convention to exclude the Palestinian refugees in the world because they receive care from UNRWA. Article 11 of Resolution 194 of 1948 by the General Assembly stipulated that Palestinian refugees should be allowed to return to their homes and live in peace with their neighbours as soon as practicable. So far, the Palestinian people are waiting for their right to return, compensation and property restoration. Failure to allow Palestinian refugees to return to their

⁹ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

countries and homes by Israel in accordance with Resolution 194 is considered a crime under international law, when it refuses to deny the Palestinian people their right to return, compensation and restitution of their properties. The United Nations formed the International Conciliation Commission in 1948, with the membership of the United States of America, Turkey and France, and this Commission approved 500,000 title deeds for Palestinian refugees with the aim of returning refugees, resettling them, and rehabilitating them economically and socially.

Therefore, I call on AALCO to activate the legal rights of Palestinian refugees with their right to return, compensation and property recovery, and to activate the legal mechanisms for the protection of Palestinian refugees and to include in the agenda in the upcoming sessions what is related to Palestinian refugees, as this right is legal and has individual and collective aspects related to the right to self-determination, and to include the refugee treatment clause by including legal protection for Palestinian refugees in this aspect.

I thank you all and wish this conference a success. I hope that the Palestine item will be included because it has not been discussed, and it is the issue of about 9 million Palestinian refugees in the world, the largest refugee population in the world, the Palestinian refugee.

President: I thank the distinguished delegate from Palestine. Now, I invite the distinguished delegate from Japan. You have the floor Sir.

The Delegate of Japan: Thank you Madam President. Japan is working actively more than ever in the field of human rights by promoting “diplomacy emphasizing universal values, such as freedom, democracy, respect for fundamental human rights and the rule of law”. Aiming at improving human rights and humanitarian issues around the world, Japan is making proactive contributions through multilateral initiatives including the United Nations as well as through bilateral cooperation.

As serious humanitarian crisis continue, including Russia’s aggression against Ukraine, armed conflict in Ethiopia and so on, we are greatly concerned that the number of displaced refugees and Internally Displaced Persons (IDPs) has exceeded 100 million for the first time on the record.

At the same time, we should not forget the protracted problems of refugee and IDPs such as those in Afghanistan and the Democratic Republic of Congo (DRC). Finding durable solutions to protracted problems is a crucial task that needs to be addressed. If those problems continue to remain unsolved, that would bring about a humanitarian challenge, and forms an obstacle for effective assistance. In order to find durable solutions for the problem of refugees and IDPs, Madam President, cooperation among humanitarian agencies, development agencies, donor countries and affected countries is important in their humanitarian and development assistance to bring refugees and IDPs out of the tendency of dependence on assistance and promote their self-reliance, together with development of host communities.

Japan places the principle of human security as one of the major pillars of its diplomacy and it goes without saying that consideration of migrants and displaced people is indispensable for the realization of a “society that leaves no one behind” which reflects the principle of human security. The Global Compact on Refugees (GCR) which upholds the principle of “burden and responsibility sharing” for a permanent solution to the refugee problem and the Global Compact for Migration (GCM) which embodies international cooperation to promote

safe, orderly and regular migration share the goals with the principle of human security as well as the SDGs. Japan will continue to make feasible efforts for those goals.
Thank you Madam President.

President: I thank the distinguished delegation from Japan. Now I invite the distinguished delegate from India. You have the floor.

The Delegate of the Republic of India: Thank you Madam President. On behalf of the Indian delegation, let me thank the Deputy Secretary-General for his introductory remarks. Our delegation takes this opportunity to also thank the AALCO Secretariat for its background document on the topic. My delegation would like to make a few general observations on the topic.

In order to ensure adequate, effective and timely protection and support to people in need, there is a necessity to maintain a distinction between migrants, refugees and Internally Displaced Persons (IDPs), as they are governed by different international laws and norms.

The words “refugee” and “migrants” are often mixed together. However, refugees and migration are two distinct phenomena and should be dealt with separately. We believe that mixing the agenda for refugees and migration will be counterproductive for the cause of both. The New York Declaration had recognized this aspect and underlined the need for the development of two separate compacts for Migration and Refugees.

We believe that Migration is mostly economic in nature and it is a pillar for development and we support a developmental paradigm on migration. We believe that migration benefits all—the origin, transit and destination countries. We supported the initiatives to develop a separate Global Compact for safe, regular and orderly migration which was endorsed by the UN General Assembly in 2018.

On the issue of Internally Displaced Persons, we believe that the subject of internal migration, including the IDPs should rest within the purview of the national governments. Any involvement of international organizations, including the UN, in this regard should only be at the explicit invitation of the State concerned.

India voted in favor of UN General Assembly Resolution (A/RES/73/151, 17th December 2018) which affirmed the Global Compact on Refugees, which is a legally non-binding document. The objectives of the global compact as a whole are to: (i) ease pressures on host countries; (ii) enhance refugee self-reliance; (iii) expand access to third country solutions; and (iv) support conditions in countries of origin for return in safety and dignity. India has been generally supportive of the principles of burden sharing and solidarity in respect of refugees. Thank you, Madam President.

President: I thank the distinguished delegate from the Republic of India for their statement. Now, I invite the distinguished delegate from Iraq. You have the floor Sir.

The Delegate of Iraq¹⁰: H.E. Madam President, H.E. Secretary-General, Respected Deputies Secretary-General, Ladies and Gentlemen, Representatives of the esteemed Member States, I thank you very much first for giving me this opportunity.

¹⁰ The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

At the outset, I would like to point out in my speech that I will not focus on the problem and emphasize the solutions that can achieve the result with regard to the refugees.

First, if you would allow me to stress here the importance of international cooperation in this aspect to address the refugee problem.

At the same level of importance, we focus on working in the spirit of international law and developing it in practice as much as the development takes place in a scientific manner.

We affirm here in this great forum the attention to "resettlement", of course, according to internationally defined conditions, as a permanent solution to refugee cases, highlighting the need for international responsibility for all members of the international community in the event of a mass influx.

We also urge the implementation of the 2016 New York Declaration for Refugees and Migrants in all its detail, more than it is now, which provides for *non-refoulement*, the right to seek asylum, the human rights of refugees, burden-sharing and responsibilities, among others.

The New York Declaration also seeks to address the root causes of large movements of refugees and migrants by increasing efforts to prevent crises early on the basis of preventive diplomacy.

Finally, we note the need for cooperation between humanitarian and development agencies, donor and affected countries in order to protect refugees.

It is no secret to you that my country's position in this regard deals with refugees in the most human rights friendly manner. Thank you all for giving this opportunity.

President: I thank the distinguished delegate of Iraq for the statement. Let me invite the distinguished delegate from the Republic of Korea.

The Delegate of the Republic of Korea: Thank you Madam President and Good Morning to all distinguished delegates and I would like to thank the Secretariat for the preparation of the relevant documents and introductory remark.

I would like to start this statement with the reiteration of unwavering support of the Government of the Republic of Korea for the Global Compact on Refugees adopted in 2018 and for its key principles of burden and responsibility sharing in a fair and equitable manner among the international community.

Madam President, and distinguished delegates, in the past sessions, the Government of the Republic of Korea expressed our strong commitment to the protection of refugees. Since we made accession to the 1951 Refugee Convention in 1992, and enacted the national Refugee Act in 2016, the Republic of Korea has continued to participate in the international community's efforts to respond to the global refugee issue and presented the Korean government's pledges and contributions including recently to Syrian, Afghanistan and Venezuelan Refugees and migrants.

Most recently during the First Global Refugee Forum held in Geneva in 2019, the Ministry of Foreign Affairs of the Republic of Korea introduced its national pledges on this issue that:

- The ROK will continue to expand its humanitarian assistance for refugees and displaced people to ensure greater burden-sharing and responsibility sharing.
- The ROK pledges the provision of 12 million dollars from 2020 to 2023 to support international organizations' projects for responding to violence against women in conflicts.
- The ROK will expand its support for refugee contributing more than 50 million dollars to the Multilateral Development Cooperation Projects from 2019 to 2023.
- The ROK will make continued efforts to strengthen its refugee protection capacity by bolstering related infrastructure.
- The ROK will also continue to join the efforts of the international community to find solutions to protracted refugee situations.

The unprecedented challenge of large movements of refugees and migrants which we have recently experienced requires global cooperation in a systematic way, not only with short-term solutions but also long-term solutions including providing chances of capacity building. The above mentioned pledges by the Republic of Korea include plans for sharing burdens on the refugee issue both in short-term and long-term way.

I believe that inclusion of this issue in continuous manner in the agenda of AALCO Annual Sessions would be a great way of witnessing the development of international refugee law. I thank you for listening to this statement and hope this session to be a place for sharing the most pressing challenges and solutions on the refugee issue we currently face together. Thank you.

President: I thank the distinguished delegate from the Republic of Korea for their statement. I now invite the distinguished delegate from Pakistan. You have the floor Sir.

The Delegate of the Islamic Republic of Pakistan: Thank you Madam President. Pakistan has continuously to hold one of the largest refugee populations in the world including three million Afghan refugees. Pakistan's management of Afghan refugees represents a success story in many ways. We have provided them access to our health and education facilities. We have opened our banking system for them and we have engaged them in commercial activities. However, the protracted Afghan refugee situation must not disappear from the radar as new crisis emerge. Time bound, well-resourced and mutually agreed frameworks for repatriation of Afghan refugees back to their home country must remain our focus for any discussion on Afghanistan.

Madam President, Pakistan remains proactively engaged with the UNHCR and other members of the international community to find comprehensive and durable solutions to the protracted refugee issues and we remain committed to the principle of burden and responsibility sharing under the GCR which forms the cornerstone for international refugee policy. Pakistan fully endorses the views of the AALCO Member States that voice support for these principles which must be upheld and enforced by the international community to better cater to the needs of refugees around the world while strengthening and even building capacities of countries.

Madam President, we need to work together for renewed commitments to bridge the finance gap on the basis of the principle of international burden sharing and responsibility sharing as enshrined by the GCR. I thank you.

President: I thank the distinguished delegate from Pakistan for their statement. Excellencies, distinguished delegates, with this the list of speakers from Member States is exhausted. If there are no further statements from the Member States, I will now open the floor to the observers if they wish to make interventions, if any. Well, I thank the delegates for their statements.

**XIII. VERBATIM RECORD OF THE THIRD
GENERAL MEETING (CONTD.)**

**XIII. VERBATIM RECORD OF THE THIRD GENERAL MEETING CONTINUED
ON WEDNESDAY, 28 SEPTEMBER 2022, AT 12:00 PM**

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

AGENDA ITEM: ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

President: Now we take up the next topic on the agenda ‘Environment and Sustainable Development’. I invite the AALCO Secretariat to make the introductory remarks.

Mr. Sun Guoshun, Deputy Secretary-General of AALCO: Thank you Madam President. Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, aspects pertaining to environmental protection have constituted an important part of AALCO’s work programme. The proposal to incorporate the topic in the agenda of AALCO was made by India at the Fifteenth Annual Session in 1974. Since then the topic has been discussed under numerous heads and at numerous Annual Sessions.

In the current Annual Session, it is proposed by the Secretariat to include two specific aspects of the topic having contemporary relevance, firstly, Transboundary Air Pollution with Specific Reference to Sand & Dust Storms (SDS) and Haze Pollution and secondly, Conservation and sustainable use of Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ).

The two topics are highly relevant in the context of environmental protection and sustainable development in the contemporary context. The issue of Sand & Dust Storms and Haze Pollution has never been discussed before in an AALCO forum and, therefore, adds a strong degree of novelty to AALCO’s engagement with the subject of environmental protection. The issue of Sand & Dust Storms and Haze Pollution is one of the most pressing challenges of transboundary pollution being faced today by the international community. Many AALCO Member States are familiar with this environmental hazard and have been at the forefront of tackling this problem through appropriate legal and diplomatic tools.

The topic has been dealt with extensively in document AALCO/60/NEW DELHI (HEADQUARTERS)/2022/SD/S10 prepared by the Secretariat in the larger backdrop of transboundary pollution as a global environmental concern. It is also pertinent to mention that the United Nations has been at the forefront of addressing this issue and regional efforts notably by the ASEAN have been underway as well. In this regard, the Secretariat is of the view that the issue may be given adequate emphasis by AALCO in the best interest of facilitating deeper engagement and AALCO Member States may be provided with an opportunity to express their views with the aim of effectively dealing with the challenges posed on this front. It should also be noted that such a discussion can also possibly create a common position on the need to address threats posed by transboundary pollution at a more general level and the Afro-Asian region could emerge as a potential regional catalyst in fostering the evolution of global legal principles in this regard.

The regional treaty framework of ASEAN on transboundary haze pollution has also been discussed elaborately and it is hoped that the brief would provide impetus for focused deliberations on the topic with a futuristic orientation.

On a related note, in recent times, AALCO has almost exclusively dealt with the issue of Conservation and Sustainable Use of BBNJ in its briefs on the agenda item: “the Law of the Sea”. The relevance of the topic “Conservation and Sustainable Use of BBNJ” accrues from the steady broadening of the spectrum of threats to marine resources and biodiversity from established and emerging anthropogenic uses in the vast areas of the ocean beyond national jurisdiction (ABNJ). In view of this exclusive focus, and in order to ensure that the topic is glimpsed through the prism of sustainable development, it is proposed that during the Sixtieth Annual Session the topic better be addressed within the ambit of the agenda item “Environment and Sustainable Development.”

Inclusion of this topic as an item for focused deliberation under the agenda item “Environment and Sustainable Development” in the Sixtieth Annual Session of AALCO presents to AALCO the opportunity, firstly, to be a forum for inspiring debates and discussions on the treaty-making process under the UNCLOS from an Asian-African perspective by inviting its constituent Member States to share their legal and socio-political views on the topic; secondly, to facilitate deliberation on the nexus of the topic with the attainment of Sustainable Development Goals.

The milestones reached by the international community in its quest to negotiate and draft an international legally binding instrument (ILBI) under the UNCLOS on the conservation and sustainable use of BBNJ have been poured over in the Secretariat brief. The AALCO Member States have participated extensively in the four sessions of the IGC. The draft text of the BBNJ Treaty, as it stands after the 4th Session of the Intergovernmental Conference (IGC) has been perused with an objective to provide an initial analysis of the draft text, focusing on general provisions, institutional arrangements and the substantive provisions concerning the package deal elements, thereby highlighting key areas of progress or contention, and identifying some possible options for strengthening the text.

It is important to note that including appropriate provisions in the text of the BBNJ ILBI and implementing them has the potential to make a very significant contribution to meeting several SDG targets, including SDG 14.

The Secretariat encourages the AALCO Member States participate in the upcoming events pertaining to the negotiation of the ILBI with the zeal to formulate an ambitious and robust agreement, regardless of the number of additional sessions that might be needed. I thank you Madam President.

President: I thank the Secretariat for the very informative statement and those remarks will set the pace for a very constructive discussion. Now, I invite the delegates from Member States to make their statements. The first in my list is the Socialist Republic of Vietnam. You have the floor Sir.

The Delegate of the Socialist Republic of Viet Nam: Madam President, Distinguished delegates, the Vietnamese Delegation would like to extend our highest regards to the Secretariat for including into our agenda such an item of great importance. As a developing country heavily affected by drastic impacts of climate change and environmental pollution, Viet Nam attaches great importance to multilateral process, and has shown its strong political will to combat climate change, protect the environment and realize the United Nations Millennium Sustainable Goals (the SDG 14), through notable pledges and commitments, such as the commitment to net-zero emissions by 2050 at the COP26 Conference.

We also thank the Secretariat for having prepared a detailed report, which carefully examines the existing legal frameworks on transboundary air pollution and closely follows the process of negotiation of the international legally binding instrument regarding the conservation and sustainable use of BBNJ.

Madam President, acknowledging the dreadful consequences of air pollution, Viet Nam wholeheartedly supports international and regional attempts to fight against transboundary air pollution, especially the haze pollution that has severely affected Southeast Asian countries. Viet Nam has become member to treaties of high importance, including the Paris Agreement on Climate Change, ASEAN Agreement on transboundary haze pollution, as well as endorsing political statements on the issue. Viet Nam recognizes the principles stipulated therein and would further emphasize the principle of common but differentiated responsibilities (CBDR) with regard to environmental protection and climate change prevention and response.

Moving on to the subject of BBNJ, we are encouraged to see the immense progress made during the last IGC5 in August in New York and reiterate our strong commitment to the negotiation of this important UNCLOS implementing Agreement. Vietnam has been actively participating in the Intergovernmental Conference since its preparatory meeting. In this regard, we would like to make the following brief observations:

First, the provisions on transfer of marine technology should be drafted broadly to the interest of developing countries. Capacity building and transfer of marine technology should be mandatory and linked with the access to MGRs and exploitation activities.

Second, MGRs are common heritage of mankind, and, therefore, the “freedom of the high seas” regime should not apply to access *in situ* to MGRs. Benefits from BBNJ should be shared in an equitable manner.

We would like to see in this Agreement a robust mechanism for its effective implementation, which would contribute to the conservation and sustainable use of BBNJ and take into account the special needs and interests of developing States.

Again the Vietnamese Delegation extends our gratitude to AALCO for a comprehensive report on Environment and Sustainable Development, as well as our expectation for further discussion of the topic in future sessions. I thank you Madam President.

President: I thank the distinguished delegation from the Socialist Republic of Vietnam. I invite the distinguished delegate from the Republic of Kenya. I once again request the distinguished delegations to be precise. I have a good number of delegations who have registered, so to facilitate all the members to reflect their views, I once again request the Member States to be precise in their interventions. Thank you.

The Delegate of the Republic of Kenya: Thank you Madam President. Kenya has continually supported the following activities as a way of conserving the environment:

1. Conducting of environmental impact assessments (EIAs). Our position is that there should be global minimum standards for the conduct of EIAs in the areas beyond national jurisdiction (ABNJ) with the understanding that regional, sub-regional and sectoral bodies may put in place other stringent measures if need be.

2. On Area-Based Management Tools (ABMTs) including marine protected areas (MPAs), the fundamental principle supported by Kenya, is the need to ensure that identification of ABMTs, including MPAs are backed by best available scientific information.

Distinguished Delegates, it is not lost that SDG 14 focusses on life below water. Specifically, the Goal focusses on oceans, seas, marine resources for sustainable development. Oceans and fisheries support the global population's economic, social and environmental needs. Additionally, oceans are the source of life for the planet and remain the global climate system regulator.

Over 3 billion people depend on marine life for their livelihood. However, there has been a 26 percent increase in acidification since the industrial revolution. Effective strategies to mitigate adverse effects of increased ocean acidification are needed to advance the sustainable use of oceans. Kenya has made good progress towards the achievement of this goal.

Madam President, Kenya has demonstrated strong commitments to enhancing conservation and sustainable use of marine and oceanic resources to move towards inclusive and sustainable development pathways. To this end, Kenya has signed and/or ratified major legal and regulatory frameworks, such as the Vienna Convention for the Protection of the Ozone Layer, the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the United Nations Convention on the Law of the Sea, and the Convention on the Conservation of Migratory Species of Wild Animals.

The realization of this Goal has not been without challenges. The conservation and sustainable use of the oceans, seas and marine resources for sustainable development have been impacted by:

- i. Decline in fish stocks due to overexploitation, loss of certain fish populations and loss of cold water fish growing areas and rivers;
- ii. Limited fishing technology for semi-industrial and industrial fisheries in the deep waters;
- iii. Low aquaculture development;
- iv. Insecurity at sea, piracy and gear thefts especially in the transboundary waters.

Madam President we have in place selected ongoing strategies to conserve and sustainably use the oceans, seas and marine resources for sustainable development which include the following:

- i. Collaboration with other stakeholders to promote climate change adaptation and mitigation measures on fisheries and aquaculture;
- ii. Promoting local deep sea fishing companies through joint ventures, reflagging of foreign fishing vessels and chartering fishing vessels; and
- iii. Deepening the Blue Economy Strategy.

Distinguished Delegates, Kenya is among countries undertaking the process of formulating and implementing national adaptation plans and is keen on seeking cross-border collaboration in the sustainable use of marine resources. The blue economy sector is an area that has a lot to contribute to the economies of the involved parties. Marine transport and fishing remain key drivers in the blue economy sector but proper systems have to be put in place to avert possible threats like piracy, pollution, overexploitation of fish stocks among others.

Whilst individual efforts by States are important in realizing SDG 14, it is without doubt that synergy amongst States is required so as to protect the marine ecosystem. Any threat to marine biodiversity will ultimately affect the present and future generations and, therefore, it is incumbent amongst the members to join hands in creating a framework that will ensure sustainability in the target areas.

To this end, the idea of an international legally binding instrument (ILBI) is a good move as it brings a unified approach on target issues whilst bringing forth a sense of responsibility and accountability on Member States. I thank you Madam President.

President: I thank the distinguished delegate from the Republic of Kenya. Now, I invite the distinguished delegate from the Republic of Korea. You have the floor Madam.

The Delegate of the Republic of Korea: Thank you Madam President for giving me the floor for this topic and good afternoon to all. I thank the Secretariat for the relevant documents and introduction again.

The two environmental issues that this session is to be considered are very important since every country at this meeting as well as others are vulnerable and will be forced to pay the exploding costs caused by transboundary air pollution and irresponsible use of marine biodiversity in areas beyond national jurisdiction.

With regard to the transboundary air pollution with the sense of urgency and need for action, the Republic of Korea has joined the global movement to improve air quality for all, firmly committed to further enhancing its national action and collaboration with other countries and relevant international organizations.

At the national level, the Korean government has been putting its utmost efforts to improve the air quality, aiming for 30% reduction in the level of fine particulate matter by 2027.

At the regional level, the Republic of Korea has been closely working with the UN ESCAP Member Countries, as the Republic of Korea will share with thirteen of them the scientific data on air pollutions gathered from the geostationary satellite, under the project titled 'Pan-Asia Partnership for Geospatial Air Pollution Information'. This project will help us strengthen cooperation among countries to address the challenges of transboundary air pollution.

At the sub-regional level, Korea has been firmly supporting the 'North-East Asia Clean Air Partnership' (NEACAP), an initiative under the 'North-East Asia Sub-regional Programme for Environmental Cooperation' (NEASPEC), with an aim to promote science-based and policy oriented cooperation to reduce air pollution in the sub-region.

I hope that this meeting would also be a good opportunity to explore effective and practical ways to tackle transboundary air pollution, as well as applicable international legal frameworks.

Secondly, with regard to the 5th IGC meeting on an International Legally Binding Instrument under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, we would like to reiterate our positions expressed during the IGC meetings. The Republic of Korea has constructively engaged in the process of developing a legal instrument on BBNJ and we have maintained flexibility all the time. Indeed, such a legal instrument shall be as efficient and practical as possible, however, it is very urgent to adopt a legal framework to protect marine biodiversity beyond national jurisdiction. We must step forward and wish that a legal instrument on BBNJ will be agreed upon as soon as possible. I thank you very much for your kind attention. Thank you.

President: I thank the distinguished delegation from the Republic of Korea for their statement. Now, I invite the distinguished delegate from the Democratic People's Republic of Korea. You have the floor Sir.

The Delegate of the Democratic People's Republic of Korea: Thank you Madam Chair. Natural disaster caused by climate change and environment destruction is now one of the very serious issues being faced by humanity, and therefore, sustainable development cannot be guaranteed if the international society does not respond to it by concerted efforts.

We should admit that Asian and African countries, among others, have been seriously affected by those disasters, and which is hindering them in fulfilling their potentials of sustainable development.

In this context, the DPRK delegation considers it very important for the Member States to strengthen the cooperation to fight jointly against climate change in order to realize sustainable socio-economic development. It is also essential to secure the right to sustainable economic development of the developing countries.

Madam President, the environment protection issue can be solved only when all the countries make sincere efforts to carry out their respective obligations of international laws including the one related to the reduction of greenhouse gas emissions.

The government of the DPRK has set the environment protection as one of the important State policies and has entered in several key international environment treaties. It also enacted several domestic laws on environment protection including "Law on Environment Protection" and "Law on Natural Protection Zone" and has been putting them into practice.

It is now turning great efforts to consolidating national capacity for responding effectively to the crisis of natural disasters, and pushing ahead with projects for protecting land environment, *inter alia*, forest rehabilitation, afforestation for erosion control and construction of tide embankment.

The DPRK in future too, will further promote cooperation with all the Member States in the field of environment protection and make its contribution to the international efforts to maintain sustainable development. Thank you very much Madam President.

President: I thank the distinguished delegate from the Democratic People's Republic of Korea for their statement. Now, I invite the distinguished delegate from the Islamic Republic of Iran. You have the floor Sir.

The Delegate of the Islamic Republic of Iran: Thank you very much Madam President. At the outset, I would like to appreciate the Secretariat for preparing the report on the field of environment and sustainable development. Sand and dust storms are among the most urgent environmental challenges and BBNJ also is amongst the most important topic of Law of the Sea.

Madam President, regarding the Sand and Dust Storms (SDS), we are faced with the phenomenon that near to 151 States around the world have experienced its negative effects. This phenomenon has considerable direct effects on livelihood, health, and the environment of communities and thus affects achieving the Sustainable Development Goals (SDGs). The transnational hazardous effects of SDS introduce it as an international challenge.

While the lack of a legally binding instrument is felt in this area, the Islamic Republic of Iran firmly supports the United Nations Coalition to Combat Sand and Dust Storms. We believe that this Coalition helps the States located in the belt of sand and dust storms, especially in the Middle East and North Africa. As mentioned in the report, it is estimated that in this region about \$13 billion in Gross Domestic Products (GDP) are lost due to SDS. This fact demonstrates the necessity to establish an international or regional arrangements to support the affected States in relation to technical assistance, capacity building and financial support. Considering the significance of the matter, the Islamic Republic of Iran in line with its previous endeavours for international and regional cooperation in combatting SDS has hosted an international conference on combatting SDS on 12 July 2022 in Tehran with the participation of representatives from different countries of Middle East and Central Asia.

Referring to Tehran Ministerial Declaration of the Conference it has been mentioned to "encourage the United Nations Coalition on Combatting Sand and Dust Storms to prioritize its activities and also enhance resource mobilization efforts to increase the voluntary contributions in line with the UN General Assembly resolutions on "Sand and Dust Storms". The Islamic Republic of Iran emphasized on the importance of coherent regional cooperation based on codified plans for sustainable management of water, soil, air and waste and asked for division of work among countries.

Madam President, turning now to the topic of Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ), the Islamic Republic of Iran believes that the ocean, with its amazing biodiversity and a large number of yet-undiscovered species, offers great promise to public health, development of science, sustained economic growth, poverty eradication and food security.

However, benefitting from this blessing can only be possible if the new legally binding instrument provides an effective and robust regime that not only protects effectively the oceans and their resources but also puts a fair and equitable access and benefit sharing mechanism in place that would enable all countries especially developing countries to enjoy from these benefits. To this end, a mere expression of goodwill, cooperation and voluntary commitments are not enough for the international community.

We firmly believe that fairness and equality can be guaranteed only if the principle of the Common Heritage of Mankind underpins the legal regime applicable to marine genetic resources of areas beyond national jurisdiction. This principle provides a solid legal foundation to create concrete legally binding obligations that would allow all countries to benefit from the invaluable potential that marine biodiversity presents.

The success of the new instrument in the conservation and sustainable use of the marine biodiversity of Marine Areas beyond National Jurisdiction (ABNJ) depends on its universality and inclusiveness and formulation in a way that no State is left behind. We would like to once again, reiterate that, in line with the General Assembly Resolution 72/249, the legal status of non-parties to the Convention and any other related agreements with regard to those instruments should not be affected by this agreement. It ensures a universal, sound and internationally legitimate instrument and the inclusion of it in the text should not be optative.

Madam President, achievement of objectives of the new instrument in the conservation and sustainable use of BBNJ lies in the effective participation of all countries and this goal is not feasible without effective capacity building and transfer of marine technology. They are closely linked and they are both fundamental to removing imbalances between countries so as to enable developing countries to access and benefit from BBNJ. Needless to say, effective capacity-building and technology transfer require institutional capacity, concrete legally binding obligations while recognizing the special needs of developing countries and sustained and adequate funding. Otherwise, such efforts would be aspirational at best. In this regard, we would also like to reiterate that intellectual property rights shall not preclude the transfer of technology under this instrument. When it comes to intellectual property rights, we cannot refer to it without mentioning its role as a means to properly monitor the utilization of MGRs and guarantee their traceability to them in different stages of their exploitation and utilization in a transparent manner. In fact, this can be practicable through Mandatory Disclosure of the source of Biological resources. In this context, intellectual property rights could be utilized to enable benefit sharing as well as to prevent their piracy, misappropriation and unauthorized use.

Madam President, last but not least, my delegation believes that the new BBNJ agreement while helping move from fragmentation to coherence should avoid overlap and duplication with existing legal instruments and the activities of the relevant frameworks including the 1995 United Nations Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Additionally, referring to the Fifth Session of the IGC on BBNJ convened from 15-26th August this year in New York, we emphasize that transparency and inclusiveness are essential elements of the rule-making process which if challenged; the whole process would be in jeopardy. To avoid such unintended consequences of establishing small groups, it would be important to re-define the methodology based on equal footing and participation of all stakeholders. Thank you Madam President.

President: I thank the distinguished delegate from the Islamic Republic of Iran for the Statement. Now, I invite the distinguished delegate from Japan followed by the Republic of Indonesia. Japan you have the floor Sir.

The Delegate of Japan: Thank you Madam President for giving me this floor. Concerning the first topic of transboundary air pollution, Japan has contributed towards Sand and Dust Storms (SDS) mitigation primarily through projects funded via the Global Environment

Facility (GEF), which is the financial mechanism for the UN Convention to Combat Desertification (UNCCD). We recognize sand and dust storms as a transboundary environmental problem and that cooperation between affected countries is vital, requiring early effective investigations and countermeasures. Particularly, as the sand and dust storms sources do not originate from Japan, joint international efforts are necessary for the implementation of countermeasures and the collection of data related to the problem.

The Global Environment Facility helped facilitate preliminary investigations in the four countries in North Asia (Japan, China, Korea and Mongolia) to help introduce a phased program of a monitoring and early warning network in Northeast Asia as early as about two decades ago.

Concerning the second topic of Conservation and Sustainable use of BBNJ, as a maritime nation, Japan attaches great importance to the role played by the Intergovernmental Conference (IGC) to formulate a balanced, effective and universal agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). We are pleased that Japan was able to engage actively with other delegations in the IGC 5 held in New York last month. We will continue to engage in the negotiations for the early conclusion.

Today, I will not explain in detail about Japan's position on the four topics in the negotiations, but I would like to take this opportunity to briefly explain some of our thoughts on the main issues, based on the brief prepared by the Secretariat.

First, on page 34 (para. 86) of the briefing, it points out the importance of decision making based on scientific evidence, a point that Japan also attaches great importance to, and we would like to thank the Secretariat for pointing this out.

Regarding marine genetic resources, the briefing material points out that "the use of MGR was not envisaged by the drafters of UNCLOS and the applicable regime is not clear." (p.35, para 89). Although we will not repeat the details, we would like to state that Japan does not have such an understanding on this point and rather we have an exactly opposite understanding.

In relation to Area-Based Management Tools (ABMT), most of the countries including Japan believe that the BBNJ agreement should not undermine the existing frameworks and bodies, but rather it should respect their competencies and cooperate with them. We recognize that the process of establishing the ABMT, decision making process in particular as pointed out in Para 94 in the briefing, is relevant to this idea. We have not reached an agreeable position in the negotiation and would like to continue to examine ways to agree on a process that reflects this important concept.

Finally, with regard to environmental impact assessment (EIA), as confirmed in the relevant General Assembly Resolutions, Japan believes that the BBNJ agreement should be fully consistent with UNCLOS, and the decision on whether or not to conduct an EIA and whether or not to carry out activities based on the results of an EIA should be made by the State. Japan is open to considering what to do if a State lacks the capacity to make such a decision and would like to continue to consider what is best in this regard together with other countries. I thank you Madam President and Vice-President.

President: I thank the distinguished delegation from Japan for their statement. Now, I request the distinguished delegation from the Republic of Indonesia. Floor is yours Sir.

The Delegate of the Republic of Indonesia: Thank you Madam President. Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, Indonesia highly commends the extraordinary work on the substantive and comprehensive negotiation to establish an International Legally Binding Instrument (ILBI) under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (BBNJ) through 5 (five) rounds of intergovernmental conference (IGC) since 2018.

Indonesia is of the view that the instrument should emanate norms and values that are consistent with international law, especially UNCLOS, to establish global governance in the high seas. In this regard, Indonesia is committed to actively involve in the negotiation of this instrument.

Indonesia's active participation in the negotiation is in line with its long-standing commitments on maintaining sustainable use of marine resources and marine environment protection, which consist of first, preventing unsustainable fishing practices and crimes in the fishing sector; second, conservation and protection of the ocean; and third, the prevention of marine plastic pollution.

In the spirit of balancing conservation and sustainable use of marine resources, Indonesia draws upon our collective efforts to address the trend of unsustainable fishing practices, one of which is through the establishment of areas-based management tools, including marine protected areas, as well as other necessary measures, such as quota-based capture of fisheries. Indonesia calls on all AALCO Member States to recognize the uniqueness and vulnerabilities of archipelagic States, small island States and coastal States with rich marine biodiversity, which shall be included in the negotiation of the ILBI BBNJ.

Indonesia's efforts in the conservation and protection of the ocean is demonstrated from marine spatial planning policies that are integral to the economic development while at the same time ensuring environmental protection. Indonesia has expanded its marine protected areas to 28.4 million hectares, exceeding its initial commitment of 20 million hectares. To this end, Indonesia is keeping its commitment to expand the marine protected area to 32.5 million hectares by year 2030. Indonesia remains fully optimistic to fulfil such ambitious target. As it stands, we are currently reaching 86.5% completion of our 2030 target.

Another key issue within the ILBI BBNJ is ensuring the fair and equitable sharing of benefits arising from the access, collection and utilization of marine genetic resources in areas beyond national jurisdiction, including fish and its derivatives. Indonesia is of the view that ILBI BBNJ shall encourage all States, including landlocked developing States and geographically disadvantaged States, can have equal opportunities to access, collect and utilize marine genetic resources in areas beyond national jurisdiction and that all benefits arising from such activities are fairly managed. In this regard, Indonesia also stresses the importance that the utilization of genetic property of fish in biotechnology industry shall not be excluded from the scope of the BBNJ agreement.

Furthermore, Indonesia also believes that ILBI BBNJ should protect the rights and legitimate interests of coastal States adjacent to the high seas and facilitate active participation of coastal

State for sustainable use and effective protection of marine environment in the area under and beyond national jurisdiction.

ILBI BBNJ shall ensure the continuous implementation of capacity-building and transfer of marine technology programs, including biotechnology. It is also important for ILBI BBNJ to not undermine relevant frameworks, institutions or bodies in international, regional or sub-regional level whose mandates cover areas beyond national jurisdiction. This also includes the acknowledgment of the ongoing global talks on addressing marine plastic pollution in addition to the existing frameworks or initiatives to address the issue.

At the national level, Indonesia has recently enacted Presidential Regulation Number 83 of 2018 concerning Marine Debris Handling. This regulation provides a consolidated framework to joint efforts and resources to prevent pollution in the marine environment. Since its enactment, we have witnessed increased capacity in the financing of public investment for waste handling and provision of giving incentive for private and community-led initiatives.

Aside from ILBI BBNJ and marine plastic pollution, other issues related to the Agenda Item include the issue of sea level rise. Indonesia encourages further consideration by the international community, including AALCO Member States to seek appropriate and acceptable methods for dealing with and resolving international legal dilemmas related to the baselines and sea-boundaries affected by the rise of the sea level.

To conclude Madam President, our delegation welcomes further discussion on other topics related to the Agenda Item. Indonesia stands ready for further discussion and expects this forum to be a platform for discussion for AALCO Member States to reaffirm our commitment in discussing important elements to be included in the ILBI BBNJ, as well as other topics identified by other delegations. I thank you.

President: I thank the distinguished delegation from Indonesia for their statement. Now, the next statement is from the distinguished delegate from Malaysia. You have the floor Sir.

The Delegate of Malaysia: Madam President, Excellencies and Distinguished Delegates, Ladies and Gentlemen, Malaysia fully supports Resolution 69/292 adopted by the General Assembly on 19 June 2015. Being a coastal State with diverse marine biological resources, it is important for Malaysia to have a mechanism to govern marine biological diversity in particular for BBNJ.

Further, as oceans and marine resources are acknowledged as playing a prominent role in advancing sustainable development, Malaysia acknowledges that BBNJ is closely connected with Goal 14 of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015 (Resolution 70/1).

In its efforts to support Resolution 70/1 adopted by the United Nations General Assembly on 25 September 2015 and the work of the IGC under resolution 72/249 adopted on 17 December 2017 in developing a legally binding instrument on the conservation and sustainable use of BBNJ, Malaysia is currently undertaking a series of internal discussions with its relevant agencies in order to facilitate the ongoing negotiation of the agreement at the IGC platform.

Malaysia wishes to address the observations and comments by the Secretariat of AALCO as expounded in item I (B) (b) of its 2022 Report on Environment and Sustainable Development. Malaysia's position on the observations and comments of the AALCO Secretariat are expressed below.

Participation of AALCO Member States in the BBNJ IGCs' session and formulation of an ambitious and robust agreement in the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

As a record, Malaysia has participated in the Preparatory Committee meetings and involved in the deliberations of the draft text agreement at the IGCs. However, formulating an ambitious and robust agreement of BBNJ should be based on the updated version of the latest draft text agreement. On this note, Malaysia wishes to highlight that the current AALCO Paper discusses on the Fourth IGC's session deliberations whilst the Fifth IGC Report has yet to be published. Hence, Malaysia would like to express its concern that any further deliberation on this topic should be put on hold until the Fifth IGC Report has been published accordingly. With the full report of the Fifth IGC, AALCO Member States have the opportunity to analyse the revised draft text agreement and also the textual proposals of the delegations during the Fifth IGC. This will be of great help and assistance in providing comments and recommendations by the AALCO Member States on the future drafting of the BBNJ's agreement under this platform and for the next IGCs session. Last but not the least, Malaysia is on board with the current direction of the negotiation under BBNJ which is moving towards carving out a *lex specialis* regime that is able to customize itself for the preservation of BBNJ. This approach will enable the establishment of a legal regime consistent with AALCO Member States' domestic legal framework.

Taking into consideration the fact that Malaysia is a coastal State with diverse marine life, organism, plants and minerals, it is important for Malaysia to ensure that the scope and the implementation of the draft text agreement must conform with our domestic legislations, regulations and policies as well as Malaysia's commitments under Goal 14 of the Sustainable Development Goals adopted by the Resolution 70/1 which provides for the conservation and sustainable use of oceans, seas and marine resources. Hence, Malaysia reiterates its commitment that the draft text agreement should be consistent with UNCLOS and the relevant environmental obligations under the multilateral environmental agreements such as the CBD and Nagoya Protocol. Malaysia believes that integrated obligations between these treaties will provide effective implementation under the draft text agreements as most of the AALCO Member States are parties to UNLCOS, CBD and Nagoya Protocol. Thank you Madam President.

President: I thank the distinguished delegation from Malaysia for their statement. The next in my list is the distinguished delegation from India. India you have the floor.

The Delegate of the Republic of India: Thank you Madam President, on behalf of the Indian delegation, I take this opportunity to thank the AALCO Secretariat for preparing background document on the topic and the introductory statement made by the Deputy Secretary-General.

We welcome the inclusion of the topic in this session which was last deliberated in 2015 during the Fifty – Fourth Annual Session of AALCO. We look forward to having constructive discussion on the issues pertaining to this topic with special focus on Haze

Pollution and Sand and Dust Storms, which was not discussed before in this forum. The inclusion of this topic is the need of the hour given the challenges faced by the countries, particularly developing countries due to the haze pollution and sand and dust storms.

Madam President, the Transboundary pollution is one of the most pressing environmental challenges faced by the international community and we look forward to discussing the issue with focus on causes for such pollution, the scale and impact of the such pollution and the steps taken to prevent/address such causes and challenges by the affected countries including the legal framework/action, sharing the best practices, etc.

Madam President, the Indian Delegation wishes to briefly touch the on-going BBNJ process. India had participated in the negotiations all through including in the recently concluded Fifth intergovernmental conference on the instrument. The Indian delegation emphasizes the necessity of having a legal regime on BBNJ so that there are clarity and clear guidance over the procedures to access the resources of ABNJ. We believe that this will not only help conservation efforts but also augment scientific investment on the exploration of innumerable species from ABNJ region before they become extinct. More importantly, the use of the resources will become transparent and thereby conservation efforts will be feasible.

The Indian delegation is of the view that while IGC effectively discharge its duty as per the mandate of UNGA resolution 72/249 of 2017, as envisaged in the Resolution, the work and results of IGC should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea. It should not undermine existing relevant legal instruments, frameworks and relevant global, regional and sectoral bodies.

The Indian Delegation supports meaningful discussions in developing the text of the proposed implementing agreement, taking into consideration the 2011 package, deliberations and outcomes of the earlier processes, including the report of the Prepcom established by UNGA resolution 69/292.

India, in principle, favors early conclusion of this international legally binding instrument on BBNJ. We believe that this treaty regime has to be truly universal in participation and implementable in meeting the objectives of the Agreement. While there is convergence on many important aspects of the draft text, we see serious disagreement/divergence on several provisions of the proposed agreement. Hence, we are of the view that an agreement of this nature cannot be rushed-in. In the process, we may end-up in having document with several legal gaps and thus make the treaty unimplementable.

My delegation wishes to briefly deal with each of the topics in BBNJ process. On the topic Marine genetic resources, including sharing of benefits, the India delegation is of the view that the scope of the instrument must cover every aspects of the marine genetic resources in the Area and high seas without prejudice to the relevant provisions of the UNCLOS and other relevant instruments. The proposed regime has to be fully consistent with the provisions of the UNCLOS which guarantees rights and jurisdictions of coastal States in their maritime zones including the extended continental shelf beyond 200 nm, where applicable.

The Indian delegation is of the view that right to access to MGR is crucial to the advancement of science and technology development leading to its sustainable use. In the case of regulating access to MGR, it is pertinent to note that the genetic material required for

bio-prospecting is very less and hence it is desirable to regulate access to MGR without prejudice to the regime on Marine scientific research provided under UNCLOS.

The Indian delegation also is of the view that there should be a monitoring mechanism to establish traceability of MGR for meaningful sharing of benefits. As regards the objectives of benefit sharing, my delegation supports the application of the principle of Common Heritage of Mankind as the underlying principle of benefit sharing.

On the issue of Benefit-sharing modalities, the Indian delegation is of the view that sharing of benefit shall be done at different stages. At the research level, sharing shall be making the information about the research outcome publically available, whereas the stage when the research outcome has led to commercial venture the sharing could be even at monetary level. On the question of what existing instruments and framework will be applicable, the Indian delegation is of the view that we can take guidance from the existing instruments, however keeping in mind the fact that the resources of ABNJ are different from land resources.

As regards the Environment Impact Assessment (EIA), the UNCLOS provides guidance in part XII of the Convention particularly under Articles 192, 204, 205 and 206. Considering the delicate nature of marine biodiversity and marine environment in ABNJ, activities in the ABNJ require EIA provided there is no duplication or it does not undermine the existing framework or regulations provided in the other relevant instruments. The present state of scientific understanding on the possible impacts on marine biological diversity is not adequate and hence EIA plays a critical role on the protection of the marine environment and achieving the objectives of the implementing agreement.

From a practical perspective, it may be difficult to set minimum threshold of impact as it could vary amongst ecosystems and especially when our scientific knowledge on biodiversity of such ecosystems in ABNJ region are limited. However, it is desirable to have a minimum threshold of impact based on ocean based/ sound scientific principles as the basis for the EIA studies.

EIA activities carried out by the proponent State and report submitted by them be reviewed by a competent scientific and technical body as in case of ISA. This competent body may update the guidelines on EIA. The EIA regime provided in the Madrid Protocol on environmental protection to the Antarctic Treaty and International Seabed Authority could be explored as models for this implementing agreement.

On the Topic Area Based Management Tools (ABMT), including MPAs, the Indian delegation is of the view that there is a need for institutional mechanism to coordinate ABMTs, on the basis of a sound science-based approach, ecosystem uniqueness, application of precautionary principle, transparency and accountability and due regard to Coastal States involved in the process. At the same time, we should also ensure that position of any existing MPAs under similarly placed instruments is not undermined. Management of MPAs should ensure conservation and sustainability as being the main focus of this instrument.

While there is an obligation under UNCLOS to protect and preserve marine environment and for States to cooperate with each other in the conservation of living resources in the areas of the high seas, we believe that rights of other States, including freedoms of the high seas, are equally important and the challenge would be to arrive at an effective balance so that these rights are not restricted due to employing ABMTs and declaration of MPAs. Therefore,

procedure to establish due diligence in identification of ABMTs and MPAs, consultation process through regional cooperation and institutional mechanism for final adoption are important components that need to be discussed.

On Capacity building and Transfer of Technology, the Indian delegation is of the view that capacity-building should be need-based and country driven. The Indian Delegation supports the view that enhancing and developing the capacity and ability of developing countries is very crucial to create a well informed and knowledge based society that would enable to assume its responsibility and obligations under the new instrument leading to conservation and sustainable use of marine biological diversity both within the jurisdiction of coastal State and in ABNJs. The Indian delegation emphasizes the support for international cooperation, specifically through establishment of national and regional marine scientific and technological centres which are important from the perspective of training and education of nationals of developing States and others. Thank you Madam President.

President: I thank the distinguished delegation from India for their Statement. Now, I invite the distinguished delegation from the People's Republic of China. You have the floor Sir.

The Delegate of the People's Republic of China: Madam President, this year marks the 30th Anniversary of the United Nations Conference on Environment and Development. However, the international community is faced with multiple challenges such as persistent and recurring pandemic, setbacks in global economic recovery, climate change and ecological problems. Against such a backdrop, it is necessary for us to discuss in depth the topic of Environment and Sustainable Development.

The topic this year focusses on transboundary air pollution, which is closely linked to socio-economic development and has been included in several Sustainable Development Goals. The international community has developed a number of legal instruments and regional coordination mechanisms on this issue, including the Convention on Long-range Transboundary Air Pollution, the ASEAN Agreement on Transboundary Haze Pollution (AATHP), the Male Declaration on Control and Prevention of Air Pollution and Its Likely Transboundary Effects for South Asia, and the North-East Asian Subregional Programme for Environment Cooperation (NEASPEC) and also has a wealth of case studies. In recent years, the Sixth Committee of the United Nations General Assembly and the United Nations International Law Commission have also discussed the issue of transboundary damage.

China believes that transboundary air pollution is a regional and global challenge that requires concerted efforts by all parties. China appreciates AALCO's inclusion of this issue in the topic of Environment and Sustainable Development and welcomes the share of experiences and views on this issue. We propose to enhance synergies among regional environmental cooperation mechanisms and encourage AALCO to compile relevant experiences and cases from developing countries with a view to promote mutual learning.

Madam President, China makes great efforts in building ecological civilization, following the path of green development. The Chinese Government has prioritized the issue of air pollution in improving people's livelihood and has taken comprehensive actions in this regard and made remarkable achievements. In recent years, air quality in China has continued to improve with haze and dust storms significantly reduced.

China has always actively involved in global environmental governance and has earnestly fulfilled its obligations under the United Nations Framework Convention on Climate Change (UNFCCC), the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol, the United Nations Convention to Combat Desertification (UNCCD) and other environmental conventions making contributions to the global environmental protection including the global climate actions, the protection of the ozone layer, the prevention and control of desertification and the mitigation of sand and dust storms. In terms of bilateral and regional environmental protection, China has actively participated in the China-Korea Clear Sky Plan, the Tripartite Policy Dialogue on Air Pollution (TPDAP), the Acid Deposition Monitoring Network in East Asia (EANET), the Clean Air Partnership and other mechanisms to promote regional air quality together with neighbouring countries. In addition, China has supported the construction of the Great Green Wall in Africa and carried out technical cooperation on desertification control with Mongolia tackling the problem of transboundary sand and dust storms.

China is willing to continue to participate in international cooperation and exchange on transboundary air pollution control in an open, pragmatic and cooperative manner and join hands with other countries to promote global environmental protection and sustainable development. I thank you Madam President.

President: I thank the distinguished delegation from China for their statement. Now, I invite the distinguished delegation from the Federal Republic of Somalia followed by Nepal. Somalia, you have the floor.

The Delegate of the Federal Republic of Somalia: Thank you Madam President. Sustainable development is an organizing principle for meeting human development goals while also sustaining the ability of natural systems to provide the natural resources and ecosystem services on which the economy and society depend. The desired result is the state of society where living conditions and resources are used to continue to meet human needs without undermining the integrity and stability of the natural system. Sustainable development was defined in the 1987 Brundtland Report as “development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs”. As the concept of sustainable development developed, it has shifted its focus more towards the economic development, social development and environment protection for future generations.

Sustainable development was first institutionalized with the Rio Process initiated at the 1992 Earth Summit in Rio de Janeiro. In 2015, the United Nations General Assembly adopted the Sustainable Development Goals (SDGs) (2015-2030) and explained how the goals are integrated and indivisible to achieve sustainable development at the global level. The 17 goals address the global challenges, including poverty, inequality, climate change, environmental degradation, peace and justice.

Sustainable development is interlinked with the normative concept of sustainability. UNESCO formulated a distinction between the two concepts as follows: “Sustainability is often thought of as a long-term goal (i.e. a more sustainable world), while sustainable development refers to the many processes and pathways to achieve it.”

The concept of sustainable development has been criticized in various ways. While some see it as paradoxical (or an oxymoron) and regard development as inherently unsustainable,

others are disappointed in the lack of progress that has been achieved so far. Part of the problem is that “development” itself is not consistently defined.

Sustainable development is development that meets the need of the present without compromising the ability of future generations to meet their own needs. It contains two key concepts within it:

- The concept of ‘needs’, in particular, the essential needs of the world’s poor, to which overriding priority should be given; and
- The idea of limitations imposed by the state of technology and social organization on the environment’s ability to meet present and future needs.

Sustainability is a societal goal that broadly aims for humans to safely co-exist on planet Earth over a long time. Specific dimensions of sustainability are difficult to agree on and, therefore, vary in the literature and over time. This concept can be used to guide decisions at the global, national and individual level (e.g. sustainable living). In everyday usage of the term, sustainability is often focused on environmental aspects. The most dominant environmental issues since around 2000 have been climate change, loss of biodiversity, loss of ecosystem services, land degradation and air and water pollution. Humanity is now exceeding several “planetary boundaries.”

Three different areas of sustainability are normally distinguished: the environmental, the social and the economic. Several terms are in use for this concept in the literature: authors speak of three pillars, dimensions, components, aspects, perspectives, factors or goals and all mean the same thing in this context. The emergence of the three dimensions paradigm has little theoretical foundation but gradually emerged without a single point of origin. Nevertheless, the distinction itself is rarely questioned and the “three dimension” conception of sustainability is a dominant interpretation within the literature.

The concept of sustainable development has been and still is, subject to criticism, including the question of what is to be sustained in sustainable development. It has been argued that there is no such thing as sustainable use of a non-renewable resource, since any positive rate of exploitation will eventually lead to the exhaustion of earth’s finite stock; this perspective renders the Industrial Revolution as a whole unsustainable.

The sustainable development debate is based on the assumption that societies need to manage three types of capital (economic, social and natural) which may be non-sustainable and whose consumption might be irreversible. Natural capital cannot necessarily be substituted by economic capital. While it is possible that we can find ways to replace some natural resources, it is much less likely that they will ever be able to replace ecosystem services, such as the protection provided by the ozone layer, or the climate stabilizing function of the Amazonian forest.

The definition has opened up the possibility of downplaying sustainability. Hence, governments spread the message that we can have it all at the same time, i.e. economic growth, prospering societies and a healthy environment. No new ethic is required. This so called weak version of sustainability is popular among governments and businesses but profoundly wrong and not even weak as there is no alternative to preserving the earth’s ecological integrity.

Six interdependent capacities are deemed to be necessary for the successful pursuit of sustainable development. These are capacities to measure progress towards sustainable development; promote equity within and between generations; adapt to shocks and surprises; transform the system onto more sustainable development pathways; link knowledge with action for sustainability; and to devise governance arrangements that allow people to work together.

It has been suggested that because of rural poverty and overexploitation, environmental resources should be treated as economic assets called natural capital. Economic development has traditionally required a growth in the gross domestic product. This model of unlimited personal and GDP growth may be over. Sustainable development may involve improvements in the quality of life for many but may necessitate a decrease in resource consumption.

One version of education for Sustainable Development recognizes modern-day environmental challenges and seeks to define new ways to adjust to a changing biosphere as well as engage individuals to address societal issues that come with them. In the International Encyclopedia of Education, this approach to education is seen as an attempt to “shift consciousness toward an ethics of life-giving relationships that respects the interconnectedness of man to his natural world” in order to equip future members of society with environmental awareness and a sense of responsibility to sustainability.

All should strive towards integrating key sustainable development issues into teaching and learning. This may include for example instruction about climate change, disaster risk reduction, biodiversity, poverty reduction and sustainable consumption. It also requires participatory teaching and learning methods that motivate and empower learners to change their behaviours and take action for sustainable development. It would consequently promote competencies like critical thinking, imagining future scenarios and making decisions in a collaborative way for the better future of our generations.

President: Thank you very much Sir. I now invite the distinguished delegation from Nepal. Floor is yours, Sir.

The Delegate of Nepal: Madam President, it is well recognized that environment is the common concern of humankind and environment and development are intrinsically and inseparably linked. We all are experiencing the stress exerted in our natural environment. In present discussion, we are focusing on three areas of concern in relation to the environment and development. They are climate change and its effects, sea level rise and its consequences and protection and sustainable use of marine biological environment.

Madam President, climate change is a major concern of our society. One of the largest reserves of snow and ice in the world is in the Himalayas. About 15% of areas of land territory of Nepal consists of Himalayas which are covered by glaciers/snow throughout the year. These glaciers feed the spheres most important river systems, directly or indirectly supplying water, energy and income to billions of people. But now these glaciers in the Himalayas are melting at a surprising rate and the costs are devastating.

Sea level rise is creating a growing threat to coastal island States. The melting of Himalayan glaciers is one of the important contributions to sea level rise. The possibility of submergence of coastal island States will create catastrophe to millions of people. The neighbouring countries and international community as a whole will have to accommodate and resettle the

displaced persons. It will certainly pose many questions in relation to the status of the submerged States and citizens.

In this situation, the international community as a whole must fulfil international obligations and commitments emanating from international treaties and conventions including the United Nations Framework Convention on Climate Change, Kyoto Protocol and Paris Agreement.

In relation to the marine environment, the United Nations Convention on the Law of the Sea provides a framework for the protection of marine environment, coastal and vessel States have obligations to protect the marine environment. However, there is a gap in the regulatory framework and mechanisms for regulating and monitoring activities that cause ocean pollution. Specifically, the UNCLOS lacks provisions in relation to biological diversity, use of biological resources and sharing of benefits arising out of such use of biological resources. The ongoing Intergovernmental Conference on BBNJ must fill such regulatory implementation and institutional gaps.

Madam President, in the context of Nepal, the Constitution of Nepal has ensured as the fundamental right and it also guarantees compensation in case of violation of the right to clean environment. The Constitution requires to enact legislation striking a balance between environment and development and frame and implement development goals accordingly.

Nepal has framed necessary policy and legislative framework to translate the Constitutional provisions in reality. The National Environment Policy, 2019, the Environment Protection Act, 2019, the National Climate Change Policy, 2021, the Solid Waste Management Policy, 2022 and the 15th Development Plan and SDG Goals are some examples.

Madam President, AALCO Member States must comply with the international obligations relating to environment including climate change on the one hand and they must pursue and pressurize the international community to comply with such commitments. I thank you Madam President.

President: I thank the distinguished delegate of Nepal for their statement. With this the list of speakers from the Member States is complete. If there are no further statements from the Member States, I will now open the floor to the Observers and non-Member States to make their statements if any. Distinguished delegation from Nigeria, you have the floor, Sir.

The Delegate of the Federal Republic of Nigeria: Thank you very much Madam President and distinguished delegates. On the issue of environment, Africa has paid a huge debt on what is not their own creation. Nigeria as country has been at the forefront for development partners to see that the Chad Basin is recharged. This is fallout of climate change, which in some situations are man-made because in the quest to trying to increase the frontiers of developed nations, the earth was plundered. These are the consequences that we are facing now and they have far-reaching implications in the sense that now you hear of insecurity, banditry and all sorts of crimes, why because most of the countries that live within the Chad Basin have fishing and marine activities as part of their living. Now, the Chad Basin is drying up. They are no source of livelihood and so what's the next thing to do and hence, the turn to criminality. But if some of these issues are addressed, Nigeria has been at the forefront of saying that development partners can see how the Chad Basin can be recharged. But this remains more like promises, statements that are not backed by action. So we consider that maybe, just maybe, this distinguished forum can also add her voice for also saying that the Chad Basin is recharged for the good and security of countries around the area and Africa in

general. Why is it that we are paying big prices when we are not actually responsible for climate change but we are faced with the consequences of it. That's the position of Nigeria on environment. I thank you all.

President: I thank the distinguished delegation of Nigeria for the statement. Any further interventions? Excellencies, Distinguished delegations with this, we have completed the discussions on the agenda item. Now, we shall break for lunch. The lunch is across in the same hall, Sovereign Hall and we shall resume back by 02:30 if you all permit me. Thank you very much.

The meeting was thereafter adjourned.

**XIV. VERBATIM RECORD OF THE THIRD
MEETING OF DELEGATIONS OF THE AALCO
MEMBER STATES**

XIV. VERBATIM RECORD OF THE THIRD MEETING OF DELEGATIONS ON WEDNESDAY, 28 SEPTEMBER 2022, AT 02:30 PM

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

AGENDA ITEM: REPORT OF THE REGIONAL ARBITRATION CENTRES

President: Ladies and Gentlemen. Good Afternoon. So let us resume back to the Session. Now the next Agenda Item is the discussion on the Regional Arbitration Centres, i.e. "Report on the work of AALCO's Regional Arbitration Centres". As this is a closed meeting, I request the Observers to kindly leave the hall and the Zoom meeting room and re-join the proceedings maybe in another thirty-minutes time. Thank you!

President: Now we will take up the reports of the directors of the Regional Arbitration Centres. Before, I invite them, I will invite the AALCO Secretariat for the introductory remarks. Floor is yours.

Mr. Jun Yamada, Deputy Secretary-General of AALCO: Madam President, representatives of AALCO's Regional Arbitration Centres, Excellencies, Distinguished Delegates and Ladies and Gentlemen, it is my pleasure to present to you the reports of AALCO's Regional Arbitration Centres as contained in the Secretariat Document AALCO/60/NEW DELHI (HEADQUARTERS)/2022/ORG 3 that comprises of the reports of the Asian International Arbitration Centre (AIAC) and the Nairobi Centre for International Arbitration (NCIA). The report on the Cairo Regional Centre for International Commercial Arbitration (CRCICA), is also presented to you contained in a separate document which has also been circulated to all delegations present at the Annual Session.

The AALCO Regional Arbitration Centres, it may be recalled, were an outcome of the AALCO's Scheme for the Settlement of Disputes in Economic and Commercial Transactions and the decision to establish Regional Centres for International Commercial Arbitration at the Doha Session in 1978. In accordance with the scheme, the Regional Centres for Arbitration at Kuala Lumpur, Malaysia for Asia and at Cairo, Arab Republic of Egypt for Africa were established in 1978 and 1979 respectively. Later three more such Centres were established in Lagos, Nigeria in 1989; Tehran, Islamic Republic of Iran in 2003 and Nairobi, Kenya in 2007.

Pursuant to a decision taken at the Fifty-Seventh Annual Session of AALCO held in Tokyo, Japan in 2018, a sixth Regional Arbitration Centre was decided to be established. Accordingly, on 10 November 2021 a Host Agreement was signed with the Government of the People's Republic of China to establish a Regional Arbitration Centre in the Hong Kong Special Administrative Region which commenced its activities on 25 May 2021.

In fact, it is a distinct honour for us to have these Regional Arbitration Centres under the auspices of AALCO as these Centres are among the most successful undertakings of the Organization. I would like to take this opportunity to express our heartfelt congratulations to the representatives and thank the Governments for hosting these Centres and all other Member States for supporting and assisting the Centres. AALCO strongly believes that the Centres' success would not have been possible without the active support and cooperation of

the Host Governments. May I extend our warm welcome to the Honourable representatives of the Regional Arbitration Centre who are present with us today. I thank you all.

President: I thank the AALCO Secretariat for those introductory remarks. Now, I invite the representatives of the Regional Arbitration Centres who are with us today to present their respective reports. I kindly request all the representatives to be mindful of the time limit of their presentations which is seven minutes each. First, I give the floor to the representative of the Asian International Arbitration Centre (AIAC). You have the floor Sir.

Mr. Prasad Sandosham Abraham, Deputy-Director, Asian International Arbitration Centre (AIAC): Thank you very much Chair. Your Excellency, Dr. Kamalinne Pinitpuvadol, Secretary-General of the Asian-African Legal Consultative Organization (AALCO), Your Excellencies, Hon'ble Ministers, Heads of Delegations, Ladies and Gentlemen. A very good afternoon to all of you. On behalf of the Director of the AIAC, Tan Sri Datuk Suriyadi bin Halim Omar who unfortunately could not be with us as he is currently abroad. I am pleased to attend the Sixtieth Annual Session of AALCO on his behalf. I provide this overview on the activities and developments of the AIAC since our last Session. As far as introductions go, I am Datuk Dr. Prasad Abraham, Deputy-Director, AIAC and I thank AALCO for providing me this opportunity to address this Session today. The Asian International Arbitration Centre, formally known as the Kuala Lumpur Regional Centre for Arbitration was established in 1978 pursuant to a Host Country Agreement between the Government of Malaysia and AALCO.

The AIAC is non-profit, non-governmental arbitral institution recognized as an international organization under the domestic laws of Malaysia. By virtue of such recognition, the AIAC is also afforded immunities and privileges by the Government of Malaysia. Situated in one of Malaysia's most iconic and heritage buildings Bangunan Sulaiman, the AIAC is a trusted provider of ADR services in the Asian region.

On the 1st August, 2021, the AIAC was pleased to launch its all new and improved AIAC Arbitration Rules, 2021. This launch marked another milestone in AIAC's continuous growth and vision delivering on its commitment to serve the global arbitration community innovatively through its products and services with no changes made to the fee structure and a wider range of sophisticated and tailored provisions to govern the efficient conduct of arbitration proceedings in the offering, the AIAC Arbitration Rules, 2021 stands markedly as a comparative product reflecting contemporary international standards and practices on the global stage.

On the 1st December, 2021 the AIAC also successfully launched its revised and improved AIAC i- Arbitration Rules, 2021. The AIAC i- Arbitration Rules is a set of procedural rules covering all aspects of the arbitration process that are Sharia guided and suitable for the arbitration of disputes arising from commercial transactions premised on Islamic principles. The revised rules reflect the AIAC's continuous efforts to promote greater efficiency to the Islamic arbitration framework while remaining faithful to the ethos and principles of Sharia. The AIAC is also the sole administrative authority for domestic statutory adjudication proceedings under the Construction Industry Payment and Adjudication Act, 2012 and it has also developed the AIAC Adjudication Rules and Procedures to assist in administration of adjudication proceedings. The AIAC additionally, administers mediations under its very-own AIAC Mediation Rules. Further, the AIAC also provides domain name dispute resolution

services as one of the four offices of the Asian Domain Name Dispute Resolution Centre (“ADNDRC”) to resolve generic top-level domain disputes (“gTLDs”).

Apart from the provision of institutional support for domestic and international arbitration and other ADR proceedings, the AIAC offers hearing facilities and ancillary administrative services to tribunals operating ad hoc or under the auspices of another institution. The AIAC also publishes guides and circulars to facilitate the use and understanding of its rules. Additionally, the AIAC is also an official Court of Arbitration for Sport (“CAS”) and Permanent Court of Arbitration (“PCA”) alternative hearing centre. In its continuous efforts in capacity building and disseminating information on ADR, the AIAC organises various courses and forums on the different avenues of ADR.

I will take this opportunity to provide you with some of the activities and developments that we have carried out from our last Annual Session today. The AIAC started 2022 on a high with the launch of the AIAC Academy which was officiated by the Honourable Deputy Minister in the Prime Minister’s Department for Law on 11th January 2022. Approximately 70 participants including members of the AIAC Academy Faculty Board, AIAC Academy Tutor Panel, judges, ADR practitioners, private sector professionals and government officials attended the launch physically at the AIAC’s Bangunan Sulaiman. The launch, which was carried out in a hybrid setting, also saw a global audience of more than 250 participants tuning in virtually. The AIAC Academy is an extension of the AIAC’s offering of ADR products and services, being the focal point for all AIAC courses, workshops and certification programmes. It is also in line with the AIAC’s capacity-building mandate and aspiration to ensure continuous and sustainable development in the field of ADR and beyond.

Between 18th - 20th March 2022, the AIAC successfully conducted the 6th AIAC Pre-Moot. 146 teams from around the world virtually participated in the competition, together with 269 local and international arbitrators, who served as judges and shared their valuable advice, feedback and mentorship for the benefit of the participants. The event was aimed at preparing the participants for the highly anticipated 30th Willem C. Vis International Commercial Arbitration Moot in Vienna and the 19th Vis (East) Moot in Hong Kong. From the many competing teams, the University of Hamburg was announced as the Champion of the AIAC Pre-Moot.

This year’s premier moot competition was especially significant to the AIAC as the AIAC Arbitration Rules 2021 was selected as the arbitral rules of reference for this moot. The Director of the AIAC attended the competition in Vienna, while I served as the presiding judge for the Hong Kong finals. The AIAC also served as an official “Social Bubble” where the two social events in conjunction with these moots were held in Kuala Lumpur.

The AIAC in partnership with the Vis Moot organised a special pre-Vis event themed “the AIAC Arbitration Rules 2021: the Vis and Beyond” on 8th April 2022 in Vienna. The event was built up as a curtain-raiser to the Vis Moot, where the AIAC Arbitration Rules 2021 was selected and saw the AIAC’s Head of Legal Services delivering a presentation on the key features of the AIAC Arbitration Rules 2021 as well as the AIAC’s role as an international arbitral institution.

Following this, a second event in collaboration with the Vienna International Arbitral Centre (“VIAC”), saw a panel discussion themed “a Meeting of Arbitral Institutions: AIAC & VIAC” held on 12th April 2022. The panel discussion highlighted the role that the AIAC and VIAC has adopted in administering dispute avoidance for its global users as well as share

best practices implemented by each institution in dealing with the COVID-19 pandemic. An overview of the AIAC's and VIAC's arbitration and mediation framework was also discussed, in addition to its facilities, virtual capabilities and case management framework.

At the end of April 2022, the AIAC was hosted by 39 Essex Chambers for an event at their offices in Chancery Lane for lawyers and ADR practitioners based in London. It is here that we presented the key features of the AIAC Arbitration Rules 2021 followed by a very involved and enthralling Q&A session with the audience. An AIAC delegation then met with Ms. Catherine Dixon, Director General of the Chartered Institute of Arbitrators ("CI Arb") and her colleagues at their offices in Bloomsbury Square, London. A further discussion on various areas of collaboration and capacity building opportunities were explored.

Back in Kuala Lumpur, it was another significant milestone for the AIAC with the launch of the Commentaries for both the Arbitration Rules 2021 and the AIAC i-Arbitration Rules at Bangunan Sulaiman on 25 May 2022. The Commentaries are a thorough assessment and explanation of both set of Rules to assist ADR practitioners and stakeholders in conducting arbitration matters using these respective Rules. These Commentaries are now generally available to ADR practitioners and sitting judges.

Following the launch of the pioneering AIAC i-Arbitration Rules 2021, and in line with the AIAC's commitment to providing affordable and accessible platform for ADR education in Malaysia, the AIAC Academy introduced the 2022 AIAC i-Arbitration Learning Series. This interactive programme was designed to equip participants with the necessary skills, knowledge and expertise in relation to Islamic Arbitration. The series was open to anyone with a keen interest in learning more about disputes arising from the Islamic finance sector and Islamic arbitration. From January until May 2022, total of four (4) learning series have been conducted that involved almost 300 participants from Malaysia, Southeast Asia, the Middle East and Europe.

Further, with a total of ten (10) monthly workshops from February to November 2022, the AIAC Continuing Competency Development ("CCD") Workshop Series is designed to be interactive and helpful for both legally trained and non-legally trained individuals who regularly appear and participate in proceedings under the Construction Industry Payment and Adjudication Act 2012. Until September, eight (8) workshops have been conducted with more than 1000 participants benefiting from this workshop.

The AIAC through the AIAC Academy and in partnership with the Chartered Institute of Arbitrators (Malaysia Branch) launched the second edition of the Arbitration-In-Practice ("AIP") Workshop Series for this year. With a total number of eight (8) monthly workshops conducted from April 2022 to November 2022, the series is aimed at providing continuous practical and professional development training to credited arbitrators.

The AIAC also set up the Mediation Skills Workshop Series as part of its line-up of programmes under the AIAC Academy. In recent times, both domestic and international mediation practice have seen a number of exciting trends and developments amidst a changing landscape. These workshops were designed to be interactive, with exercises and role play activities to ensure optimum understanding and comprehension of the topics covered. Approximately 200 individuals participated in these workshops.

In its effort to further promote ADR, the AIAC conducted two (2) Roadshows in East Malaysia and one (1) in West Malaysia and participated in three (3) Exhibitions on Islamic Arbitration in Kuala Lumpur, Brunei and Penang. The AIAC in partnership with the Sabah Law Society (“SLS”) organised the first AIAC Roadshow for the calendar year in Kota Kinabalu, Sabah.

In our effort to further promote ADR, especially the AIAC i-Arbitration Rules to the domestic ADR community, the AIAC participated in the Selangor International Halal Convention (“SELHAC”) 2022 which was organised by the Selangor state government as a platform for local halal entrepreneurs to introduce their services to the public.

The AIAC also participated in the Brunei Mid-Year Conference and Exhibition (“MYCE”) 2022 where new relations were forged between the AIAC and participants of the Islamic community. A host of local and international delegates visited the AIAC’s booth to better understand the AIAC’s Islamic arbitration framework and shared best practices on incorporating an Islamic Arbitration framework in the Islamic banking and corporate sector.

In June 2022, the AIAC had a Roadshow in Sarawak and engaged with key ADR stakeholders to better understand ways that the Centre can provide ADR in the State as well as highlight the recently reinvigorated AIAC Rules. The AIAC also took this opportunity to discuss initiatives with the local practioners and the Sarawak Government to identify and solidify opportunities to grow ADR operations and opportunities in Sarawak. I am very pleased to state that some exciting initiatives are in the pipeline as a consequence of this roadshow.

The AIAC also participated in the exhibition and conference of the Penang International Halal Expo & Conference (PIHEC) in July 2022 apart from engaging with key stakeholders in the Islamic business community and halal industry. The AIAC team also met financial institutions and government agencies with a key interest in this area and shared the common goal of promoting the progress and economic development in the halal sector. This month, the AIAC concluded its roadshow in Penang aimed at widening its ADR practice and providing equitable opportunities to ADR stakeholders.

I am also happy to share that the AIAC Certificate in Adjudication programme was held in a virtual setting for the first time from 26th-30th March 2022 and the examinations were held in-person at the AIAC’s Bangunan Sulaiman as well as an examination center in Sarawak for East Malaysian candidates. A total of 122 participants participated in this program. Subsequent to that we also conducted a similar course for practioners in Sabah (East Malaysia).

The AIAC will soon host its flagship event, the Asia-ADR Week with from the 3rd-8th of October 2022. This event will be a hybrid event with in-person and virtual participation and AIAC expects around 400 virtual participants and more than 200 physical participants from all around the world to attend. *(Audio was not clear so the Secretariat has paraphrased the sentence to reflect the intent of the statement)*

Distinguished guest, ladies and gentlemen, under the leadership of our Director, Hon’ble Tan Sri Datuk Suriyadi bin Halim Omar, I am pleased to highlight that AIAC is on an upward trajectory and has accomplished so much for the ADR community in Malaysia and the region. Our success would not have been possible without the support and commitment from

our partners such as the Malaysian government, the Malaysian judiciary, the local and international ADR community and of course the role and platform that AALCO provided us. Back to the solid team at the Centre comprising both the domestic and international legal case counsels as well as our staff from operations, human resources, finance, business development and marketing departments. The AIAC's future remains bright. Besides some of the activities and developments that I have illustrated above, I am also pleased to share that our administration of ADR matters through our case management has also evolved and increased in numbers. Our primary and new arbitrators and adjudicators, diversity and inclusion in mind have seen a positive growth and we are proud to run the centre with integrity and transparency as our core principles. *(Audio was not clear so the Secretariat has paraphrased the sentence to reflect the intent of the statement)*

With the Covid-19 pandemic now entering the endemic stage in Malaysia and international borders open once again, we look forward to meeting our colleagues from AALCO and our affiliated ADR centres in Cairo, Lagos, Tehran, Nairobi and Hong Kong in the near future. On that note, I once again thank H.E. Dr. Kamalinne Pinitpuvadol and AALCO for providing me this opportunity to address this Session and I bid you good day. Thank you very much!

President: I thank the representative from AIAC for the report. Now I invite the representative from the RAC established in Hong Kong to present their report.

Mr. Nick Chan, representing the Hong Kong International Arbitration Centre (HKIAC): Thank you Madam President. Good afternoon friends from all over the world. Your Excellency, Vice-President, Secretary-General, other directors and fellow friends of AALCO Regional Offices, distinguished guests, ladies and gentlemen. My name is Nick Chan, the Director leading the operations of the newly formed Hong Kong Regional Arbitration Centre. I would like to report that the Regional Arbitration Centre which is AALCO's newest arbitration centre was duly established on 10th November last year further to the agreement between AALCO and China. Host country has generously allowed us to move into the very beautiful offices with conference facilities in the heart of the Central Business District in Hong Kong, China. Let me show you the photos. I would like to further report that the Centre's formal office opening ceremony took place on 25th May this year in the presence of Host Countries' senior officials including Commissioner Mr. Liu Guangyuan of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region, our Secretary for Justice, ambassadors, Consul Generals, ministers, heads of arbitration centres, presidents of law associations, deans of law schools, legal practitioners, leading arbitrators, leading mediators, representatives from chambers of commerce, and law students of course as you can see two happy and auspicious lions bringing good fortune to the AALCO family! *(Audio was not clear so the Secretariat has paraphrased the sentence to reflect the intent of the statement)*

I would like to sincerely thank members of AALCO for your vote of confidence and support in establishing the 6th arbitration centre right here in Hong Kong. The new regional arbitration centre in Hong Kong has a particularly strong focus to use and promote the use of LawTech to help resolve disputes, and to offer state-of-the-art Online Disputes Resolution platform. The ODR platform has already completed the testing stage and we expect it to meet the APEC ODR Framework. The new centre will complement and we look forward to working closely and collaborating with the other five AALCO arbitration centres. Together we are stronger and more efficient in meeting our objectives under the auspices of AALCO.

Now, I would like to show a simplified reference chart and then our objectives. The key objectives of our new Regional Arbitration Centre are as shown in the screen. These include:

To promote the growth and effective functions of arbitration institutions and other alternative dispute resolution services, including online dispute resolution services in the People's Republic of China (which of course includes Hong Kong).

This is our Model Arbitration Clause. Very simple. They are optional language of course and one can edit. We are here to serve and empower for improvement of trade and resolution of disputes. I would like to summarize in 10 points, some unique advantages for parties choosing the Hong Kong Regional Arbitration Centre. I hope you could pick these up as assumptions to help us promote the Centre so that together, we will be better. *(Audio was not clear so the Secretariat has paraphrased the sentence to reflect the intent of the statement)*

One could expect to take full advantage of the centre's "country neutral" role (just like the other centres of AALCO). This is particularly relevant in investor-State disputes, where a government, a country-owned company or a "local champion" is a party to the dispute;

One could expect to take full advantage of Hong Kong's strong Rule of Law, robust data privacy laws and same as our friends in Malaysia we have also locally passed laws to give immunities and privileges so that the Centre and the properties and documents held are invaluable.

One could expect to take advantage of Hong Kong's 15,000+ legal and disputes resolution professionals. Many of them have international experience, perspectives, qualifications and are already familiar with many cultures, laws, discrepancies in laws in several dozen countries.

One could expect to take advantage of the prime office and conference room facilities at the new AALCO regional arbitration centre that is located in prime location of the CBD in Hong Kong, but you will of course be welcomed to use the centre's robust state of the art secure online disputes resolution platform;

One could expect to take advantage of the AALCO network and referrals to and support from the other five AALCO arbitration centres, as well as to take advantage of the strong Rule of Law here, the people talent and many unique advantages of this beautiful city, international financial centre and legal services and disputes resolution centre here under "One Country, Two Systems", where there are ample opportunities to tap into and grow with the world's second largest economy with a market of 1.4 billion+ people, 700 million+ middle income population, 11 million+ additional new workforce each year, and many major developments under China's National 14th Five Year Plan, the Belt and Road Initiative, the Greater Bay Area development and the Regional Comprehensive Economic Partnership (RCEP) that are all fully accessible in and through Hong Kong, the only city with common law legal system in China;

One could expect to take advantage of the many benefits of the New York Convention;

One could expect to take advantage of the special ability under Article 2 of the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative

Region to start an arbitration with the centre and then be able to immediately thereafter go straight to courts in Mainland China to seek interim relief measures to preserve evidence and assets rather than having to wait for the entire arbitration to be completed first;

One could expect to take full advantage of the recently updated Hong Kong arbitration laws which clarified that Intellectual Property disputes can be and will be resolved via arbitration;

One could expect to take advantage of the upcoming introduction through implementation of the additional option of Outcome Related Fee Structure Agreements (ORFSA) arrangement in Hong Kong giving parties to a dispute more cost efficient options such as conditional fee arrangements (CFAs), damages based agreements (DBAs) and hybrid damages based agreements (Hybrid DBAs) to engage lawyers in an arbitration;

One could expect to leverage upon and access amazing LegalTech developments in Hong Kong, and may be to try out the AI translation technology, application of blockchain, big data, cloud, e-signing and other new technology. We are well placed to facilitate deals and resolve disputes in both traditional and “new” settings including G2B, B2B, B2C, O2O, e-Commerce, NFT projects, ArtTech, PropTech, ESG, Meta-verse, Open-verse and beyond!

We will soon be launching our Online Disputes Resolution platform. The beta site is now accessible from our website at AALCOHKRAC.org. I would like to warmly invite you to try out and help us improve and use the ODR platform!

I am delighted to report that in August 2022, even as we are still hiring staff and building out our service offerings, we have already assisted and held one ad hoc dispute resolution in our centre, and we have started to build capacity and train aspiring dispute resolvers, sharing opportunities for them to serve and learn as tribunal assistant. I will now flip through some slides to highlight some recent promotions for the centre and the AALCO dispute settlement system.

These are some of the highlights (I wouldn't go in detail)

We had the joy to speak at the Belt and Road Summit. Huge Conference where we promoted AALCO. We met a lot of people, explained to the Chambers of Commerce.

We went online. We were invited to speak in TV Channels, in different languages. We were featured in papers. We got lucky.

Hong Kong Law Society put us on the front cover. They gave us the opportunity to explain the advantages of the AALCO network and the new Regional Arbitration Centre.

In the short to medium term future, we plan to:

- Make direct and meaningful connections and proactively collaborate with each of other AALCO arbitration centres
- Complete website beta testing, privacy impact assessment and cyber security intrusion penetration tests

- Establish and promote social media accounts on various platforms such as on IG, Facebook, WeChat, YouTube, LinkedIn and website
- Promote our model rules for disputes resolution Complete data security, cyber security and data privacy testing and go-live with our on-line dispute resolution (ODR) platform
- Meet up with the local and international Consulate Generals and Chambers of Commerce in and beyond Hong Kong to promote the new regional arbitration centre and the AALCO dispute settlement system
- Complete first round of appointment to our committees in our governance structure
- Train and add arbitrators to our panels
- Build capacity for new generations of professional disputes resolvers
- Explore signing MOU with reputable organisations that can collaborate with us in furtherance of our objectives and for win-win outcomes

We would like to know you and find ways to collaborate. This is our new website (on the screen) aalcohongkongrac.org. I will introduce the website in 30 seconds. You could use it on the computer or phone. It is all good. We have put our news here. We would love to put your news here too. We have some events coming up. There is an online dispute resolution platform (click on the right). If you like the platform, we could together explore it so that you could use the platform for your centre.

Thank you for your time today. Your Excellency, Madam President, Secretary-General, Vice-President. Thank you all. Thank you very much!

President: I thank the representative from the Hong Kong Regional Arbitration Centre for that very elaborate report. Thank you very much! I understand that the Cairo Regional Arbitration Centre is unable to connect with us due to some technical problems. Distinguished delegates, the floor is now open. I invite statements from Member States, if any. Well if there are none, I would like to conclude this Session by thanking the representatives from the respective Regional Arbitration Centres for their dedicated work. We shall now proceed for a small twenty-minute break and shall assemble back at, perhaps, 3:30 PM. Thank you!

The meeting was thereafter adjourned.

**XV. VERBATIM RECORD OF THE FOURTH
GENERAL MEETING AND CONCLUDING
SESSION**

**XV. VERBATIM RECORD OF THE FOURTH GENERAL MEETING AND
CONCLUDING SESSION HELD ON WEDNESDAY, 28 SEPTEMBER 2022, AT 3:30
PM**

Her Excellency Madam Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India, the President of the Sixtieth Annual Session in the Chair.

President: Distinguished Delegates, Ladies and Gentlemen, Good afternoon and Good evening. Let us resume back to the Fourth General Meeting and Concluding Session. We now come to the Concluding Session. First and foremost, message of thanks to the Host Government on behalf of all the participating delegations from the AALCO Secretariat. I invite Dr. Kamalinne, Secretary-General, AALCO to say a few lines. Thank you.

His Excellency, Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO: Thank you Madam President. Excellencies, Distinguished Delegates, Ladies and Gentlemen. On behalf of all the delegations of the Member States and Observers attending the Sixtieth Annual Session of the Asian-African Legal Consultative Organization (AALCO), I would like to extend the following message as a token of our heartfelt gratitude and respect to the government and people of the Republic of India. We, the participants of the Sixtieth Annual Session of AALCO would like to seize this opportunity to convey our profound gratitude and respect to your excellencies and through you to your esteemed governments and the people of the Republic of India for graciously helping and assisting to host the Sixtieth Session of AALCO in this beautiful city of New Delhi. Excellency, I thank the Government of India on behalf of AALCO, and on my own behalf, for your excellent support to hosting this Session.

Your Excellency, we are aware that throughout AALCO's sixty-six year history, India has attached great importance to the Organization, magnanimously hosted us, and contributed to the Headquarter buildings. India has always actively participated in the activities and work programme of the Organization, be it substantive, administrative or financial matters, ever since the inception of AALCO as the Asian Legal Consultative Committee (ALCC) in 1956. Also, India has historically taken a keen interest in the deliberations during the Annual Sessions and has undertaken to strengthen the agenda and the role of the Organization among the comity of nations.

Your Excellency would be pleased to know that a spirit of constructive dialogue and cooperation amongst attending delegations marked this Session, thus enabling us to take crucial decisions on the organizational as well as substantive matters. Amongst the many factors that paved the way for the success of the Session, one of the prime ones was the excellent cooperation from the Government of India, which contributed significantly towards the excellent achievements of our deliberations.

In this beautiful city of New Delhi, famed for its picturesque juxtaposition of history and modernity, we, the delegates of the Sixtieth Annual Session of AALCO would like to place on record our sincere gratitude for the full cooperation that the Government of India has extended to AALCO and its Member States by hosting the Annual Session with warmth and graciousness.

Your Excellency, please accept the assurances of our highest respect and consideration and may the Almighty bless the endeavours of your great country. I thank you.

President: I thank you Mr. Secretary-General. This message shall be duly communicated to the authorities in the host government.

President: The next item in the deliberations pertains to the adoption of resolutions on Organizational, Administrative and Financial matters, namely, Report of the Secretary-General on the work of the Organization and Financial matters of AALCO (RES/ 60/ORG/1), Budget of 2023 (RES/60/ORG/2), Regional Arbitration Centres (RES/DFT/ORG 3). The draft resolutions I just mentioned were annexed to each organizational brief circulated to the Member States. I hope every delegation has had sufficient time to go through them and to conduct informal consultations.

We will adopt these resolutions one by one. As far as the Report of the Secretary-General on Organizational, Administrative and Financial Matters is concerned, are there any comments on this resolution?

If there are no comments, RES/60/ORG/1 is adopted. (Gavel).

As far as AALCO's Budget for the year 2023 is concerned, anyone would like to make any comments?

RES/60/ORG/2 is adopted. (Gavel)

Lastly, report on AALCO's Regional Arbitration Centres. If we are all ready to adopt this. Are we? Any comments?

If there are none, RES/60/ORG/3 is adopted. (Gavel)

President: Now we come to the discussions on the venue of AALCO's Sixty-First Annual Session. The floor is open for the Member States wishing to host the next Annual Session of AALCO. I invite comments, interventions from the Member States. If Member States require time to reflect on this issue, if you all agree, we will ask the Secretary-General to consult the Member States on this matter. As decided, Secretary-General will consult with Member States concerned for the preparation of the next Annual Session.

President: The next issue is adoption of the Summary Report of this Session and General Recommendations. Excellencies, we now come to the adoption of the Summary Report of the Sixtieth Annual Session. A draft report of this Session has been circulated by the AALCO Secretariat. I would like to remind the delegates that a period of thirty days from today will be given to the Member States to go through the Summary Report carefully and revert to the Secretariat, whereafter, the Summary Report shall stand finalized. That said, should any Member State have any comments or corrections to the draft at this point of time, please feel free to do so. Floor is open. I invite the distinguished delegate from Mauritius.

The Delegate of the Republic of Mauritius: Thank you very much Madam President. We had a small rectification to be made to the Summary Report concerning our withdrawal request. We have communicated the exact wording and we hope that this will be reflected in the final report. Thank you.

President: Thank you very much. I will ask the Secretariat to take note of that observation. Are there any comments? If there are no comments at this stage, I shall deem the Summary

Report to have been preliminarily adopted. As I also highlighted, my feeling is that the Member States recommend that the AALCO Secretariat take careful note of the views and recommendations expressed during this Annual Session as in the Summary Report. Member States are also reminded that the work plan of the AALCO Secretariat for the coming year will be prepared in accordance with the AALCO Statutory Rules paying due regards to the recommendations expressed during this Annual Session in close consultation with the Liaison Officers of Member States and also bearing in mind the available resources.

President: Distinguished Delegates and Observers, now we have come to the Concluding Meeting of the Sixtieth Annual Session. I invite any Member State on behalf of the Asian States to present a Vote of Thanks.

The Delegate of Nepal: Thank you Madam President. Madam President, Mr. Vice-President, Hon'ble Ministers, Attorney Generals, Excellencies, Secretary-General, Distinguished Delegates, Ladies and Gentlemen. Namaste and Very Good Afternoon. It is an honour to have been asked to propose a Vote of Thanks on this occasion on behalf of the Asian Member States of AALCO. We have successfully concluded the Sixtieth Annual Session of AALCO in this vibrant and beautiful capital city of India, New Delhi. I am confident that our engagement and deliberation of the various topics and issues of local, regional and global concern have remained meaningful and productive. Madam President, as I pointed out in the earlier statement, international law is developed through State Practice which are widely and consistently practiced and becomes customary international law and codified in the treaties. The main aim of the establishment of AALCO is to contribute to the progressive development and codification of international law through collecting common views and practices of specific matters of concern. The deliberations made by Asian and African States on particular matters in this Conference shows State practice.

The consolidated and uniform views presented in the International Law Commission, Sixth Committee of the General Assembly or any other relevant body leads to incorporation of such views and practice in international law. The process is slow but it contributes unknowingly in the codification and progressive development of international law. The consolidated and uniform views not only influences the international law making process but also in decision making in different international forums and mechanisms. During the three day discussions, we covered wide range of subjects and issues of our concern including International Law Commission, Environment and Sustainable Development, International Trade and Investment Laws, Status and Treatment of Refugees as well as issues and concerns of the Palestine People and Occupied Territories. As our region houses more than half of the global population, these are not only regional issues and concerns in fact they are international and global issues and concerns. Effective participation and contribution made by the distinguished delegates is highly appreciated. On behalf of all delegates, allow me to express our profound appreciation to Dr. Kamalinne, the Secretary-General of AALCO, the Deputy-Secretaries-General of AALCO and the whole team of AALCO for the warm hospitality extended to the delegates and the excellent arrangements made for the successful conclusion of the Sixtieth Annual Session. We understand that the AALCO Secretariat was fully engaged in substantive and other preparations of this Session. I thank the Secretary-General and his own team for their tireless work.

On behalf of all delegates, I would like to offer heartfelt thanks to Madam Uma Sekhar, President of the Sixtieth Session of AALCO for steering the Session brilliantly. It was opportunity to learn from our vast knowledge and extensive experience. I thank you Madam

President. I would like to thank Hon'ble Minister of State, Ms. Meenakshi Lekhi for her inaugural speech and I would like to thank the Government of India for the hospitality. My special thanks also goes to the distinguished delegates and observer countries and organizations. Your participation, contribution and suggestions are highly appreciated.

I thank you all. I would like to thank experts and Members of the International Law Commission for highlighting the work of the ILC. I would like to thank all the distinguished delegates from AALCO Member States participating both physically as well as virtually. Last but not the least, I would like to express sincere thanks to the Hotel for providing such a beautiful venue, delicious and masaladar food during the Sixtieth Annual Session of AALCO. I thank you all and wish for your safe return back home. Thank you!

President: I thank the distinguished delegate from Nepal for those kind words. Now, I invite an African Member State desirous of delivering a Vote of Thanks on behalf of other African States to do so.

The Delegate of the Republic of the Sudan: Good Afternoon to all of you. Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen. It is indeed a matter of great privilege for me to propose the vote of thanks on behalf of the African Member States of AALCO. AALCO is a remarkable international organization with a unique focus on Asian and African States. The codification and progressive development of international law from an Afro-Asian perspective, which is the primary objective of AALCO is a highly praiseworthy endeavour and one which is highly valued by all of us in Africa who are integral members of this great organization.

On this occasion, I place on record my sincere appreciation and gratitude to the President of the Sixtieth Annual Session Madam Uma Sekhar and Hon'ble Minister Mohammed Said Al Hilo, the Vice-President of the Sixtieth Annual Session. The President and the Vice-President guided and conducted the Annual Session with the highest standards of professionalism and we look forward to your leadership over the course of the next year. I thank all the Member States of AALCO and their delegations who participated in the Annual Session, both physically and virtually. Your views and positions have provided us with a lot to ponder over and we have definitely gained a lot in terms of knowledge and experience from this interaction. Collectively, all of you ensured the successful conduct of the Annual Session.

Before I conclude, I would like to place on record my sincere gratitude and appreciation to the Secretary-General of AALCO, H.E. Dr. Kamalinne for his excellent leadership and wisdom. We look forward to learning a lot from you in the years to come. Under your leadership, the Annual Session was organized in an impeccable manner and I thank your good self, the learned DSGs and all members of your staff for their diligent and highly motivated efforts in organizing the Annual Session. A Headquarters' Annual Session comes with different challenges and especially so when conducted in a hybrid format. I am extremely delighted to note that the organization and conduct of the Annual Session was excellently well managed and turned out to be successful in every sense. Thank you!

President: I thank the distinguished delegate of Sudan for his excellent statement. Now, I invite any of the Observer delegations, international organizations wishing to present a Vote of Thanks.

Ambassador Nguyễn Hồng Thao, Member, International Law Commission: The Bandung Conference was a defining moment in the history of the international relations in the twentieth century. To note that AALCO was a tangible outcome of this historic conference is itself a remarkable tribute to this landmark organization. Ever since its establishment in 1956, AALCO has played a major role in bringing together Asian and African countries for the purpose of codifying and progressively developing international law. What is often overlooked in the context of AALCO's contribution to international law is its significant contribution of constructively engaging with various international organizations.

Against this backdrop, we express our sincere appreciation to AALCO for inviting all of us to this Annual Session. As international organizations, we benefitted immensely from our participation in this Annual Session as we have a lot of areas of engagement common to AALCO. In the future, we look forward to taking forward this professional relationship to even greater heights and hope to mutually benefit by collaborating in areas and issues of common concern.

We express our gratitude to the President and the Vice-President of the Annual Session for their excellent leadership during the course of the Session, which played a great role in ensuring the success of this Annual Session.

In the end, I would like to appreciate the efforts of the Secretary-General, H.E. Dr. Kamalinne Pinitpuvadol, the DSGs and the entire team of AALCO for their sincere efforts in making the Annual Session of the Organization a grand success. Wishing AALCO all the best for the future. Thank you!

President: I thank Ambassador Nguyen Hong Thao, Member, International Law Commission for those kind words.

President: Honourable Ministers, Excellencies, Distinguished Delegates and Observers, it gives me great satisfaction and pleasure that during this Session which spread over three days we were able to complete the deliberations on both substantive and organizational matters successfully in the most friendly manner highlighting convergence of views and interests among the Member States of Asia and Africa. I wish to thank the Hon'ble Minister of Justice of Sudan, the Vice-President for his support during this Session. Distinguished delegates, we consider international law as an instrument which has been well employed by the most developed countries to their best advantage. On the other hand for many developing countries, international law is still elusive. Each of us be reminded that this is the reason why this Organization has been created to fill up a much felt gap and a need among the developing countries that is among the Asian and African countries in the understanding and development of international law that could be practically utilized by our governments individually incorporating with each other and where necessary to take common positions in international bodies.

Excellencies, the Organization has established its own traditions and has lot of promises to fulfil for the future. The best way that this Organization can continue to function and will continue to flourish is to work by consensus and upholding the Bandung Spirit. We have to preserve the objectives and mandate of this consultative Organization. Excellencies, we had a very packed agenda and despite that fact all Member States have cooperated in completing the deliberations on all the agenda items on time. I am really grateful to all of you for your

cooperation and support. Of course, congratulations are due to the AALCO Secretariat for ably accomplishing the mandate of the Fifty-Ninth Annual Session and for bringing out very useful publications which will add to the existing international law jurisprudence. I would not have been able to do my work without the cooperation of Secretary-General because he is always available which is a valuable input in all pertinent matters. The Deputy-Secretaries General also deserve a special mention for their very valuable inputs. My thanks also go to all the Members of the AALCO Secretariat for the meticulous work done for preparing all the documents adopted today in addition to taking care of the smallest needs of each and every delegate. Mr. Secretary-General, you are indeed lucky to have such a competent, efficient and hard-working staff. I thank all the Member States for entrusting me with this responsibility and I assure you that during my Presidency, I shall try my best to ensure that AALCO is revitalized and strengthened and will continue to work with the Secretary-General of AALCO in accomplishing this mandate of the Sixtieth Session. As highlighted by our Honourable Minister, Madam Meenakshi Lekhi, we have to enhance the work profile of this Organization. I also thank the Observer, Non-Member States, International Organizations, Regional Arbitration Centres and experts for their participation. I also wish to thank the interpreters who always take an enormously difficult task to translate the statements properly so that every one of us could follow in one of our languages. I must also thank all the other Conference Officers, including those responsible for Audio-Visual equipment, people who handled the services, the Hotel Management who have taken all the care. As many of you would be going back home today, I wish you all a very safe journey. With this few words, I formally declare the Sixtieth Annual Session of AALCO closed. I thank you all.

The Sixtieth Annual Session of AALCO was thereafter concluded.

**XVI. TEXT OF THE DOCUMENTS ADOPTED
AT THE SIXTIETH ANNUAL SESSION**

A. RESOLUTIONS

RESOLUTION ON THE AGENDA ITEM

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,
ADMINISTRATIVE AND FINANCIAL MATTERS**

The Asian-African Legal Consultative Organization at its Sixtieth Session,

Recalling the functions and purposes of the Organization as stipulated in Article 1 of the Statutes of AALCO,

Having considered the Report of the Secretary-General on Organizational, Administrative and Financial Matters pursuant to Rule 20 (7) of the Statutory Rules as contained in Document No. AALCO/60/NEW DELHI (HEADQUARTERS)/2022/ORG 1,

Having heard with appreciation the introductory statement of the Secretary-General on the Report of the Secretary-General on organizational, administrative and financial matters,

Also having heard with keen interest and appreciation the statements of the Heads of Delegations of AALCO Member States on the Report of the Secretary-General,

Recognizing the need to take forward the spirit of Bandung Conference in the current era which has witnessed many international legal challenges for the States of Asia and Africa,

Appreciating the efforts of the Secretary-General to enhance the activities of the Organization and to implement its work programme as approved at its Fifty-Ninth Annual Session held in Hong Kong (SAR), the People's Republic of China from 29th November to 1st December 2021,

Also appreciating the continued practice towards the rationalization of its work programme, including consideration of the agenda items during its Annual Sessions,

Reiterating the mandate of the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization, and the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1 adopted by the Extraordinary Session of AALCO Member States held on 1st December 2008, in New Delhi (Headquarters), India,

Welcoming the efforts by the Secretary-General for revitalizing and strengthening AALCO,

Noting with satisfaction the increased co-operation between the Organization and the United Nations and its Specialized Agencies, other international organizations and academic institutions,

1. **Approves** the work plan of the Organization as set out in the Report of the Secretary-General and urges Member States to extend their full support to the implementation of that work plan;
2. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work plan of the Organization;
3. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in Asia and Africa, in particular, to increase the representation from the African States and Central Asian States;
4. **Also requests** the Secretary-General to discuss with African and Arab Member States to depute at least one senior official to the Secretariat as Assistant Secretary-General or Deputy Secretary-General from each of the two regions;
5. **Further requests** Member States, in their bilateral relations to encourage non-Member States to join AALCO;
6. **Requests** the Secretary-General to take appropriate actions in accordance with the Action Plan adopted on 20th August 2009;
7. **Directs** the Secretary-General to take appropriate actions, in consultation with Liaison Officers, to ensure active participation of all Member States in the activities of AALCO, independent of their financial contributions;
8. **Mandates** the Secretariat to constitute an open-ended sub-committee of Liaison Officers to comprehensively review the scale of assessed contributions;
9. **Mandates** the Secretariat to constitute an open-ended sub-committee of Liaison Officers to review the Statutory Rules of AALCO; and
10. **Further requests** the Secretary-General to report on the activities of the Organization at its Sixty-First Annual Session.

**AALCO/60/RES/ORG 2
28 SEPTEMBER 2022**

RESOLUTION ON THE AGENDA ITEM

AALCO'S BUDGET FOR THE YEAR 2023

The Asian-African Legal Consultative Organization at its Sixtieth Session,

Having heard with appreciation the introductory statement of the Deputy Secretary-General on the Proposed Budget for the Year 2023 as contained in the Document No. AALCO/60/ NEW DELHI (HEADQUARTERS) /2022/ORG2,

Taking note of the comments of the Member States on the Proposed Budget,

Noting further that the proposed budget for the year 2023 was placed before the 352nd and 353rd Meetings of Liaison Officers held on 31st March 2022 and 14th June 2022 respectively at the Headquarters, New Delhi and submitted to the Sixtieth Annual Session for final approval,

Considering that the Proposed Budget for the year 2023 is a realistic budget depending on the actual contributions to be received,

Acknowledging the need to replenish the Reserve Fund of the Organization, with the objective of ensuring that it always has a six-month operational fund for the functioning of the Organization,

Considering all the above mentioned reasons to place the Organization on a firm financial footing,

1. **Approves** the Budget for the year 2023 as proposed;
2. **Requests** Member States who have not paid their annual contribution for the year 2022, to do so at the earliest in order to ensure the effective functioning of the Organization;
3. **Strongly** urges Member States, who are in arrears, to fulfill their financial obligations in accordance with the Statutes and Statutory Rules of AALCO, in order to expeditiously clear the same and directs the Secretary-General to report on the status thereon in the next Annual Session;
4. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO;
5. **Mandates** the Secretary-General to explore ways and means of raising funds by additional sources in accordance with the Statutes and Statutory Rules of AALCO; and
6. **Decides** to place this item on the provisional agenda of the Sixty First Annual Session.

AALCO/60/RES/ORG 3
28 SEPTEMBER 2022

RESOLUTION ON THE AGENDA ITEM

REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES

The Asian-African Legal Consultative Organization at its Sixtieth Session,

Considering the Report on the AALCO's Regional Arbitration Centres contained in Document No. AALCO/60/NEW DELHI (HEADQUARTERS)/2022/ORG 3,

Noting with appreciation the introductory remarks made by the Secretariat and the report of the Directors of the Regional Arbitration Centres,

Reaffirming the commitment by the Governments of the Member States towards enhancing the role of the Regional Arbitration Centres,

Recalling the decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978,

Expressing satisfaction over the increasing use of the facilities and the opportunities offered for both domestic and international arbitrations under the auspices of its Regional Arbitration Centres,

Appreciating the efforts and contributions of the Governments of Malaysia, the Arab Republic of Egypt, the Federal Republic of Nigeria, the Islamic Republic of Iran, the Republic of Kenya and the People's Republic of China for hosting the respective Regional Arbitration Centres,

Further appreciating the promotional activities undertaken by the Directors of the Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions,

Reiterating the earlier decision of AALCO on the necessity for the Governments of the Member States to promote and support the use of the Regional Arbitration Centres,

Further reiterating its proposal, after consultation with the Directors of the respective Regional Arbitration Centres, for the holding of International Arbitration Conference biennially, by rotation in each of the Centres, with the support of the Member States,

1. **Requests** the Member States to continue their support to the Regional Arbitration Centres and use the AALCO's Regional Arbitration Centres for resolving their disputes and in particular to consider in their contracts, the inclusion of such Arbitration Clauses;
2. **Urges** the Regional Arbitration Centres to consider to the extent possible, among themselves, the formation of a common system both administratively

and financially between the Centres and common standards for the qualification of arbitrators;

3. **Directs** the Regional Arbitration Centres to meet at every AALCO Annual Session to enable an exchange of ideas and to report the outcome to the Organization; and
4. **Decides** to place this item on the provisional agenda of the Sixty-First Annual Session.

A. SUMMARY REPORT



AALCO
Asian-African Legal Consultative Organization
Sixtieth Annual Session
26 to 28 September 2022
New Delhi (Headquarters), Republic of India

SUMMARY REPORT
OF THE SIXTIETH ANNUAL SESSION OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

1. Introduction

- 1.1. 41** Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Sixtieth Annual Session (hereinafter “the Session”) namely, the **Arab Republic of Egypt, the Kingdom of Bahrain, Brunei Darussalam, the Republic of Cameroon, the Republic of Cyprus, the Democratic People’s Republic of Korea, the Federal Republic of Nigeria, the Federal Republic of Somalia, the Republic of Ghana, the Hashemite Kingdom of Jordan, the Republic of India, the Republic of Indonesia, the Republic of Iraq, the Islamic Republic of Iran, the Islamic Republic of Pakistan, Japan, the Republic of Kenya, the Republic of Korea, the State of Kuwait, the State of Libya, Malaysia, the Republic of Mauritius, Mongolia, Nepal, the State of Palestine, the People’s Republic of China, the Republic of the Philippines, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of Senegal, the Republic of Singapore, the Socialist Republic of Viet Nam, the Republic of South Africa, the Republic of the Sudan, the Sultanate of Oman, the Syrian Arab Republic, the Kingdom of Thailand, the Republic of Türkiye, the Republic of the Union of Myanmar, the United Republic of Tanzania, and the Republic of Yemen.**
- 1.2.** Representatives of the following Regional Arbitration Centres of AALCO were also present: the **Asian International Arbitration Centre (formerly Kuala Lumpur Regional Centre for Arbitration)** and the **AALCO Hong Kong Regional Arbitration Centre (HKRAC).**
- 1.3.** In accordance with Rule 18 (1) of the Statutory Rules, the following Observers were admitted to the Session:
- I.** Representatives from the following Non-Member States: the **Republic of Eritrea, the Lao People’s Democratic Republic, the Republic of Madagascar, the Republic of Mali, the Kingdom of Morocco, the Republic of Namibia, the Republic of Rwanda, the Russian Federation, the Republic of Zambia and the Republic of Zimbabwe.**

- II. Representatives from the following International Organizations: the **Hague Conference on Private International Law (HCCH)**, the **International Institute for the Unification of Private Law (UNIDROIT)** and the **United Nations High Commissioner for Refugees (UNHCR)**.

2. Inaugural Session

- 2.1.** The Sixtieth Annual Session of AALCO commenced on 26 September 2022.

- 2.2.** **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)** welcomed all delegations to the Annual Session expressing gratitude for their continued participation and support to the Organization. He placed on record his immense appreciation of the Legal & Treaties Division, Ministry of External Affairs, **Republic of India** for their help and support in the organization of the Session. It was also recalled that the Republic of India as a host nation for the Headquarters of the Organization has always been a pillar of strength and support to the Organization. Before concluding, he congratulated the Member States for their enthusiastic participation, as this Session was the first Annual Session organized in his tenure.

- 2.3.** **H.E. Ms. Jia Ma, Minister, Embassy of the People's Republic of China in the Republic of India on behalf of the President of the Fifty-Ninth Annual Session of AALCO**, welcomed all delegates to the Sixtieth Annual Session of AALCO. Highlighting the achievements of AALCO, she emphasized the key role played by the People's Republic of China in supporting the activities of AALCO. She recalled the substantive activities of the Organization during the presidency of the People's Republic of China and appreciated their close working relationship with AALCO. She reiterated the commitment of the **People's Republic of China** to cooperate with all Member States to further enhance the work of the Organization.

- 2.4.** **H.E. Smt. Meenakshi Lekhi, Minister of State for External Affairs and Culture, Republic of India**, the Chief Guest, in her inaugural address extended a warm welcome to the delegates to the historic city of New Delhi. The Chief Guest highlighted that India was not only a founding member, but also hosts the Headquarters of AALCO, which goes to showcase India's commitment to law making and rule of law both domestically and internationally. She stated that aspirations of developing countries means to take care of our own people while engaging with the world and making the world a better place to live for everyone. She highlighted the Spirit of Bandung as the guiding principle for all of us to engage and work together. The same spirit can also be enshrined in the words of Hon'ble Prime Minister of India, '*Sab ka Saath, Sab ka Vikas aur Sab ka Vishwas.*' This governance model, coupled with a growing economy and vibrant democracy, has helped India in meeting the contemporary international and domestic challenges and aspire for a better future. On behalf of the Republic of India, it was stated that true to its ancient and rich tradition of development and respect for international law, it would continue to support AALCO in the fulfillment of its mandate. She cited provisions of the Constitution to highlight India's commitment to international law. She also expressed her deep sense of appreciation to the **Secretary-General** and the Member States for their dedication in carrying forward the mission of the Organization..

- 2.5. H.E. Hon. Geophrey Mizengo Pinda, Deputy Minister, Ministry of Constitutional and Legal Affairs, the United Republic of Tanzania** delivered the vote of thanks **on behalf of the President of the Fifty-Eighth Annual Session**. Emphasizing the rise of AALCO from a small seven-member group to a forty-seven Member Organization today, he acknowledged the significant role performed by the Secretary-General, H.E. Dr. Kamalinne Pinitpuvadol in revitalizing the agenda of AALCO. Urging all Member States to support AALCO in all ways possible, the address concluded by encouraging all delegations to actively participate in the proceedings of the Annual Session.

3. First Meeting of the Delegations of AALCO Member States

- 3.1. H.E. Ms. Jia Ma, Minister, Embassy of the People's Republic of China in the Republic of India on behalf of the President of Fifty-Ninth Annual Session**, called the Meeting to order.

- 3.2. The Republic of Mauritius** withdrew the agenda item "Violation by the United Kingdom, through its continued unlawful administration of the Chagos Archipelago, of the right of the Republic of Mauritius under international law to territorial integrity and sovereignty over its territory as a whole, including the Chagos Archipelago" that had been proposed.

- 3.3.** The following agenda was unanimously adopted.

3.4. Agenda

I. Organizational Matters

1. Consideration and Adoption of the Agenda and Tentative Schedule of Meetings and Events.
2. Election of the President and the Vice-President.
3. Admission of New Members.
4. Admission of Observers.
5. Opening Statement of the President of AALCO.
6. Report of the Secretary-General on the Work of AALCO.
7. Release of AALCO Publications.
8. Presentation of Draft Budget for 2023.
9. Report on the Work of the AALCO's Regional Arbitration Centres.
10. Venue of the next Sixty-First Annual Session.

II. Substantive Matters

1. Selected Items on the Agenda of the International Law Commission.
2. Environment and Sustainable Development.
3. The Status and Treatment of Refugees.
4. Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine.
5. International Trade and Investment Law.

- 3.5. Admission of New Members:** No new Member was admitted to the Organization.

- 3.6. **Admission of Observers:** The **Republic of Eritrea**, the **Lao People's Democratic Republic**, the **Republic of Madagascar**, the **Republic of Mali**, the **Kingdom of Morocco**, the **Republic of Namibia**, the **Republic of Rwanda**, the **Russian Federation**, the **Republic of Zambia**, the **Republic of Zimbabwe**, the **Hague Conference on Private International Law (HCCH)**, the **International Institute for the Unification of Private Law (UNIDROIT)** and the **United Nations High Commissioner for Refugees (UNHCR)** were admitted as Observers to the Sixtieth Annual Session.
- 3.7. **H.E. Ms. Jia Ma, Minister, Embassy of the People's Republic of China in the Republic of India on behalf of the President of Fifty-Ninth Annual Session** invited the Member States to propose candidates for the posts of the **President** and the **Vice-President** of the Sixtieth Annual Session of AALCO. The Head of Delegation of the **United Republic of Tanzania** proposed the nomination of **H.E. Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, Republic of India** as the **President** of the Sixtieth Annual Session of AALCO. The proposal was seconded by the Head of Delegation of **Malaysia** and the Head of Delegation of the **Kingdom of Thailand** and thereafter the **President** was unanimously elected. The Head of Delegation of **Mongolia** proposed the nomination of **H.E. Mr. Mohammed Said Al Hilo, Minister of Justice, the Republic of the Sudan** as **Vice-President** of the Sixtieth Annual Session. The proposal was seconded by the Head of Delegation of the **Republic of Yemen** and the Head of Delegation of the **Federal Republic of Nigeria** and thereafter the **Vice-President** was unanimously elected. Thereafter, **H.E. Ms. Jia Ma, Minister, Embassy of the People's Republic of China in the Republic of India on behalf of the President of Fifty-Ninth Annual Session** invited the **President** and the **Vice-President** of the Sixtieth Annual Session to assume their positions on the dais.
- 3.8. The newly elected **President, H.E. Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, Republic of India**, in her opening statement, warmly welcomed all delegations, including virtual participants, to the Sixtieth Annual Session on behalf of the Republic of India. She commended the work of the Secretariat for the preparation of succinct reports on the topics on the agenda under the leadership of the Secretary-General. She requested the Member States to restrict their general statements to the time allotted.
4. **First General Meeting**
- 4.1. **Release of AALCO Publication:** The following AALCO publications were released: Yearbook of the Asian-African Legal Consultative Organization (Vol. XVIII, 2020-21), AALCO Journal of International Law (Vol. 10, 2021), Report of the AALCO Webinar on Rising Sea Levels and AALCO Member States: Perils and Protection under International Law (2022) and the Newsletter vol. 13.

Second Meeting of the Delegations of the AALCO Member States

Agenda Item: Report of the Secretary-General

- 4.2. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO** expressed his gratitude to the Member States for their unwavering support and participation in activities of the Organization. The Secretary-General expressed his gratitude to **H.E. Ms. Teresa Cheng**, the then **Secretary for Justice of Hong Kong SAR of the People's Republic of China**, and **President of the Fifty-Ninth Annual Session of AALCO** for her able leadership of the Organization during her Presidency. The Secretary-General also thanked **H.E. Dr. Gaston Kenfack Douajni, Director of Legislation, the Republic of Cameroon and the Vice-President of the Fifty-Ninth Annual Session** for his services to AALCO. Thereafter, he provided a brief outline of the work undertaken by the Secretariat as well as financial and administrative matters of the Organization. In order to make the Organization more robust, it was proposed to set up two sub-committees to facilitate the discussions on “the scale of assessed contributions of the Member States” as well as “the streamlining of the Statutory Rules” of the Organization. Several delegations expressed their general support to the Secretary-General's proposals.

Agenda Item: Discussions on the Budget for 2023

- 4.3. Mr. Jun Yamada, Deputy Secretary-General of AALCO**, highlighted the details of the budget approved by the Liaison Officers for the year 2023. An amount to the tune of 676,800 US dollars taking into consideration the expenses likely to be incurred in 2023. He alluded to the continuous efforts of the Organization to employ the human and material resources available with it and to minimize operational costs. He also made a brief presentation of the issue of arrears and the recent discussions held by the Liaison Officers on the scale of contributions. One delegation requested clarification on the figures of the budget in the report which was orally addressed by the Deputy Secretary-General. Another delegation expressed its hope to review the scale of assessed contributions at the sub-committee.

5. Second General Meeting

- 5.1.** At the Sixtieth Annual Session of AALCO the following delegations delivered general statements: the **Republic of the Sudan**, the **Republic of the Union of Myanmar**, the **Kingdom of Thailand**, the **Socialist Republic of Viet Nam**, **Japan**, the **Islamic Republic of Pakistan**, the **State of Libya**, the **Islamic Republic of Iran**, **Malaysia**, the **Republic of Indonesia**, the **State of Qatar**, the **Kingdom of Saudi Arabia**, **Nepal**, the **Republic of Iraq**, the **Syrian Arab Republic**, the **People's Republic of China**, the **Republic of Cameroon**, the **United Republic of Tanzania**, the **Democratic People's Republic of Korea**, the **Republic of Korea**, the **Republic of India**, the **Kingdom of Bahrain**, the **Republic of Kenya**, and the **Republic of Ghana**. The Observer delegation of the **International Institute for the Unification of Private Law (UNIDROIT)** delivered a general statement.
- 5.2.** All delegations congratulated the President and the Vice-President on assuming their posts, and expressed confidence that the Annual Session would be conducted successfully under their leadership. They congratulated the AALCO Secretariat and the

Government of the **Republic of India** for the preparations undertaken for the Sixtieth Annual Session further commending the Secretary-General for the work done and completed by him and initiatives undertaken to expand the work programme of AALCO in the first year of his tenure. A number of Member States recalled the difficulties faced during the COVID-19 pandemic and assured all cooperation to address public health emergencies and share its experience in this regard. The need to embrace digitalization was also underscored by certain States as was the need for the Secretariat to increase the strength of its human resources.

- 5.3. Several States addressed issues of common concern on the work programme of AALCO including but not limited to International Trade and Investment Law, Status and Treatment of Refugees, Environment and Sustainable Development and Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine. In general, the Member States expressed the need to strengthen multilateral mechanisms to address global issues such as international terrorism, Climate Change, Marine Biodiversity in Areas Beyond National Jurisdiction and furthering international economic cooperation and adherence to the rule of law. Several Member States expressed the need to implement the principles and purposes of the UN Charter and raising the voice of Asian and African Member States at the UN.

SUBSTANTIVE AGENDA ITEMS FOR DELIBERATION

6. Third General Meeting

Agenda Item: Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine

- 6.1. **Dr. Ali Garshasbi, Deputy Secretary-General of AALCO**, in his introductory statement highlighted AALCO's historical engagement with the subject over the years. While referring to the brief prepared on the topic, it was stated that concerns in the Occupied Palestinian Territories regarding the expansion of settlement and settler violence, violation of International Humanitarian Law and International Human Rights Law, a complete lack of accountability for crimes including grave violations of the Geneva Conventions as well as an application of a policy of apartheid by the Occupying power were some of the issues of contemporary importance for Member States.
- 6.2. The delegations of the **State of Palestine**, the **Syrian Arab Republic**, **Malaysia**, the **Republic of Indonesia**, the **Republic of India** and the **Islamic Republic of Iran**, the **Federal Republic of Somalia**, the **People's Republic of China** and the **Islamic Republic of Pakistan** delivered statements on the agenda item.
- 6.3. Several Member States expressed their solidarity with the **State of Palestine** and supported the just cause of the Palestinian people in their struggle for the right to self-determination, statehood and realization of human rights. Many delegations reiterated their call for the implementation of the Two-State solution and a viable sovereign State of Palestine having borders the same as those established in 1967 and East Jerusalem as its capital. Several delegations appealed for the immediate cessation of Israel's blatant violation of its international obligations, especially those under numerous UN Security

Council resolutions, the Geneva Conventions of 1949 and relevant human rights instruments. All delegations called for the end of the occupation and illegal activities carried out in the Occupied Palestinian Territory including the expansion of settlements, transfer of population and implementation of a policy of apartheid. Further some delegations also underlined that the Israeli occupation of the Syrian Arab Golan is a blatant violation of international law and in particular United Nations Security Council Resolution No. 497 of 1981, which underlines that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan is null and void and without international legal effect.

Agenda Item: Select Items on the Agenda of the International Law Commission

- 6.4. Dr. Ali Garshasbi, Deputy Secretary-General of AALCO**, gave a brief account of the six topics that had been deliberated at the seventy-third session of the Commission: (1) Peremptory norms of general international law (*jus cogens*) (2) Protection of the Environment in relation to armed conflicts; (3) Immunity of State Officials from foreign criminal jurisdiction; (4) Succession of States in respect of State Responsibility; (5) General principles of law; and (6) Sea-level Rise in relation to International Law. **Prof. Dire Tladi, Amb. Marcelo Vázquez Bermúdez, Amb. Nguyễn Hồng Thao, Prof. Dr. Bimal N. Patel** delivered their statements on the topics on the agenda of the International Law Commission. **Prof. Dire Tladi** in his presentation underlined the importance for Asian and African States to submit detailed written statements to the Commission in order to inform it about their State practice. The presentation thereafter focused on the draft provisions on ‘Peremptory norms of general international law (*jus cogens*)’ which had been adopted by the Commission at the second reading. In particular, two draft provisions (draft conclusion 2 and 16) concerning *jus cogens* norms reflecting the fundamental values of the international community and the effect of *jus cogens* norms on security council resolutions were discussed.
- 6.5. Amb. Marcelo Vázquez Bermúdez** in his presentation focused on the general principles of law for which he is the special rapporteur. He explained the objectives behind the eleven draft conclusions, and provided an overview of their content.
- 6.6. Amb. Nguyễn Hồng Thao** delivered a statement on the relationship between the Commission and AALCO. He informed the Member States about the proposal on epidemics and international law submitted to the Commission for its inclusion in the long term programme of the work of the Commission.
- 6.7. Prof. Dr. Bimal N. Patel** delivered a presentation on developments on the topics discussed at the seventy-third session of the Commission; views on strengthening relations between the Commission and the Sixth Committee of the UN General Assembly and ideas and suggestions which could enhance contribution of the Asian and African States to the work of the Commission in general. He informed the meeting of the key provisions and concepts elucidated in the final products on various topics on the agenda of the Commission. He also provided an update and review of the status of the topics, including the timelines for submission of inputs by States, international organizations and others on various topics.
- 6.8. The delegations of Malaysia, Japan, the Islamic Republic of Iran, the United Republic of Tanzania, the Republic of Korea, the Republic of Indonesia, the**

Republic of India, the People's Republic of China, and the Socialist Republic of Vietnam delivered statements on the agenda item.

- 6.9.** Several delegations expressed their gratitude to the Members of the Commission for their detailed and insightful presentations. They emphasized on the role of the Commission for the codification and progressive development of international law and appreciated the role of Special Rapporteurs on their respective topics and subjects of engagement. Several delegations gave detailed comments and their respective positions on the topics deliberated at the seventy-third session of the Commission. These topics included Peremptory norms of general international law (*jus cogens*), General Principles of Law, Immunity of State Officials from Foreign Criminal Jurisdiction, Sea level rise in relation to International Law, Protection of the Environment from Armed Conflict and Succession of States in Respect of State Responsibility. Some Member States expressed the need for the final products of the Commission to reflect State practice of the Member States in the process of codification. Delegations also made observations on the key provisions underscoring the need to engage more deeply with the Commission and further the engagement with the Commission in light of contemporary challenges. Some delegations expressed concern on some of the draft articles proposed by the Commission on the topic 'Immunity of State official from foreign criminal jurisdiction.' One delegation highlighted the necessity of exchange of views between the Commission and regional organizations.

Agenda Item: International Trade and Investment Law

- 6.10. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO** provided a brief introduction of the topic, which has been on the agenda of the Organization as a combined topic since the Fifty-Seventh Annual Session (2018). It was stated that in view of the rapid developments taking place in this dynamic field the topics covered in the brief and open for deliberation assumed great contemporary relevance for the Asian and African regions in particular. Member States were encouraged to present their views on the topics providing their own experience in dealing with the pressing issues of the day and how effective cooperation between States could be strengthened to resolve them.
- 6.11. Dr. Aniruddha Rajput, Member, United Nations International Law Commission** delivered a presentation on the agenda item focusing on the issue of counter-claims in international investment arbitration. In his presentation, he drew the attention of the meeting to the provisions of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, 1965 dealing with counter-claims. In his presentation he emphasized that the question of counter-claims was a mixed question of substance and procedure and should have been addressed in the Working Group III of the UN Commission on International Trade Law. He recommended that the Member States should include wide provisions on counter-claims in their International Investment Agreements so as to deter any unmeritorious claims by investors.
- 6.12.** The delegations of **Malaysia, the Socialist Republic of Viet Nam, the Republic of Kenya, Japan, the United Republic of Tanzania, the Republic of Indonesia, Nepal, the Islamic Republic of Iran, the Republic of India, the Republic of Cameroon and the People's Republic of China** delivered statements on the agenda item. The observer

delegation of the **Hague Conference on Private International Law (HCCH)** also delivered a statement on the agenda item.

- 6.13.** On international trade law, several delegations expressed support for reviving the Appellate Body of the World Trade Organization (WTO) and the need to strengthen the dispute settlement mechanism of the WTO. A number of delegations also underlined the need to implement precise and effective provisions on Special and Differential Treatment (SDT) in order to provide certain leeway to developing and least developed countries in implementing WTO obligations. Some delegations emphasized the centrality of the decisions arrived at the Twelfth Ministerial Conference for reviving the multilateral trading system. One delegation deplored that the aims and objectives of the WTO were jeopardized by unilateralism and new forms of protectionism.
- 6.14.** Several delegations delivered statements on the reform of the Investor-State Dispute Settlement Mechanism and commended the work of the Working Group III of the UN Commission on International Trade Law. The delegations were generally supportive of the recently adopted ‘Code of Conduct for Adjudicators’ and the ‘Draft Provisions of the Statute of the Standing Multilateral Mechanism for International Investment Disputes’ that addressed pressing issues such as ‘double-hatting’, impartiality and independence of adjudicators, confidentiality of proceedings and ‘forum shopping.’ Some delegations highlighted the need to regulate third-party funding while one delegation shared an insightful experience of a recently concluded arbitration award in this regard.

Agenda Item: The Status and Treatment of Refugees

- 6.15. Mr. Sun Guoshun, Deputy Secretary-General of AALCO,** in his introductory statement underscored the rationale of re-introducing the topic as an agenda item for the Sixtieth Annual Session after a brief hiatus. He noted that AALCO’s historical engagement with the topic, including AALCO’s Bangkok Principles demonstrated the Afro-Asian engagement with international refugee law. In light of contemporary developments like the United Nations Global Compact on Refugees adopted in 2018 it was considered worthwhile to revisit this topic. He hoped that discussions on the topic would aid States to structure their refugee response framework in a manner consistent with international legal obligations.
- 6.16. Ms. Ragini Trakroo Zutshi** on behalf of the **United Nations High Commissioner for Refugees (UNHCR)**, highlighted various refugee/ humanitarian crises in different parts of the world, noting the experiences of the international community in dealing with them. It was highlighted that forced displacement should be dealt with in a systematic manner and international cooperation is required to effectively deal with the issue.
- 6.17.** The delegations of the **Republic of Kenya, the Democratic People’s Republic of Korea, the People’s Republic of China, the Islamic Republic of Iran, the Federal Republic of Somalia, the Republic of Indonesia, the State of Palestine, Japan, the Republic of India, the Republic of Iraq, the Republic of Korea and the Islamic Republic of Pakistan** delivered statements on the agenda item.
- 6.18.** The delegations, in their statements, stressed on the humanitarian nature of refugee protection. It was mentioned that the protection of refugees was a global concern. The

Member States highlighted their domestic measures taken with respect to refugee protection while affirming their commitment to the international legal framework pertaining to safeguarding the rights of refugees like the 1951 Refugee Convention and its Protocol, regional mechanisms for refugee protection, the Comprehensive Refugee Response Framework and the Global Compact on Refugees. It was noted that the international legal regime of refugees was distinct and separate from the regime protecting migrants and confusing the two international legal frameworks should be avoided. The importance of the principles of *non-refoulement* and burden and responsibility sharing was noted by several Member States.

Agenda Item: Environment and Sustainable Development

6.19. Mr. Sun Guoshun, Deputy Secretary-General of AALCO, in his introductory statement highlighted AALCO's historical engagement with the topic while noting that the thrust of the Sixtieth Annual Session would be on two specific topics, firstly, Transboundary Air Pollution with Specific Reference to Sand & Dust Storms (SDS) and Haze pollution and, secondly, Marine Biodiversity in Areas Beyond National Jurisdiction (BBNJ) given their contemporary relevance.

6.20. The delegations of the **Socialist Republic of Vietnam, the Republic of Kenya, the Republic of Korea, the Democratic People's Republic of Korea, Islamic Republic of Iran, Japan, the Republic of Indonesia, Malaysia, the Republic of India, the Federal Republic of Somalia, the People's Republic of China, Nepal and the Federal Republic of Nigeria** delivered statements on the agenda item.

6.21. The delegations, in their statements, appreciated the brief prepared by the Secretariat on the topic while noting the importance and relevance of the two topics specially selected for deliberation for the Session, namely Transboundary Air Pollution with Specific Reference to Sand & Dust Storms (SDS) and Haze Pollution and Marine Biodiversity in Areas Beyond National Jurisdiction (BBNJ). Member States highlighted the significance of Sustainable Development Goal (SDG) 14 in the context of global environmental protection while commenting on the grave hazards posed by climate change on the protection and conservation of ocean resources. Member States appreciated global efforts currently underway to prepare an Internationally Legally Binding Instrument (ILBI) on the topic of BBNJ. A few States noted the importance of fairness and equity in the process of developing such an instrument keeping in view the economic aspirations of developing countries especially with reference to benefit sharing, capacity-building and technology transfer.

Third Meeting of the Delegations of the AALCO Member States

Agenda Item: Report on the Work of the Regional Arbitration Centres

6.22. Mr. Jun Yamada, Deputy Secretary-General of AALCO delivered an introductory statement recalling the commendable work and success of the Regional Arbitration Centres, over the years. In his presentation he congratulated the Host Governments of the Regional Arbitration Centres for their support and cooperation and called upon all Member States to continue supporting their activities and work program. He congratulated the Centres for their ever-growing case-load, excellent performance of

their functions and for their promotion of alternate dispute resolution as mechanism for resolving international commercial disputes.

6.23. Datuk Dr. Prasad Sandosham Abraham presented the report of the **Asian International Arbitration Centre (AIAC)** at the Annual Session. In his presentation he apprised the meeting of the volume, nature, and subject-matter of the disputes as well as other crucial statistics such as information about the parties and arbitrators. He also provided an overview of the scale of activities undertaken by the AIAC that ranged from workshops and training seminars to organizing other capacity building programs. A comprehensive outline of the activities of the arbitration centre during the period of 2021-2022 was provided and estimates about their growth and future plans were also shared with the meeting.

6.24. Mr. Nicholas Chan, MH, JP presented the report of the **AALCO Hong Kong Regional Arbitration Centre**. He reported on the successful office opening in Hong Kong, highlighted ten unique advantages for parties to use the new centre, briefly demonstrated the new website and Online Dispute Resolution platform, promoted the new model arbitration rules, and outlined the activities of the centre, its administration structure, services, capacity building and promotional efforts and future plans.

7. Fourth General Meeting and Concluding Session

Adoption of Message of Thanks to the Host Government

7.1. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO presented a message of thanks on behalf of the AALCO Member States to **H.E. Smt. Draupadi Murmu, the Honourable President of the Republic of India**.

Adoption of Resolutions

The following resolutions were adopted on 28 September 2022.

Organizational Matters

1. AALCO/RES/60/ORG 1
Report of the Secretary General on Organizational, Administrative and Financial Matters.
2. AALCO/RES/60/ORG 2
AALCO's Budget for the year 2023.
3. AALCO/RES/60/ORG 3
Report on AALCO's Regional Centres for Arbitration.

Adoption of Summary Report of the Session, and General Recommendations

7.2. The draft summary report of the Sixtieth Annual Session was placed for the consideration of Member States and thereafter provisionally adopted by the Member States. It was decided that comments if any would be received by the Secretariat on or before the 28 October 2022.

Vote of thanks

- 7.3.** A vote of thanks on behalf of Asian Member States was proposed by the Head of Delegation of **Nepal**, a vote of thanks on behalf of the African Member States was delivered by the Head of Delegation of **the Republic of the Sudan** and a vote of thanks on behalf of the Observers was delivered by **Amb. Nguyễn Hồng Thao, Member, United Nations International Law Commission.**
- 7.4.** **H.E. Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India,** the President of the Sixtieth Annual Session delivered the concluding remarks.

The Sixtieth Annual Session of AALCO was thereafter concluded.

XVII. LIST OF PARTICIPANTS

LIST OF PARTICIPANTS AT THE SIXTIETH ANNUAL SESSION OF AALCO

MEMBER STATES

1. Arab Republic of Egypt

H.E. Mr. Wael Hamed
Ambassador
Embassy of the Arab Republic of
Egypt,
New Delhi

Mr. Khaled Sheir
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2. Kingdom of Bahrain

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4. Republic of Cameroon

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9. Republic of India

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16. State of Kuwait
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17. State of Libya
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28. Kingdom of Saudi Arabia
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29. Republic of Senegal
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30. Republic of Singapore
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31. Federal Republic of Somalia
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34. Republic of the Sudan
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3. Hague Conference on Private International Law
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5. Mrs. Anuradha Bakshi
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