



# NEWSLETTER

Volume 13

January to December 2020-2021



National Flags of the Member States of AALCO on display at the AALCO Secretariat

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## Member States

Arab Rep. of Egypt

Bahrain

Bangladesh

Brunei Darussalam

Cameroon

China

Cyprus

D.P.R. Korea

Gambia

Ghana

India

Indonesia

Iran

Iraq

Japan

Jordan

Kenya

Kuwait

Lebanon

State of Libya

Malaysia

Mauritius

Mongolia

Myanmar

Nepal

Nigeria

Oman

Pakistan

Philippines

Qatar

Korea (Republic of)

Saudi Arabia

Senegal

Sierra Leone

Singapore

Somalia

South Africa

Sri Lanka

State of Palestine

Sudan

Syria

Tanzania

Thailand

Türkiye

Uganda

Viet Nam

Yemen

## Permanent Observers

Australia

New Zealand



# FOREWORD BY THE SECRETARY-GENERAL

The year 2020 was been an unprecedented one for the global community. The Covid-19 pandemic affected each one of us in ways beyond contemplation. The international legal community, especially international organizations have not been immune from the challenges that the global pandemic has thrown at us.

Notwithstanding these challenges, the Asian-African Legal Consultative Organization (AALCO) has been carrying out its mandate in the finest traditions of Afro-Asian solidarity guided by the values of cooperative multilateralism. We were in constant communication with our Member States during the most difficult phases of the pandemic, especially during the lockdown, addressing concerns and replying to the queries in connection with our work programme.

It affords me a great deal of satisfaction to note that AALCO shouldered a supportive role for its Member States during the past year keeping in mind all safety and health protocols including WHO guidelines and advisories in this regard.

The Asian-African community has played a steadfast role in dealing with the challenges posed by the pandemic. The virus has affected most countries in the region and international law dimensions of trade, investment and movement of people across frontiers are increasingly being discussed in light of the new realities.

AALCO, in this regard, is fully equipped to deal with all challenges and remains keen to aid its Member States in exploring new dimensions of international law that help us make the world a safer place. In the collective Afro-Asian worldview of friendship and solidarity, international law is a key tool to forge the bond of unity between the two great continents that have always been a guiding light for humanity since time immemorial.

With the global scientific community working diligently for a medical solution to the pandemic, we are fortunate to have vaccines ready which will enable us to carry out our mandate with renewed vigour and energy in the "new normal world" that we are living in. It is my strong conviction that a beautiful future awaits us as we traverse through these difficult times and the Asian-African international legal community will re-invent itself to meet the pressing challenges that lie ahead.

I appreciate the efforts of Ms. Geetika Sharma for compiling, editing and proof reading this work. I also appreciate the other team members who contributed in the completion of this task.

As always, we look forward to the support and cooperation of our Member States in our endeavours and I thank each one of them for all cooperation and assistance rendered to us during the year 2020. The Newsletter in the following pages provides a glimpse of our activities over the past two years 2020 and 2021.



H.E. Prof. Dr. Kennedy Gastorn, Secretary-General, AALCO



# **2020 Activities**

## AALCO ACTIVITIES

Covid-19 pandemic continues to remain a grave challenge to world humanity despite the availability of vaccines in many countries as of early 2021. The emergence of new strains in various parts of the world is a constant reminder that we need to remain ever vigilant of the dangers posed by the virus. AALCO faced numerous challenges during the better part of 2020 in this regard. . Our Member States were in constant touch with us throughout the year and the Secretariat left no stone unturned in being accessible to the Member States and adapting fully well to the exigencies thrown by the pandemic. Our accessibility and reach to our Member States during these difficult days has in many ways strengthened the bond of cooperation and goodwill among the Afro-Asian community and this has been a two-way process.

AALCO virtually participated in various activities during the year 2020. The new realities of the pandemic made virtual meetings a necessary complement to overall safety and health measures to be adopted by States and International Organizations. Our task of strengthening the Afro-Asian worldview in international law continued unabated notwithstanding the new realities of virtual and remote interactions.

Our Fifty-Ninth Annual Session could not take place in the year 2020. In view of the same, it was proposed that the said Annual Session be organized at a suitable date in the year 2021. Notwithstanding the challenges posed by the Covid-19 pandemic, AALCO is aware that the codification and progressive development of international law from an Asian-African perspective is not a destination but a continuous journey. Conscious of this truth, efforts in strengthening the bond of friendship and solidarity in our community remains an enduring mission of this great organization.

AALCO's activities for the year 2020 are detailed in the coming pages.

### New Deputy Secretary-General to AALCO



Mr. Sun Guoshun  
Deputy Secretary-General

Mr. Sun Guoshun succeeded Ms. Wang Liyu as the Deputy Secretary-General of AALCO joining AALCO in December 2020. He is seconded by the People's Republic of China to AALCO.

Prior to this assignment, Mr. Sun was a Counsellor at the Chinese Foreign Ministry. Mr. Sun worked successfully at the Department of Treaty and Law of the Chinese Foreign Ministry, the Chinese Embassy in the USA and the Chinese Embassy in the Netherlands.

# Activities of Permanent Observers of AALCO

AALCO has benefitted immensely from the work of its two Permanent Observers Dr. Roy S. Lee (Permanent Observer of AALCO to the UN in New York) and Mrs. Christine Nemoto (Permanent Observer of AALCO to the UN in Vienna)

## Dr. Roy S. Lee

### NEWS FROM THE UNITED NATIONS HEADQUARTERS

- Distanced sitting, virtual meetings for informal consultations, masked delegates and time limits per speakers marked the characteristics of the 74th session of the Sixth (legal) committee of the General Assembly convened in the COVID-19 pandemic. The Committee approved 15 draft resolutions, 4 requests for observer status and 10 draft decisions. The contents of most of draft resolutions are similar to those of the previous sessions. All its work was based on consensus. New proposals or suggestions were not adopted for lack of consensus or other reasons. The following achievements are noteworthy.
- UN training programs of international law are now secured through funding from the regular budget, whereas previously they relied on voluntary contribution and some programs had to be delayed or canceled until funding was secured. Now the International Law Fellowship program, the regional courses and the UN Audiovisual Library of International Law can take place as planned ( for detail, see GA Resolution 74/185, 18 December 2019). This is a new opportunity for participants from Africa, Asia and South America.
- The International Law Commission (ILC) did not present its Annual Report as it was not able to meet because of Covid-19. But it drew Governments' attention to the importance of providing their views on the issues of immunity of State officials; succession of States; general principles of law; and sea-level rise in relation to international law so as to enable take into account their views for its 2021 Report on these topics.
- The Sixth Committee reviewed five sets of Articles on various topics prepared previously by the International Law Commission: a. expulsion of aliens, b. responsibility of international organization, c. crimes against humanity, d. protection of persons in the event of disaster and e. state responsibility for internationally wrongful acts. These texts had been prepared over the past years and the Commission had recommended them to serve as basis for multilateral treaties. The Articles on State responsibility, (e) above, was completed in 2001 and had been under review ever since. In 2020, again, none of them was recommended this by the Committee for transforming into treaties. They will remain on the agenda and will be reviewed in future sessions. A group of States expressed the view that the Committee was "getting caught in a cycle of consideration and postponement without concrete action, thus undermining the relationship between the Commission and the General Assembly". Indeed, this has been the situation since 2005; for the past 15 years, none of the ILC draft articles had been turned into treaties. Yet, many of these articles have been incorporated into national laws and cited by courts and tribunals. Between 1960 and 1980, some 20 multilateral treaties came into force on the basis of draft articles prepared by the Commission, among which the four, 1959 Law of the Sea Conventions, 1969 Convention on law of treaties and the 1961 Convention on Diplomatic Relations and the 1963 Convention on Consular Relations. It is appropriate that the ILC's contributions to international law should now be appreciated not just in terms of treaty-making (or hard law) but also the effects of the Articles it had prepared (soft law).



- States are urged to strictly observe, implement and enforce — including during periods of armed conflict — international law governing diplomatic and consular relations and to ensure the protection, security and safety of the missions, representatives and officials present in territories under their jurisdiction. States are also urged to comply with international law governing the protection and inviolability of certain diplomatic and consular premises and to take all appropriate measures to prevent any abuse of diplomatic or consular privileges and immunities.
- The General Assembly recognizes the International Court of Justice's important role in adjudicating disputes among States and requests the Secretary-General to distribute the advisory opinions requested by the principal organs of the United Nations. Special mention should be made about the following Advisory Opinions: Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (2019); Accordance of International Law of the Unilateral Declaration of Independence in respect of Kosovo (2010), Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2001) and Legality of the Use by A State of Nuclear Weapons in Armed Conflict (1999).
- An interesting new development of UN reaching out is that States are encouraged to identify and provide the contact details of academic institutions with the capacity to contribute to preparation of studies for the Repertory of Practice of United Nations Organs. Voluntary contributions are also invited to the trust funds for eliminating the Repertory's backlog and for updating the Repertoire of the Practice of the Security Council.

Many intellectual events about international law were organized during the Sixth Committee to celebrate UN's 75th anniversary. The following may be highlighted:

- "UN at 75: Effective Multilateralism and International Law" was a virtual conference to examine the evolution of international law since the establishment of the United Nations (UN), the achievements of the UN in advancing international law and its future in supporting multilateralism. Topics discussed included the role of the General Assembly and its subsidiary organs (ILC, Sixth Committee) and the importance of academia; the contribution of international courts to the development of international law; and international relations based on international law. The event was organized by the German Federal Foreign Office and the UN Office of Legal Affairs. Speakers included judges, practitioners and jurists from around the world.
- "Legal implications of pandemics: A ten month assessment" was organized by the Permanent Missions of Chile, Portugal, Sierra Leone, Turkey and Vietnam to the United Nations. The discussion focused on: What are the legal and policy issues raised by epidemics in international law? Does current international law provide international principles or norms applicable to the key legal questions raised by epidemics? Does international law need to be progressively developed to answer the more troublesome questions arisen from the pandemics? What would be the areas with gaps and what norms will be required to address them? What is the specific contribution that the Sixth Committee and the International Law Commission may provide to address the legal questions raised by epidemics? Does the international community need an instrument of a comprehensive character to address possible gaps in the current law, and if so, what might be the appropriate forum for its development?
- The event on "Conflict-Related Sexual Violence" was a conversation organized by the UK Mission on the challenges and achievements in bringing perpetrators to justice and what more needs to be done to attain accountability for survivors of conflict-related sexual violence.
- A briefing on "Strengthening Cooperation for International Environmental Law" was sponsored by the Missions of Costa Rica and France. Its purpose was to present options and information for the forthcoming substantive consultations on international cooperation for strengthening environmental law frameworks under General Assembly resolution 73/333.

- "Sea-Level Rise and the Law of the Sea", was organized by the Permanent Missions of Singapore, Fiji, Jamaica and Mauritius to the United Nations This event provides an opportunity to engage with members of the ILC study group on the subject in an informal setting to gain a deeper insight into how they approached the need to preserve legal stability, security, certainty and predictability and on what can be expected in terms of the future work of the Study Group regarding statehood and the protection of persons affected by sea-level rise.
- The discussion on "The New Space Race: international space law in the public and private sectors" drew attention to the growing role of private sector in providing launch services to governments and commercial entities on a scale, magnitude higher than before, and in developing technology for space mining. Such developments layer imperfectly onto current state-based regulatory regime. Topics discussed included: regulating resource extraction and access to spectrum, assigning liability for collisions, and dealing with increasing orbital debris.

## Madame Christine Nemoto

- United Nations Commission on International Trade Law Working Group III (Investor-State Dispute Settlement Reform) : The resumed 38th session took place from 20-24 January, 2020 in Vienna. It was regarding the dealing with reform options on appellate mechanism, considering the sovereignty and domestic laws of states, and selection of arbitrators and adjudicators. The Working Group's theme was more posing of questions where each delegation had different views and opinions.
- 29th Commission on Crime Prevention and Criminal Justice session for the Intersessional Meeting: The Intersessional Meeting was held on 24 January 2020 to prepare for the 14th United Nations Congress on Crime Prevention and Criminal Justice, contributions to the work of the Economic and Social Council and other business.
- Commission on Narcotic Drugs, 63rd Session: The 63rd session was opened by the Ambassador of Pakistan that took place from 2-6 March, 2020 in Vienna. He highlighted on the growth of synthetic drugs, increasing steadily in the market. The President of International Narcotics Control Board (INCB) emphasised on the measures to protect the children from drugs and illicit trafficking. He also pointed out the danger of 'designer precursors' and the concern for Afghanistan's uncontrolled illicit drug trade. All States stressed on their continued efforts to stop the growing abuse and problems caused through internet trading.

### VIRTUAL PARTICIPATION

- 11th session of Open-Ended Intergovernmental Working Group: The session took place from 30 June- 1 July 2020 in which joint meetings were held on the prevention of corruption, law enforcement and criminalization.
- 36th session of the Programme and Budget Committee: It was held from 29-30 September 2020.
- 10th session of the Conference of the Parties to the United Nations against Transnational Organized Crime (UNTOC): The session was held from 12-16 October 2020 in which several forms of serious crimes were highlighted by speakers including cybercrime, trafficking in cultural property, illicit mining, trafficking in persons, smuggling of migrants etc.
- 3rd Intersessional Meeting of the 63rd session of Commission on Narcotic Drugs: The Thematic sessions were held on the implementation of all international drug policy from 19-21 October 2020.
- Second resumed eleventh session of the Implementation Review Group, the fourteenth session of the Working Group on Asset Recovery and the ninth Open-ended Intergovernmental Expert Meeting on International Cooperation: The Joint meetings were held from 16-18 November 2020 on thematic and technical assistance matters.
- 48th Session of the Industrial Development Board: It was held from 23-25 November 2020.

## Activities to be undertaken in 2021

- 59th Annual Session of AALCO
- For latest updates on the activities of AALCO please visit the website: [www.aalco.int](http://www.aalco.int)

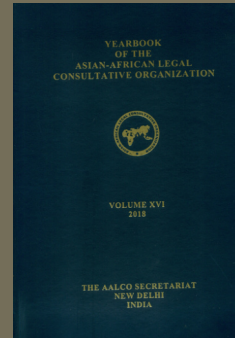
## Internships at AALCO

AALCO encourages students and researchers of international law from Member States to familiarize them with the working of AALCO. The Internship Programme at AALCO is envisaged as a practical educational experience for interns to assist the legal staff of the Organization in discharging their duties. The interns also present their research on a topic written under the supervision of legal officers.

The Secretariat plans to promote the Internship Programme in academic institutions across Asia and Africa and requests Member States to nominate young researchers from their jurisdiction. 10 students from Indian and Chinese Universities interned at AALCO during the reported period.

**For more information on Internship opportunities at AALCO write to: [internships@aalco.int](mailto:internships@aalco.int)**

## PUBLICATIONS



The AALCO Yearbook, which is a key publication of AALCO, covers the entire work of the Organization completed during a given year, including the statements of the Secretary-General and the Deputy Secretaries-General delivered at various events and meetings.



Volume 12, Issue 2 for the year 2019.

AALCO Journal of International Law Special Edition on the topic Pandemics and International Law

## Upcoming Publications

- AALCO Journal of International Law

**For more information on AALCO publications visit the AALCO website: [www.aalco.int](http://www.aalco.int) or write to: [mail@aalco.int](mailto:mail@aalco.int)**

# ACTIVITIES OF THE SECRETARIAT

## VISITORS TO THE AALCO SECRETARIAT



- Mr. Mahdi Yusuf Ahmed, Liaison Officer from the Embassy of the Kingdom of Bahrain had a meeting with Prof. Dr. Kennedy Gastorn, Secretary-General on 9 January 2020.
- Mr. Ali Murat Taşkent, Liaison Officer from the Embassy of Republic of Turkey came to visit Prof. Dr. Kennedy Gastorn, Secretary-General on 10 January 2020.
- Mr. Nor'Azam Mohd Idrus, Deputy Chief of Mission from the High Commission for Malaysia visited the secretariat and met with Mr. Yukihiro Takeya, Deputy Secretary-General on 18 March 2020 .
- Mr. Mohammed Hussain K.S, Legal Officer from the Ministry of External Affairs had a meeting with Mr.Yukihiro Takeya, Deputy Secretary-General on 21 May 2020.
- Mr. Mohammad Rizki Safary, Minister Counsellor from Embassy of the Republic of Indonesia met with Mr. Yukihiro Takeya, Deputy Secretary-General on 15 June 2020.
- Mr. Wajih Ibrahim, Deputy Chief of Mission and Minister Plenipotentiary/Liaison Officer from the Embassy of the Syrian Arab Republic visited for a meeting with Mr. Yukihiro Takeya, Deputy Secretary-General on 4 December 2020.



## SECRETARY-GENERAL

### Patenting of Pharmaceutical Products and Pandemic Covid-19: Some Reflections on IPRs and Human Rights

H.E. Prof. Dr. Kennedy Gastorn, Secretary-General, delivered a lecture on the topic 'Patenting of Pharmaceutical Products and Pandemic Covid-19: Some Reflections on IPRs and Human Rights' in May 2020. The lecture provided a deep overview of the interface between the Covid-19 pandemic and its interface with IPRs and Human Rights while specifically highlighting the importance of responding to the pandemic from a Human Rights Based Approach (HRBA) and appreciating the concept of Global Public Goods. The Covid-19 pandemic has necessitated a re-look on the interaction between competing legal norms and the interface between IPRs and Human Rights remains amongst the most prominent in this regard.

In his lecture, the Secretary-General emphasized the need to appreciate the close connection between the right to medicine as a human right and principles like non-discrimination, transparency and accountability and the right to health at a broader level all of which assume added significance in framing a human rights response to the Covid-19 pandemic. In the domain of intellectual property rights, the balance between intellectual property rights protection and the social necessity of ensuring fair and equitable access to medicines especially vaccines through voluntary and compulsory licensing was examined in similar light. Framing an appropriate response to the pandemic sans an integrated understanding of human rights and intellectual property would not afford humanity an appropriate answer of dealing with the pandemic.

### The Inauguration Ceremony of the International Commercial Dispute Prevention and Settlement Organization (ICDPASO)



H.E. Prof. Kennedy Gastorn, Secretary-General delivering his congratulatory remarks via video conferencing

The need for multilateralism was emphasized in light of the present circumstances and contributory role that ICDPASO could play in its promotion was recognized. It was also stated that AALCO and ICDPASO could work together to promote global commercial legal exchanges and cooperation, especially in the Asian-African business community, to create a convenient, fair and just business environment.

H.E. Prof. Dr. Kennedy Gastorn, Secretary-General, delivered congratulatory remarks via video conferencing at the Inauguration Ceremony of the International Commercial Dispute Prevention and Settlement Organization (ICDPASO) held in Beijing, People's Republic of China on 15 October 2020. He extended appreciation to its founders and all those persons who have played an instrumental role in the establishment of the Organization.



H.E. Prof. Kennedy Gastorn interacting via video conferencing at the event



## **Workshop on Clean COVID-19 Response and Economic Reopening**

The Workshop on Clean COVID-19 Response and Economic Reopening by the Belt and Road Cooperation Partners, organized by the National Commission of Supervision of the People's Republic of China, took place virtually on 8 December 2020. The Secretary-General was invited to share the best practice and experience of AALCO in fighting corruption amid COVID-19 response and economic reopening, as well as contribute to the Special Session of the UN General Assembly against Corruption 2021.

The Secretary-General underlined the timeliness of the topic in view of the upcoming Special Session of the General Assembly against Corruption, scheduled to be held from 2-4 June 2021, wherein the General Assembly proposes to adopt a concise and action-oriented political declaration, agreed upon in advance by consensus through intergovernmental negotiations under the auspices of the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC). AALCO's engagement with the pragmatics of anti-corruption discourse, both during the development of the UNCAC and thereafter, was elucidated.

AALCO could serve as a platform for intergovernmental negotiations to promote practical cooperation on fighting corruption amid COVID-19 response and economic reopening.

## **Additional activities undertaken by the Secretary-General**

- **Speech at the Wuhan University Inauguration Ceremony of Academy of International Law and Global Governance, 20 November 2020.**
- **Chapter/paper on "India's Role in AALCO in Contemporary Times" – Delhi University, July 2020.**
- **A paper on "To Name a New Coronavirus and the Associated Pandemic: International Law and Politics" – published in Vol. 19 of Chinese Journal of International Law, 2020. (August 2020).**
- **Attended the inaugural meeting of the Steering Committee of the IDLO Investment Support Programme for Least Developed Countries (ISP/LDCs), on 1 December 2020.**
- **Keynote Speech at the COVID-19 Mediation Forum 2020 (23 December 2020) – Organized by the AIADR.**
- **Attended the Nineteenth Session Assembly of States Parties to the Rome Statute of the International Criminal Court from 17 to 23 December 2020 at the United Nations Headquarters in New York.**

## DEPUTY SECRETARIES-GENERAL

### Conference to celebrate 60 Years of the completion of the Indian Society of International Law (ISIL)



Mr. Yukihiro Takeya

AALCO participated in the Conference to celebrate the completion of 60 years of the Indian Society of International Law (ISIL), New Delhi organized from 20-22 February 2020. Deputy Secretary-General, Mr. Yukihiro Takeya, represented AALCO in the inaugural session of the Programme along with other invited dignitaries.

A separate session on Asian-African Approaches to International Law was earmarked for the Conference, which among other reputed personalities saw the participation of Amb. Baraka H. Luvanda, High Commissioner of the United Republic of Tanzania to India who delivered an address on behalf of the Representative of the President of AALCO Late H.E. Ambassador Dr. Augustine P. Mahiga, Minister for Constitutional and Legal Affairs of the United Republic of Tanzania.

### 5th Training Course of China-South Asia Legal Training Base

Ms. Wang, Liyu

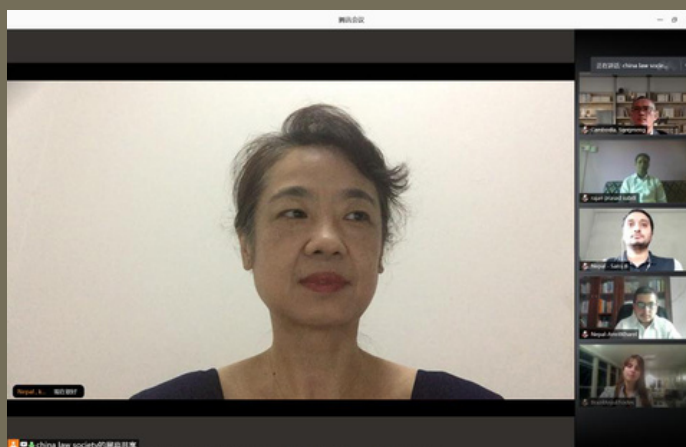
Ms. Wang Liyu, Deputy Secretary-General of AALCO delivered an address at the opening ceremony of the 5th Training Course of the China South-Asia Legal Training Base held online on 17 September 2020. On behalf of the Asian-African Legal Consultative Organization, she congratulated the successful convening of the 5th Training Course of China-South Asia Legal Training Base online organized by China Law Society even in these testing times. In her address, the praiseworthy contribution of the China Law Society to promote education and research amongst legal professionals in China and promote exchanges and cooperation between Chinese legal professionals and legal experts from various countries was recognized.

### General Debate of the 19th Assembly of State Parties, International Criminal Court (ICC)

Deputy Secretary-General, Mr. Yukihiro Takeya delivered AALCO's Statement in the General Debate of the 19th Assembly of State Parties (ASP) of the International Criminal Court held from 14-16 December 2020. Keeping in view, the hazards posed by the Covid-19 pandemic, the General Debate of the 19th ASP was held online. The Statement after a brief description of AALCO's history and sustained efforts in promoting the codification and progressive development of international law from an Afro-Asian perspective highlighted the organization's historical association with the ICC and the Rome Statute System.

Additionally, the efforts undertaken over the years to strengthen the bond between the Court and the Member States of AALCO through various initiatives including the 2008 Memorandum of Understanding between the two Organizations and capacity building initiatives organized by AALCO were highlighted.

The stellar role played by the Court in ending global impunity and the mandate of the ASP as a management oversight and legislative body of the Court was emphasised in the Statement. The importance and relevance of the Court in the broader context of international rule of law and the need to effectively carry out the mandate of the Court in the 'new normal' that is currently underway in the best traditions of global peace and cooperative harmony was also noted.



## International conference on “South Asia in the era of International Courts and Tribunals”



Dr. Ali Garshasbi

Dr. Ali Garshasbi, Deputy Secretary-General of AALCO, delivered an address and chaired a panel at the International Conference on "South Asia in the Era of International Courts and Tribunals" organized by the South Asian University, Faculty of Legal Studies, in New Delhi, from 28-29 February 2020.

The conference was divided into three main sub-themes: (1) The Composition and Competence of International Courts and Tribunals and the Role of South Asian Countries. Sub-Theme; (2) The Strategies and Advocacy before International Courts and Tribunals and South Asian Countries, and (3) The Impact of International Courts and Tribunals on the Governance of South Asian Countries. The discussions were divided into Technical Sessions via two different panels: Attitudes to jurisdiction and jurisdictional issues, Contexts and perceptions of strategies and advocacy, Impact on human rights, transboundary harm and investment, Impact on the discourse of criminal trials, responsibility and justice, Competing and coordinating competence, International bar and the rule of law and Human rights law, regulatory freedom, and national rights consequences.

Dr. Garshasbi chaired and moderated the panel on "Impact on Human Rights, Transboundary Harm and Investment", where lectures were delivered, and discussions were held, centered around the topics of constitutional transformation of social rights in South Asia, contribution of the ICJ in developing the jurisprudence on trans-boundary harm and its impact on South Asia, and the impact of investment treaty arbitration on the international rule of law and good governance in South Asia. In conclusion, Dr. Garshasbi explored the judicial role of the ICJ in delineating the boundaries of rights and obligations of States, the importance of judicial policies and considerations of the ICJ on the judgments rendered and their impacts on South-Asian countries, and further highlighted the role that AALCO Member States could play in this regard.

# REGIONAL ARBITRATION CENTRES

## INTRODUCTION

The Asian-African Legal Consultative Organization (AALCO) has established five regional arbitration centres pursuant to host agreements inked with the Governments of Malaysia, Arab Republic of Egypt, Islamic Republic of Iran, Republic of Nigeria, and the Republic of Kenya in their respective urban centres Kuala Lumpur, Cairo, Tehran, Lagos and, Nairobi. The regional arbitration centres have been successful in making progress towards the development of alternate dispute resolution in the respective regions of East Asia, the Middle East and the North Africa, West Africa and East Africa. With a growing case-load, burgeoning increase in the scope of activities including capacity building, training, workshops and seminars the Regional Arbitration Centres have truly established themselves as islands of excellence in a sea of lost opportunities where there is much scope for the development of alternate means of dispute resolution including but not limited to arbitration, mediation, conciliation, and negotiation. It is just a matter of time that their coordination and efforts shall propel them towards achieving the status of providing the best support to alternate dispute resolution in the world.

Below listed are few select activities of the AALCO Arbitration Centres for the year taken from the Annual Report of the Arbitration Centres submitted to the AALCO Secretariat.

1. Asian International Arbitration Centre.

<https://www.aiac.world>



2. Cairo Regional Centre for International Commercial Arbitration.

<http://www.crcica.org>



3. Regional Centre for International Commercial Arbitration, Lagos.

<http://www.rcica.org>



4. Tehran Regional Arbitration Centre.

<http://www.trac.ir>



5. Nairobi Centre for International Arbitration.

<https://www.ncia.or.ke>





## APPOINTMENT OF THE DIRECTOR OF THE AIAC

Tan Sri Datuk Suriyadi bin Halim Omar was appointed as the Director of the AIAC by the Government of Malaysia, following its consultation with AALCO on 1st December 2020. His appointment as Director of the AIAC, as announced by The Honourable Dato' Takiyuddin bin Hj. Hassan, Minister in the Prime Minister's Department (Parliament and Law), is for a two-year term from 2020 to 2022. Tan Sri Datuk Suriyadi's experience includes serving as a judge in the Federal Court (Malaysia's apex court) and the Attorney-General's Chambers. During his tenure in the judiciary, Tan Sri Datuk Suriyadi sat in a number of cases regarding issues related to arbitration, adjudication, as well as the construction industry as a whole. Such issues related to "limitation periods in arbitration, the incorporation of arbitration clauses by reference, the interpretation of co-existing and conflicting jurisdiction and arbitration clauses, the interplay between statutory winding-up proceedings and arbitration, stay of court proceedings commenced in breach of an arbitration agreement, the challenge of awards premised on the minority opinions in the arbitration, and the limitation period for enforcing awards as a judgment of the court".

## EVENTS ORGANISED BY THE AIAC IN 2020

The planning and execution of events organised by the AIAC in 2020 was largely affected due to the restrictions of the COVID-19 pandemic, and the implementations of the different stages of lockdowns by the Government of Malaysia. Nevertheless, the AIAC continued to provide and host a range of events centered on capacity building and disseminating information on ADR through its virtual platforms as well as scaled down in-person events, in compliance with the regulations issued by the Government of Malaysia. The key events in 2020 are highlighted and summarised below:

### Evening Talk: Business and Human Rights Arbitration: A New Frontier

On 21st January 2020, the AIAC and AIAC YPG held its first Evening Talk titled, "Business and Human Rights Arbitration: A New Frontier". The topic was selected to continue the discussion and as a follow up to the launch of the Hague Rules on Business and Human Rights on 12th December 2019.



The event in progress



## Public Forum on the Reforms to the CIPAA 2012

On 26th February 2020, the AIAC and the Malaysian Bar Council jointly hosted a Public Forum on the Reforms to the CIPAA 2012 ("Public Forum"). The goal of the Public Forum was to bring the construction community together to develop a joint discussion and gather collective thoughts on the necessary amendments to the CIPAA 2012. Hosted at the AIAC's Bangunan Sulaiman, the Public Forum saw the registration of over 340 people with a mixture of attendance from various construction stakeholders including engineers, quantity surveyors, architects, lawyers, academicians, etc.



The event in progress

## 4th AIAC Pre-Moot 2020

Between 13th - 15th March 2020, the AIAC successfully conducted the 4th AIAC Pre-Moot. In light of the escalating situation posed by the COVID-19 pandemic, the AIAC cooperated with Immediation and hosted the event on its platform. The event was aimed at uplifting the spirit of the teams and to honour their hard work in preparing for the highly anticipated 27th Willem C. Vis International Commercial Arbitration Moot in Vienna and the 17th Vis (East) Moot in Hong Kong, which was subsequently postponed due to the pandemic.



The event in progress via video conferencing



Participants at the Moot Court Competition

## ADR Online: An AIAC Webinar Series

The AIAC was one of the first ADR institutions in the region to act and produce a series of ADR-related webinars and launched its ADR Online: An AIAC Webinar Series in March 2020. This initiative provided the AIAC with considerable exposure and commendation by various stakeholders from the ADR community in the region. Between March 2020 to December 2020, the AIAC has held more than 70 webinars under the series, drawing in a total participation of approximately 10,000 participants on its Zoom platform and approximately 37,000 live and rebroadcast views on its Facebook page.



Webnair in progress

## Cross- Institutional Training

On 22nd – 23rd June 2020, the AIAC in partnership with the U.S. Department of Commerce's Commercial Law Development Program (CLDP), organised a cross-institutional training for the Afghanistan Center for Dispute Resolution (ACDR), the Maldives International Arbitration Centre (MIAC), and Sri Lanka's CCC - ICLP ADR Centre. This 2-day virtual session on WebEx encouraged knowledge sharing and best practices on administering ADR cases, as well as business and operations aspects in overseeing an international ADR Centre.



Participants at the training session

## International Chambers of Commerce and Business Council Training

The AIAC has also conducted exclusive online training and knowledge sharing sessions for international chambers of commerce and business councils in 2020. These closed sessions were tailor made for each institution and was exclusively delivered to their members. On 21st July 2020, the AIAC hosted the Malaysian-German Chamber of Commerce and Industry's (MGCC) "Tuesday Club Talk" in a session titled, "International Trade: How do Companies Prepare and Manage Cross Border Disputes?". On 15th October 2020, the AIAC held a session for the American Malaysian Chamber of Commerce (AMCHAM) titled, "Evolving Landscapes: Updates to International Arbitration". Similarly, on 16th December 2020, in collaboration with the Malaysian Dutch Business Council (MDBC) and the Dutch Arbitration Association (DAA), a session titled "Commercial Conundrums: To Arbitrate Now or Never?" was conducted.

## Diversity in Arbitration Week

The AIAC also launched the "ADR Online: An AIAC Webinar Special Series – Diversity in Arbitration Week" from 14th – 17th July 2020. During that week, webinars were held each day on selected topics relating to diversity in arbitration, specifically: gender, age, professional and racial and ethnic diversity. The program was a success with insightful discussions on where we are, where we need to go and what needs to be done to enhance the facets of diversity in arbitration.

## DREx Talk – Kuala Lumpur 2020

For the first time in Southeast Asia, the AIAC partnered with Dispute Resolution Expert (DREx) in planning and organizing the "DREx Talk – Kuala Lumpur", which went-live on the AIAC's YouTube platform on 21st August 2020. The session featured Dr. Michael Hwang S.C. (Barrister & Arbitrator at Michael Hwang Chambers LLC) as the DREx Speaker who delivered a lecture on the setting aside of awards under Article 34 of the UNCITRAL Model Law, with a comparative overview across 8 jurisdictions.



Dr. Michael Hwang S.C., Barrister and Arbitrator  
Michael Hwang Chambers LLC (Singapore) & Essex Court  
Chambers (UK)



Christopher Leong, Managing Partner  
Chooi & Company + Cheang & Ariff

## AIAC YPG Careers 2.0: Find Your Niche Webinar Series

The AIAC YPG also launched its unique webinar series "Careers 2.0: Find Your Niche". The initiative is aimed at providing a platform for interested individuals to connect with experienced practitioners from all over the world who can share their success stories and give tips on building careers in specialised areas of ADR. The first webinar under this series titled, "To Infinity and Beyond: A Career in Air and Space Law" was conducted on 28th August 2020. Its subsequent session titled, "Contours of a Legal Career in Islamic Finance" was carried out on 25th September 2020. The third webinar as part of the Careers 2.0 series was titled, "Game Player ADR: The Interplay of Arbitration and Technology" and was held on 23rd October 2020.



## AIAC Virtual Workshop for Law Students

Additionally, the AIAC hosted two virtual workshops on arbitration to Indonesian law students to give them a better understanding of the workings of the industry. The first was in collaboration with the Faculty of Law, Universitas Gadjah Mada, Indonesia on 27th November 2020 and this was followed with a session with the Faculty of Law, Universitas Indonesia on 28th November 2020. Similarly, the AIAC and the University of Malaya, Malaysia conducted a webinar titled "Arbitration in the Asia Pacific Region: An Overview and Recent Developments" on Wednesday, 18th November 2020. Further, the AIAC and SEGi College Sarawak, Malaysia conducted an online short course series, titled "Essentials of Arbitration in Malaysia". The series commenced on 18th November 2020 for a duration of 4 weeks via Zoom and included interesting topics such as the appointment procedure of arbitrators, the rights and obligations of arbitrators, and best practices in granting an arbitral award.

## AIAC Certificate in Adjudication 2020

From 19th – 23rd September, the AIAC conducted this certification course for approximately 70 participants. In Malaysia, this certification course is recognised by the CIPA Regulations as a necessary qualification to be a CIPAA Adjudicator under the Construction Industry Payment and Adjudication Act (CIPAA) 2012. A total of 68 participants participated in this program.



Certification course in action

## ADR Online - September Sports Month Webinar Series

Due to the COVID-19 pandemic and its travel restrictions thereof, the AIAC replaced its annual International Sports Law Conference with a special September Sports Month Webinar Series. As part of the series, 5 sports themed webinars were conducted every Tuesday in September 2020, where participants were provided with discussions on sports dispute resolution by leading international ADR sports practitioners.

## AIAC Sports Month Workshop Series

Further, as part of the AIAC September Sports Month 2020, the AIAC conducted 3 workshops at its Bangunan Sulaiman. The first session titled, "Introduction to Sports Dispute Resolution" was held on 4th September 2020. Focusing on the rapidly growing esports market, the second session of the Workshop Series was held on 11th September 2020. Subsequently, on 18th September 2020, the AIAC concluded the final fixture of its Workshop Series for the year, with its workshop titled "Negotiating Sports Contracts and Agreements: What to Expect".

## RICS - AIAC Mediation Training Programme

In 2020, the Royal Institution of Chartered Surveyors (RICS) and the AIAC have conducted two online Mediation Training Programmes on 5th – 15th October 2020 and 16th – 26th November 2020, respectively. This practical and intensive course is designed to prepare participants to mediate complex disputes. The programme is recognised by the Civil Mediation Council and the International Mediation Institute (IMI), and participants who successfully complete this programme may apply for the IMI certification. Successful completion of both Modules during this programme is also recognised by the Chartered Institute of Arbitrators (CI Arb) and successful candidates may, as a result, apply to become CI Arb Member.

## Around the World in 30 Days Initiative

During the month of November 2020, the AIAC embarked on a tour of the world through its virtual aeroplane, where 30 arbitration practitioners, from 30 different countries, gave us a glimpse of their country whilst speaking about arbitration and their experiences. This initiative was carried out on the AIAC's social media platforms.



Colckwise from left: Mr. Marnix Leijten from De Brauw Blackstone Westbroek N.V. from Netherlands , Sultan M. Al-Abdulla, Founder and Managing Partner at Sultan M. Al-Abdulla & Partners, State of Qatar, Ms. Chris Tan, Peter & Kim Associates from Singapore and Mr. Naseebullah Esmaty from Shajjan & Associates from Islamic Republic of Afghanistan

The purpose of this initiative was to highlight various arbitrators and practitioners as well as arbitral seats around the world, in an effort to promote and enhance diversity in arbitration. In this endeavour, the AIAC "virtually toured" Afghanistan, Argentina, Australia, Bangladesh, Brazil, Canada, Chile, China, Egypt, France, India, Indonesia, Japan, Mauritius, Mexico, Morocco, the Netherlands, New Zealand, Nigeria, Pakistan, Qatar, Russia, Singapore, South Africa, South Korea, Switzerland, United Arab Emirates, United Kingdom, United States of America, and Malaysia.



## TRAC ACTIVITIES

In 2020, TRAC continued professionally and efficiently its domestic, regional and international contributions to the development of arbitration by managing domestic and international arbitration cases, organizing conferences, seminars and training courses, motivating young students and promoting arbitration in Iran and in the region. TRAC is now recognized in the region for its smooth and professional conduct.

TRAC's major activities during 2020 are summarized as follows:

### 1. Providing institutional services for administering arbitration cases

In 2020, in continuation with previous year, TRAC's arbitration clause has been inserted in various types of international and domestic contracts involving both public and private sectors. To elaborate more, TRAC, by contacting sectors which play a significant role in Iran's industrial and commercial system, introduced itself to Iranian companies. These networking activities, along with TRAC's professional attitude in conduct of arbitration cases, eventually resulted in more popularity of TRAC's services and efficiencies among public and private companies. Many of these companies eventually inserted and are now inserting TRAC Arbitration Clause in their contracts.

Furthermore and in the meantime, TRAC administrated effectively its pending cases during the year of 2020.

### 2. Organizing conferences and seminars to promote in-depth arbitration-related issues

In 2020, TRAC launched a series of weekly seminars, aiming to cover a specific and current issue of Iran's Arbitration, entitled "Tuesdays with TRAC". The COVID-19 pandemic, however, affected the continuation of these series and therefore, after 3 months, this program halted. Below are the 3 seminars held by TRAC, before the initiation of COVID-19 widespread in Iran:

#### 2.1. The first seminar of "Tuesdays with TRAC"

The first series of Tuesdays with TRAC was held on December 26, 2019 on the issue of "The Impact of incapacity (Civil Disability) and death of arbitrator or parties on the Arbitration". This seminar was held at Tehran Regional Arbitration Centre (TRAC)'s location, with participation of Dr. Homayoun Rezaeinejad, the Judge of Tehran General Court, Chamber 36, along with a number of academics, practitioners, and students.



Seminar in progress

#### 2.2. The second seminar of "Tuesdays with TRAC"

The second series of Tuesdays with TRAC titled "Lex Mercatoria in Commercial Arbitration" was held at Tehran Regional Arbitration Centre (TRAC), on January 14, 2020, with participation of Dr. Farhad Iranpour, attorney at law and associate professor at Department of Private Law, Faculty of Law and Political Science, University of Tehran, along with a number of practitioners, and students.

### 2.3. The third seminar of "Tuesdays with TRAC"

The third series of Tuesdays with TRAC on "Party Autonomy in the realm of the Late Payment Damages in Arbitration" was held at Tehran Regional Arbitration Centre (TRAC), on February 18, 2020, with participation of Dr. Akbar Mirzanejad Jouybari, attorney at law, and associate professor at Department of Private Law, Faculty of Law and Political Science, University of Tehran, and a member of the arbitration board of the Centre, along with a number of practitioners, and students.



Seminar in progress

### 3. Organizing the Fifth Iranian Commercial Arbitration Moot Court (jointly with Arbitration Centre of Iran Chamber of Commerce)

This competition has been organized by TRAC and the Arbitration Centre of Iran Chamber of Commerce (ACIC) in Tehran since 2014. The goal of this Moot Court, as the first of this kind in Iran, was to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train professional lawyers in international level in Iran. TRAC is proud to announce that, in 2020, the fifth Iranian Commercial Arbitration Moot Court has been jointly organized by TRAC and the Arbitration Centre of Iran Chamber of Commerce, Industries, Mines and Agriculture (ACIC). Due to the restrictions imposed due to Covid-19, TRAC aimed to hold this year's competition online. On November 2020, TRAC started the sixth Iranian Commercial Arbitration Moot Court. In the sixth year and so far, 17 teams participated in this event, who will continue the competition until March 2021.



Seminar in progress



Attendees of the seminar

#### 4. Enlarging TRAC's network

##### 4.1. TRAC Director spoke in GAR Interactive, Moscow

GAR interactive took place online on October 08 and 09, 2020. This online event discussed the contemporary and key issues in the international arbitration such as transparency versus confidentiality in arbitration, the commoditization of investment claims, Asian opportunities and arbitration and technological innovations.

On the second day of this online event, Dr. Oveis Rezvanian, Director of Tehran Regional Arbitration Centre (TRAC), participated in a panel titled "Asian opportunities and disputes" and discussed the difficulties before Iranian users with regards to international arbitrations seated outside of Iran.



Top Left: Dr. Oveis Rezvanian

##### 4.2. TRAC-SHIAC joint meeting

The first joint introductory meeting between Tehran Regional Arbitration Centre (TRAC) and Shanghai International Arbitration Centre (SHIAC), attended by the directors and the expert teams of both sides, took place in Tehran on January 18, 2020. The directors of both sides expressed their willingness to enhance cooperation in various fields.



TRAC-SHIAC Meeting

##### 4.3. TRAC's videos on Iran Arbitration

TRAC initiated a set of videos on Iran arbitration regime aiming to expand foreign practitioners' knowledge on Iran arbitration. These videos provide the audience with Iran's arbitration laws and regulations as well as enforcement of arbitral award in Iran, applicable law in Iran arbitration, court intervention/assistance in Iran arbitration, arbitration agreement in Iran legal system, New York convention in Iran, refusal of enforcement of arbitral awards in Iran and institutional arbitration.





## RCICA LAGOS ACTIVITIES

71ST SESSION, NEW-YORK UNCITRAL WGII, ARBITRATION AND CONCILIATION/DISPUTE SETTLEMENT, 3-7 FEBRUARY, 2020.

The Director of the Centre led the delegation to the 71st Session which examined the settlement of commercial disputes where the draft provisions on expedited arbitration was considered. The Director of the Centre made several professional/expert interventions on the draft provisions viz preserving due process and fairness, scope of application, notice of arbitration, number of arbitrators, appointment of arbitrators, case management conference and provisional timetable, timeframes and discretion of the arbitral tribunal, counter claims and additional claims, taking of evidence, hearing, making of the award and early dismissal and preliminary determination



Top: Hon. Dr. Wilfred Ikatari (extreme left), Director of RCICA Lagos with the delegation of Belgium 71st Uncitral session 2020, New York

Left: Hon. Dr. Wilfred Ikatari (extreme left), Director of RCICA Lagos with Dr Montinieri and her colleagues of Uncitral secretariat at 71st Uncitral session 2020, New York

### CASELOAD 2020

The COVID19 pandemic affected significantly the activities of the centre as Nigeria was under total lockdown from later part of March 2020 to July 2020. During the pandemic lockdown no movement in the national and international boundaries was allowed.

The caseload for the year 2020 dropped to less than 10%. The cases filed within the year 2020 borders on Lease, Maritime, Service, Supply, Construction. Five arbitral matters were finally determined within the period and twenty-five other matters were filed and pending some of which parties and/or arbitrators are from South Africa, Canada, Egypt and Nigeria. Notably all the matters are institutional arbitration.

### ADMINISTRATIVE DISPUTES

1. The case value by December 2020 had risen to Kenya Shillings twelve point nine billion (Kes. 12,900,000,000.00) equivalent to USD 129,000,000. The largest single claim recorded is equivalent to USD 50million.
2. From its first case in 2016, the Centre has hit now the Fifty (50) Case mark for disputes referred under the NCIA Arbitration Rules, representing an upward trend in referral of disputes in the four years since inception of the Rules.

### ARBITRATION AND ALTERNATIVE DISPUTES RESOLUTION CONFERENCES & EVENTS

3. On the national front and in keeping with the mandate of NCIA to promote the practice of international commercial arbitration and other forms of dispute resolution, the Centre hosted its second international arbitration Conference as well as five international webinars on divergent thematic areas.
4. The Centre participated in the SOAS Sixth Arbitration in Africa Conference held in Douala and co-hosted by CMAG. The Conference was themed "Legal Culture and Arbitration/ADR in Africa."
5. In the region, the Centre participated in the 8th East Africa International Arbitration Conference held on 27th- 28th August 2020 and themed "Disruption in African Arbitration."
6. The Centre also participated in the 4th International Conference on how Africa is evolving and strengthening its practice of ADR hosted by the Chartered Institute of Arbitrators -Kenya on 18th – 20th November 2020.

### TRAINING

7. The Centre launched its Training Calendar 2020 and leveraged on technology to expand the reach for skills development to grow a talent hub that is quintessential in supporting the arbitration ecosystem. The Training Programme entails courses in Arbitration and Mediation running from introduction, Module 1, 2 and 3, with an emphasis on quality of content and excellence in delivery.

### DEVELOPMENTS OF A NATIONAL ALTERNATIVE DISPUTE RESOLUTION (ADR) POLICY

8. The Centre continued to collaborate with the National Steering Committee for the formulation of the National Alternative Dispute Resolution Policy in Kenya. This collaboration culminated in the development of an expert proposed Alternative Dispute Resolution policy which serves as a unified framework for implementation on ADR in Kenya and is anchored in the Constitution of Kenya 2010 (CoK).

### THE 2020 ARBITRATION IN AFRICA SURVEY REPORT

9. The 2020 Arbitration in Africa Survey Report of top African Arbitral Centres and seats, ranked the NCIA among the top five best Arbitral Centres in Africa regarding the quality of support facilities and administrative staff. The NCIA ranked 8th among the top ten Arbitral Centres in Africa based on the number of arbitration cases administered and Memorandums of Understanding (MoUs) concluded with other Arbitration Centres. The report also ranked NCIA among the top five Arbitral Centres in Africa that users indicated they would recommend.

The challenging circumstances in 2020 carried, granted CRCICA a richer understanding of—and deeper commitment to—business sustainability. It has come to our focus to refine our views of what it means to be dynamic in order to stay afloat. Accordingly, CRCICA responded very early to the crisis by publishing, in cooperation with other institutions, a joint statement on arbitration and the pandemic.

See: <https://cricica.org/news/2020/04/16/arbitration-and-covid-19-joint-statement/>

CRCICA also succeeded to contribute to stability and foreseeability in a highly unstable atmosphere and participated both physically and virtually in numerous events not only around Egypt but also in several continents, Africa: Cameroon and Nigeria, Asia: China, Jordan, Saudi Arabia, the United Arab Emirates, Europe: France, Russia, North America, and the United States of America.

The ambition to see cases continue and pursue a workable environment, required us to pedal fast enough to focus on finding concrete tools using digital solutions to serve the business, which helped the Caseload to remain strong where the total number of cases reached 1452 cases, with 67 new cases filed in 2020. The cases related to various sectors, including Construction, Corporate Restructuring, Tourism & Hospitality, Real Estate Development, Media & Entertainment, Oil & Gas, Mining, International Sale of Goods and Telecommunications. Parties involved in these cases came from Bahrain, Belgium, Cyprus, Greece, Iraq, Italy, Jordan, Kuwait, Lebanon, Malta, Norway, Pakistan, Saudi Arabia, the United Arab Emirates, the United Kingdom and Yemen; while appointed arbitrators came from Australia, Canada, France, Ireland, Italy, Lebanon, Nigeria, Tanzania, Tunisia, the United Arab Emirates, the United Kingdom and the United States of America. It is worth saying that CRCICA excellent technological capacities' allowed to conduct a large number of virtual remote hearings (in full or partial), in cases brought under the CRCICA's Rules, ad hoc cases administered by CRCICA and in cases under other institutional rules.

Alongside the caseload, CRCICA organized and co-organized more than 25 different Events -13 conducted virtually- with notable Organizations like the UNCITRAL, The Riyadh Chamber of Commerce & Industry, Canada Egypt Business Council, the Egyptian Business Council and the CIARB. In addition, we were pleased to host distinguished figures, among them the Head of the Delegation European Union, Delegation to the Arab Republic of Egypt, several Ambassadors from Europe; Ambassadors of Austria, the Netherlands and France.



Left: Dr. Ismail Selim, (top right corner) representing CRCICA at the "Virtual Paris Arbitration week"



Right: Dr. Ismail Selim (front row in the centre) with the participants at the The Training Course for the Francophone African diplomats"





## CRCICA ACTIVITIES

In addition, CRCICA sponsored a live webinar series featuring discussions on international arbitration that lasted for two quarters (Third and Forth). Moreover, in November 2020, CRCICA was a media partner for two significant webinars, one of which was organized by the African Subcommittee of the Arbitration Pledge aiming to support African Women.

Given the importance of our role in providing training programs and workshops on ADR methods, CRCICA co-organized trainings with several entities mentioning the CIARB, Arbitrate.com, Alexandria University and the Arab Academy for Science Technology & Maritime Transport.

Shedding the light on mediation, Dr. Selim, spoke in the "Mediation Forum" held in Abu Dhabi, followed by two webinars that left a very positive impact on more than 4,000 viewers organized by CRCICA, other than conducting three consecutive rounds of basics to mediation training in both Alexandria and Cairo with almost 55 attendees of various backgrounds. Furthermore, supported in the development of a comprehensive study of Mediation under the "Africa Mediation Network".

Since day one, we have strived to keep the work going and when the year-end approached, we found cause for celebration! We were able to renew our RCP license (Recognized Course Provider) and held our first course under the license in December 2020. We have been recognized for the work we do several times and we are honored with such. Some of the significant recognitions: The Equal Representation in Arbitration Pledge recognized CRCICA and its Director for being an active member for the Pledge's recently constituted Africa subcommittee and for the continued efforts on diversity. The Global Arbitration Review (GAR) recognized CRCICA for the measures taken to support its users in response to the Covid19 pandemic. The Association of Young Arbitrators (AYA) recognized CRCICA as one of the 30 Arbitration Power list, finally yet importantly CRCICA was the winner of the 2020 African Arbitration Association (AFAA) Awards in the categories of Diversity Champions, Innovation in Arbitration, and African Institution of the Year.



Right: Dr. Ismail Selim, The development of International Law and Investment Arbitration in a New Era".



CRCICA, the media partner of the webinar "A Guide for International Construction Companies to Dispute Resolution in Egypt."



The Pledge for Equal Representation in Arbitration ("ERA") recognizing CRCICA for "support and continued efforts on diversity"





# **2021 Activities**

# AALCO ACITIVITIES

## 59th Annual Session of AALCO

The Covid-19 pandemic has affected one and all and has altered the very course of diplomatic engagements. The challenges posed by the pandemic and the restrictive movements of the people prevented AALCO to organise its Annual Session in the year 2020.

However, the year 2021 gave us some hope and we as the Secretariat along with the host country People's Republic of China discussed the possibility of hosting the Annual Session. It was the first time in the history of AALCO that an Annual Session was designed to be held in a Hybrid format (virtual and physical mode)

The 59th Annual session of AALCO was held in a Hybrid format in the Hong Kong, Special Administrative Region of the People's Republic of China from 29 November to 1 December 2021. It is the first time for the Hong Kong Special Administrative Region (HKSAR) to hold an AALCO Annual Session. The three-day event was conducted in a hybrid format, bringing high-ranking diplomats and legal experts representing the member states as well as observer delegations representing governments and international organisations from across the globe together to discuss important international law topics.

The inaugural event of the 59th AALCO Session commenced with an opening statement by His Excellency Geophrey Mizengo Pinda, the Deputy Minister for Constitutional and Legal Affairs of the United Republic of Tanzania, and followed by the inaugural statement from the Chief Guest, His Excellency Li Keqiang, Premier Li Keqiang delivered a statement online. He pointed out that as an important outcome of the Bandung Conference, the AALCO is the only platform covering both Asia and Africa for co-operation on international law. The Premier also announced at the event that China, together with AALCO, will set up a regional arbitration centre in the Hong Kong Special Administrative Region to provide more accessible and efficient dispute settlement services to Asian and African countries. He said he is convinced that AALCO will further pool the strength of developing countries, and make new important contributions to building a better world.

Carrie Lam, chief executive of the HKSAR, in her welcoming address said at the opening ceremony that successfully hosting internationally influential events of this kind is important for Hong Kong as an international legal and dispute resolution services center in the Asia-Pacific region.

Presided by The Honourable Theresa Cheng, Secretary Justice of Hong Kong, the meeting considered and agreed on the organisational matters of AALCO, including among others, the election of His Excellency Dr. Kamalinne Pinitpuvadol from the Kingdom of Thailand, replacing His Excellency Professor Dr. Kennedy Gastorn from the United Republic of Tanzania, as the new and seventh Secretary General of AALCO.



His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General elected at the 59th Annual Session of AALCO



Top Left: Honourable Theresa Cheng, Secretary Justice of Hong Kong and His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO at the Inaugural session of the 59th annual Session.

Top Right: Head of Delegations of the Member States of AALCO.

Left: Inaugural of the 59th Annual Session of AALCO

## New Deputy Secretary-General to AALCO



Mr. Jun Yamada  
Deputy Secretary-General of AALCO

Mr. Jun Yamada succeeded Mr. Yukihiro Takeya as the Deputy Secretary General of AALCO starting December 2021. He is seconded by the Government of Japan to AALCO.

Prior to this posting, Mr. Yamada was Principal Deputy Director, United Nations Planning and Administration Division and Recruitment Center for International Organizations, Foreign Policy Bureau, Ministry of Foreign Affairs of Japan (MOFA).

## Forthcoming Activities (January-December 2022)

- The Liaison Officers Meetings (LOM) are set to be held at the AALCO HQ every two months.
- First Public International Law Conclave organised virtually by Rashtriya Raksha University (RRU)
- Interview of the Secretary General on Diplomatic Dispatch on Sansad TV
- AALCO-HCCH online seminar on The HCCH and the Apostille Convention: Exploring the benefits for AALCO Members
- 3rd International Conference on Mediation organised virtually by Delhi University and Delhi School of Public Policy and Governance
- First World Jurists Forum Summit organised virtually by China University of Political Science and Law (CUPL)
- Webinar on the Rising Sea Levels and AALCO Member States: Perlis and Protection under International Law
- 60th Annual Session of AALCO
- For latest updates on the activities of AALCO please visit the website: [www.aalco.int](http://www.aalco.int)

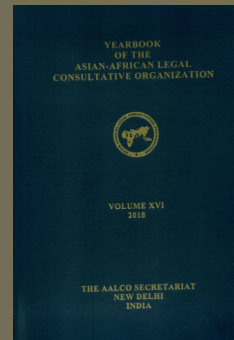
## Internships at AALCO

AALCO encourages students and researchers of international law from Member States to familiarize themselves with the working of AALCO. The Internship Programme at AALCO is envisaged as a practical educational experience for interns to assist the legal staff of the Organization in discharging their duties. The interns present their research on a topic written under the supervision of legal officers.

The Secretariat plans to promote the Internship Programme in academic institutions across Asia and Africa and requests Member States to nominate young researchers from their jurisdiction. 10 students from Indian and Chinese Universities interned at AALCO in the reported period.

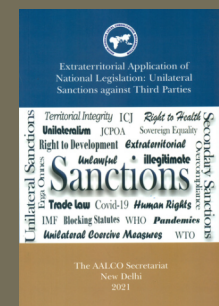
For more information on Internship opportunities at AALCO write to: [internships@aalco.int](mailto:internships@aalco.int)

## PUBLICATIONS

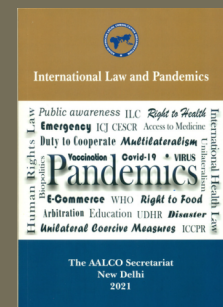


The AALCO Yearbook, which is a key publication of AALCO covers the entire work of the Organization completed during a given year, including the statements of the Secretary-General and the Deputy Secretaries-General delivered at various events and meetings.

Special Study on the topic Extraterritorial Application of National Legislations (Sanctions against third parties)- An Asian-African Perspective



AALCO Journal of International Law Special Edition on the topic Pandemics and International Law



Volume 13, for the year 2020-2021.

## Upcoming Publications

- AALCO Journal of International Law
- AALCO Newsletter Volume 14
- Yearbook of the AALCO

For more information on AALCO publications visit the AALCO website: [www.aalco.int](http://www.aalco.int) or write to: [mail@aalco.int](mailto:mail@aalco.int)



# ACTIVITIES OF THE SECRETARIAT

## VISITORS TO THE AALCO SECRETARIAT

- H.E. Mr. Mohammed Khater Al-Khater, Ambassador of the State of Qatar to India visited the AALCO Headquarters on 3 September 2021 to pay a courtesy visit to Mr. Yukihiro Takeya, Deputy Secretary-General of AALCO.
- H. E. Mrs. Alyaa Ghanannam, Ambassador of the League of Arab States Mission to India visited the AALCO Headquarters on 3 November 2021 to pay a courtesy visit to Mr. Yukihiro Takeya, Deputy Secretary-General of AALCO. The Meeting was also attended by Mrs. Anuradha Bakshi, Deputy Director at AALCO Secretariat.

## DEPUTY SECRETARY-GENERAL



Mr. Sun Guoshun  
Deputy Secretary-General of AALCO

On 12th November 2021, Deputy Secretary-General Sun Guoshun delivered a speech at "the China Forum on International Legal Cooperation (2021) " under the "Belt and Road Initiative" (BRI) organized by China Law Society on behalf of the Asian-African Legal Consultative Organization. DSG Sun highlighted that the BRI is regional multilateralism and enriches China's engagement with the WTO.

## MEMORANDUM OF UNDERSTANDING (MoU) SIGNED WITH THE AALCO SECRETARIAT

- On 13 May 2021, a Memorandum of Understanding (MoU) was signed between the Asian-African Legal Consultative Organization (AALCO) and the Faculty and Graduate School of Law, Doshisha University, Japan. H.E. Prof. Dr. Kennedy Gastorn, Secretary-General, AALCO and Prof. Kajiyama Tamaka, Dean, Faculty and Graduate School of Law, Doshisha University signed the MoU on behalf of the respective organizations.
- On 17 July 2021, a Memorandum of Understanding (MoU) was signed between the Asian-African Legal Consultative Organization (AALCO) and Allameh Tabataba'i University (ATU) of the Islamic Republic of Iran. H.E. Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO and Prof. Dr. Hossein Salimi, President of the ATU signed the MoU on behalf of the respective parties.

# REGIONAL ARBITRATION CENTRES

## INTRODUCTION

The Asian-African Legal Consultative Organization (AALCO) has established five regional arbitration centres pursuant to host agreements inked with the Governments of Malaysia, Arab Republic of Egypt, Islamic Republic of Iran, Federal Republic of Nigeria, and the Republic of Kenya in their respective urban centres Kuala Lumpur, Cairo, Tehran, Lagos and, Nairobi. The regional arbitration centres have been successful in making progress towards the development of alternate dispute resolution in the respective regions of East Asia, the Middle East and the North Africa, West Africa and East Africa. The sixth arbitration centre was launched at the Fifty-Ninth Annual Session of AALCO, which will be set up in Hong Kong SAR, People's Republic of China. The information regarding the sixth arbitration centre will be updated on the website of AALCO ([www.aalco.int](http://www.aalco.int)).

With a growing case-load, burgeoning increase in the scope of activities including capacity building, training, workshops and seminars the Regional Arbitration Centres have truly established themselves as islands of excellence in a sea of lost opportunities where there is much scope for the development of alternate means of dispute resolution including but not limited to arbitration, mediation, conciliation, and negotiation. It is just a matter of time that their coordination and efforts shall propel them towards achieving the status of providing the best support to alternate dispute resolution in the world.

Below listed are few select activities of the AALCO Arbitration Centres for the year taken from the Annual Report of the Arbitration Centres submitted to the AALCO Secretariat.

1. Asian International Arbitration Centre.  
<https://www.aiac.world>



2. Cairo Regional Centre for International Commercial Arbitration.  
<http://www.crcica.org>



3. Regional Centre for International Commercial Arbitration, Lagos.  
<http://www.rcical.org>



4. Tehran Regional Arbitration Centre.  
<http://www.trac.ir>



5. Nairobi Centre for International Arbitration.  
<https://www.ncia.or.ke>





## CRCICA ACTIVITIES

In 2021, CRCICA dedicated events and procedures to provide efficient dispute resolution awareness and services in a digital format to reconcile the continuous challenges of the COVID-19 pandemic. CRCICA's dedication was internationally recognized. Four major CRCICA awards have been published in the 2021 ICCA Yearbook and available in the Kluwer Arbitration database. In February 2021, the AfAA recognized CRCICA's Director, Dr. Ismail Selim, in the Africa's 30 Arbitration Powerlist for the year 2020. Dr. Selim was appointed as an Arbitrator in the CAS Ad Hoc division for the Tokyo Olympic Games during AIAC September Sports Month 2021.

CRCICA is proud to announce that 2021 marked its second highest number of annual registrations since 2016, with 83 new arbitration cases registered in 2021, bringing the total number of cases registered at the Centre to 1535 cases. The cases related to various sectors, including Construction, Corporate Restructuring, Oil & Gas, Banking & Finance, Media & Entertainment, Transport, Tourism & Hospitality, Real Estate Development, Sports and Investment. Parties involved in these cases came from the Bahamas, the British Virgin Islands, Bulgaria, Cyprus, Egypt, France, Italy, Lebanon, Liechtenstein, Malta, Panama, Saudi Arabia, South Africa, Ukraine, the United Arab Emirates, the United Kingdom and the United States of America. It is worth saying that CRCICA excellent technological capacities' allowed to conduct a large number of virtual remote hearings (in full or partial), in cases brought under the CRCICA's Rules, ad hoc cases administered by CRCICA and in cases under other institutional rules. For more information, please visit: <https://cricica.org/news/> & <https://globalarbitrationreview.com/cairo-centre-reveals-2021-case-numbers>. In response to the need for prompt, cost-effective and impartial dispute resolution mechanisms for construction disputes, CRCICA's new Dispute Board Rules ("DB Rules") came into force as of 1 August 2021. CRCICA's DB Rules were drafted through the guidance of existing worldwide institutional DB rules and experience to provide dispute resolution mechanisms adaptable to all types and sizes of construction projects. For more information about CRCICA's new DB Rules, please see the link: <https://cricica.org/dbrules>



Top: Dr. Ismail Selim, (last in the second last row)



During 2021, CRCICA was represented in vital regional and international events to share its perspective on international dispute resolution; inter alia, the UNCITRAL Sessions (March 2021 and July 2021), Shoosmiths LLP webinar on: International Arbitration: Regional Perspectives (March 2021), ACL launch event for the Northern Africa Sub-Region: The Rich Culture of Institutional Arbitration in the Middle East (April 2021), SIAC Middle East Academy Course: Time and Cost Savers at SIAC: Emergency Arbitration, Expedited Procedure and Early Dismissal (April 2021), CIADR webinar: Opportunities and Challenges of International Arbitration under the Belt and Road Initiative (BRI) (April 2021), AFAA 2nd Annual International Arbitration Conference: Reform & Innovation in International Dispute Resolution: African Perspectives (April 2021), CIARB Virtual International Diploma in Commercial Arbitration (September 2021), Centre for Legal Studies at the Université de Franche-Comté Webinar on: The Articulation between Mediation and Arbitration: Competition or Complementarity? (September 2021), and the THAC-CIETAC webinar on: Disputes and ADR for contracting parties engaged in Belt and Road Initiative Projects (December 2021).



Top: Session in progress

CRCICA organized, hosted and supported many events relating to various important topics in 2021; including the webinar on: The International Protection of Foreign Investors between Contract and Treaty jointly with (January 2021), Webinar on: Third-Party Funding in Arbitration (July 2021), Webinar on: The Use of DBs for Opinion and Dispute Avoidance (August 2021), launching events of CRCICA's Dispute Board Rules (October 2021), and webinar on: Dispute Boards in the Construction Industry: Effectiveness/Types/FIDIC Contracts Functions/Procedural Rules (November 2021). CRCICA was also a Supporter and Media partner for the 28th Willem C. Vis Moot Vienna – 2nd Virtual Vis Moot (26 March – 1 April 2021), Flagship Training Programme (October 2021), and the DRBF MENA Regional Conference on the Nuances of Dispute Board application within the MENA region (November 2021), launch event of the Racial Equality for Arbitration Lawyers (REAL) and many episodes of TagTime series in 2021. Along 2021, CRCICA co-organized and hosted many significant events jointly with notable regional and international institutions; inter alia the DRBF, the CIARB, Macchi di Cellere Gangemi, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), CLAC, BEBA, Centre for Legal Studies at the Université de Franche-Comté, Delos Dispute Resolution, and the CCI Française en Egypte.

CRCICA is the seat and constant co-organizer of the activities of the CIARB Egypt Branch, the first and eldest Branch of the CIARB in the region. In 2021, the Branch launched the first Mentoring Programme of a CIARB Branch in the region, New Networking Platform, and established the Branch YMG group. Jointly with CRCICA, the Branch organized several webinars approaching interesting topics including: Procedural Paranoia in International Arbitration: Is the Vaccine in Sight or Shall We Expect the Disease to Spread Further?, Is Egypt a Friendly or Unfriendly Country to Arbitration?, Withdrawal of a Court of Cassation Decision: an Exception on Res Judicata, Investment Treaty Reform in Times of COVID-19: A Policy Perspective, Top Ten Issues in International Construction and Related Disputes, Good Faith and Construction Contracts: English and Egyptian Perspectives (jointly with the CIARB London Branch), First Workshop in Arabic on Witness Cross Examination in International Arbitration, and Mock Mediation Construction Case. For more information, please click here <https://www.ciarb.org/our-network/middle-east-subcontinent/egypt/> Given the importance of CRCICA's role in providing training programs and workshops on arbitration, mediation and ADR, CRCICA organized two training programmes in March and December 2021 on Comparative Commercial Arbitration: Theory and Practice (CCATP) qualifying for the membership of the CIARB. Other trainings included: training on Contract Administration Training Program (January 2021), Second AlexandriaU-CRCICA International Vis Pre-Moot and International Commercial Arbitration Conference (March 2021), training on: Arbitration for Business of All sizes (October 2021), and final session of Law TV internship programme 'Introduction to Arbitration'.

CRCICA is proud that it was capable to professionally organize and develop its caseload platform despite the waves of COVID-19 Pandemic. CRCICA will carry on striving to overcome the challenges of the pandemic and to reinvent and keep the work going forward.



### Webinar

The Centre has in the recent past organized and conducted its 6th and 7th webinar series on the 24th February and 17th August 2021. The webinars have targeted legal drafters of contracts as well as arbitral awards as the topic of discussion was centered on the art of award-writing for arbitrators. The most recent targeted the Law Society of Kenya members as well as legal practitioners in the industry, and the topics of discussion were centered on contracts and arbitration clauses drafting. The Registrar/CEO presented on the Centre's Arbitration and mediation services in both webinars.

### Corporate Social Responsibility

Corporate Social Responsibility is paramount and at the heart of our DNA. This was laid bare on 14th of October 2021 when the Centre partnered with the National Environment Management Authority (NEMA) to identify a wetland area in Kiambu County, named Ondiri and thereafter planting 1000 trees as part of the Centre's Corporate Social Responsibility.

The objective of conservation of the wetlands was to ensure sustained waterflow in the downstream areas from Nairobi River, Athi River, Tana River all the way to the Indian ocean.



### Training

The Centre launched its 2021/2022 Financial year Training Calendar and leveraged on technology as well as physical in- person trainings with the lift of COVID 19 restrictions, to expand the reach for skills development to grow a talent hub that is quintessential in supporting the arbitration ecosystem. The Training programme entails courses in Arbitration and Mediation running from introduction, Module 1, 2 and 3, with an emphasis on quality of content and excellence in delivery.

### ADR Policy

Following the establishment of a National Steering Committee for Formulation of the National ADR Policy. With its terms of reference amongst them proposal of appropriate amendments to legal instruments with a view to harmonize the practices, standards for accreditation, training, and provision of alternative dispute resolution services. The Committee on 16th November 2021 has since submitted the Policy and proposed legislation including a Mediation Bill to the Hon. Justice (Rtd) P. Kihara Kariuki. The handover ceremony signified the importance attached by the Centre to the steady and concerted effort towards the realization of an overarching framework for the delivery and practice of ADR in Kenya. We were therefore privileged to witness the presentation of what is certainly a timely intervention with the potential to transform "the how" of service delivery within our ADR sector. As a Centre we are keen to actualize the Policy proposals and to expand our constituency with the ultimate goal of sustainability.



### Moot Competition

The Centre held its inaugural Mediation Moot Competition on 29th – 30th June 2021 with eight (8) Universities from Kenya. The Moot problem was based on a request for mediation by a multinational construction company. The participants were required to mediate the dispute in accordance with NCIA's Mediation Rules, 2015. It is their application of those rules, the art of mediation, their understanding of the various interests and attempts at coming up with a settlement that determined the scoring. The Competition offered a learning experience, an opportunity to network and a proclamation to spread the word on the multiple benefits that ADR Mechanisms, and in particular mediation, offer in the resolution of disputes.



