

# **Asian-African Legal Consultative Organization**



## **Verbatim Record of Discussions**

**Sixty-First Annual Session**

16-20 October 2023  
Bali, the Republic of Indonesia

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

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## **PREFACE**

As a tangible outcome of the historic Asian-African Conference held in Bandung, Indonesia, the Asian-African Legal Consultative Organization (AALCO) came into existence on 15 November 1956. It was established to foster greater cooperation on international law matters between Asian and African States by playing the role of a consultative forum to ensure the representation of the views of the Asian and African States in the codification and progressive development of international law.

Over the years, AALCO has played a key role in the representative evolution of international law and has promoted respect and adherence of the rule of law in international relations. It has been in cooperation with a number of key UN and other international organizations. It has made not only vital contributions to the development of key areas of public international law, but also efforts towards the harmonization and unification of the rules of private international law.

As the flagship event of AALCO, the Annual Session stands out as the single most important event of the year for the Organization. As the plenary decision-making general body of the Organization, the Annual Session witnesses the convergence of the Delegations of the Member States of AALCO, who exchange views, ideas, national positions, experiences and practices on a myriad of topics on an agreed agenda of every Annual Session. This year, the Annual Session of AALCO took place in the land of its conception i.e. the Republic of Indonesia, and was successfully held in Bali from 16 to 20 October 2023. 34 Member States and 10 Observer Delegations actively participated in the deliberations, and delivered statements on 7 substantive topics apart from organizational and procedural matters. I take this opportunity to thank all our Member States for extending their cooperation and support to the AALCO Secretariat for the successful convening of the Annual Session, especially the Host Government- the Republic of Indonesia for the dedication in its work and warm hospitality. It fills my heart with pride to state that the Member States of AALCO, who constitute the pillars of strength of the Organization, have extended unwavering moral and material support to AALCO, which has enabled us to execute our tasks in a commendable manner.

The Verbatim Record of Discussions is placed before you as a full and final record of the proceedings of the Sixty-First Annual Session of AALCO. It is primarily based on the transcripts submitted for simultaneous interpretation by the Delegations to the Sixty-First Annual Session of AALCO and verified against delivery as recorded in the official audio-video recordings of the meetings of the Annual Session. The Verbatim Record of Discussions contains the texts of the statements of the Inaugural Session, the three meetings of the Delegations of the Member States, five general meetings and the concluding session annexed to which are: the Summary Report of the Sixty-First Annual Session of AALCO deemed to be adopted on 20 November 2023; resolutions on organizational matters adopted by the Annual Session on 20 October 2023; a Message of Thanks on behalf of the AALCO Secretariat and participants and an official list of participants in the Sixty-First Annual Session of AALCO.

I would like to place on record my deepest appreciation for Dr. Ali Garshasbi and Mr. Jun Yamada, Deputy Secretaries-General of AALCO for their invaluable support in making the Sixty-First Annual Session of AALCO a resounding success. I also wish to express my appreciation to Dr. Shikhar Ranjan, Director, Mr. Kiran Mohan, Senior Legal Officer, Mr.

Shujoy Mazumdar, Legal Officer, Mr. Abraham Joseph, Legal Officer, Dr. Sumi Pant, Legal Officer, Ms. Nuzhat Nasreen Islam, Legal Officer, Mr. Nihal Chand, Administrative Officer, Ms. Geetika Sharma, Head of Policy, Planning and Communication and Senior Private Secretary to the Secretary-General, Dr. Azizur Rahman, Arabic Translator and the other staff members of the Secretariat for their sincere efforts in the organization of the Annual Session.

We look forward to the views and comments of the Member States on the Verbatim Record of Deliberations and seek further engagement with each and every one of the Delegations in the highest tradition of the Bandung Spirit of friendship, cooperation and solidarity.

H.E. Dr. Kamalinne Pinitpuvadol

Secretary-General, AALCO

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## **I. AGENDA OF THE SESSION**



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## **I. AGENDA OF THE SESSION**

### **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. XIX (2022)
  - AALCO Journal of International Law, Vol. 11, (2022)
  - Report on the AALCO Webinar on Global Compact on Refugees
  - Report on the AALCO Webinar on General Principles of Law and AALCO Member States
8. Presentation of Draft Budget for the Year 2024
9. Report on the Work of the AALCO's Regional Arbitration Centres
10. Venue of the Sixty-Second Annual Session

### **II. Substantive Matters**

1. Select Items on the Agenda of the International Law Commission (ILC)
2. The Law of the Sea
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
5. International Trade and Investment Law
  - Reforms related to Investor-State Dispute Settlement (ISDS), within the context of negotiation being currently conducted in UNCITRAL Working Group (WG III)
6. Asset Recovery Expert Forum
7. Legal Issues in Outer Space

### **III. Any Other Matter**

- Fifth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace

### **IV. Side Events**

1. Sharing Best Practices on the Implementation of International Humanitarian Law
2. Business and Investment Forum
3. Sharing Best Practices on Asset Recovery
4. Advancing Cooperation between AALCO and HCCH for promotion of Private International Law

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## **II. BUREAU OF THE SESSION**

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## **II. BUREAU OF THE SESSION**

**PRESIDENT**

**His Excellency Prof. Dr. Yasonna H. Laoly,**  
Minister of Law and Human Rights, the  
Republic of Indonesia

**VICE-PRESIDENT**

**His Excellency Mr. Ronald Ozzy Lamola,**  
Minister of Justice and Correctional Services,  
the Republic of the South Africa

**SECRETARY-GENERAL**

**His Excellency Dr. Kamalinne Pinitpuvadol**

**DEPUTY SECRETARIES-GENERAL**

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

**CHAIRPERSON OF THE  
DRAFTING COMMITTEE**

**Mr. Cahyo Rahadian Muzhar,**  
Director General of Legal, Administrative  
Affairs, Central Authority and international  
law, Ministry of Law and Human Rights, the  
Republic of Indonesia

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### **III. VERBATIM RECORD OF THE INAUGURAL SESSION**





### **III. VERBATIM RECORD OF THE INAUGURAL SESSION OF THE SIXTY-FIRST ANNUAL SESSION, HELD ON MONDAY, 16 OCTOBER 2023 AT 10:00 AM**

**Master of Ceremony:** *Assalamualaikum Warahmatullahi Wabarakatuh. Shalom Om Swastiastu, Namō Buddhaya, Salam Kebajikan, Salam Sejahtera*, May peace be upon us all. Good morning, Excellencies, Distinguished Delegates, Ladies and Gentlemen, welcome to the Sixty-First Annual Session of the Asian-African Legal Consultative Organization, hosted by the Ministry of Law and Human Rights, Government of Indonesia. We are truly honoured to have such an esteemed audience today and we warmly welcome all of you to Bali, Indonesia.

Ladies and Gentlemen, before we start, please allow me to extend our warmest welcome to all of our Guests of Honour, Minister of Law and Human Rights of the Republic of Indonesia, His Excellency Yasonna H. Laoly, Secretary-General of AALCO, His Excellency Dr. Kamalinne Pinitpuvadol, President of the Sixtieth Annual Session, Her Excellency Ms. Uma Sekhar, President of the Fifty-Ninth Annual Session of AALCO, Her Excellency Ms. Teresa Cheng Yeuk-wah, and all Distinguished Guests, Ladies and Gentlemen.

Carrying the spirit of the 1955 Bandung Asia Africa Conference, the Sixty-First Annual Session of AALCO is hoped to set the agenda on international legal policy for the coming years and voice the interests of Asian-African countries and finally produce concrete recommendations that would reflect AALCO's position related to issues of concern to the Member States, hence contributing to the shaping of various international legal policies, architectures, and regimes. As a kick start, Ladies and Gentlemen, our next agenda promises an enriching warm welcome through the remarks from our distinguished leader. It is my pleasure to welcome the Secretary-General of AALCO to deliver his opening remarks. Your Excellency Dr. Kamalinne Pinitpuvadol, the stage is yours.

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

Your Excellency Mr. Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia and the Chief Guest of the Inaugural Session of the Sixty-First Annual Session of AALCO, Honourable Madam Uma Sekhar, Additional Secretary, Legal and Treaties Division, Ministry of External Affairs, the Republic of India and the President of the Sixtieth Annual Session and Honourable Madam Teresa Cheng of the People's Republic of China.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, on behalf of the Asian-African Legal Consultative Organization and on my own behalf, it is with great pleasure and honour to welcome you all to the Sixty-First Annual Session of the Asian-African Legal Consultative Organization at Bali.

It is an occasion to renew our commitment to fostering international cooperation, dialogue and the pursuit of shared goals. We are particularly privileged that Hon'ble Mr. Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia has kindly accepted to deliver the inaugural address at this Annual Session. On behalf of the Organization and on my behalf, I respectfully and warmly welcome your Excellencies and it is our privilege and honour to have your august presence amongst us today. We are confident with your Excellencies setting the tone for our deliberations that the Sixty-First Annual Session of AALCO is going to be a great success and will remain in the memories of all of us as a historic one.

Your Excellencies, the Republic of Indonesia was one of the seven founding members of the organization since 1956 and ever since then the Government of Indonesia has actively contributed to the work of AALCO. Its commitment to the objective of increasing the Afro-Asian engagement in the progressive developments and codification of international law is further demonstrable from the fact that it is for the third time we are assembled in your country for our Annual Session. The earlier ones were the Twenty-First Annual Session in 1980 in Jakarta, the Forty-Third Annual Session in 2004 in Bali and we are here in Bali again for the second time.

I would like to take this opportunity to thank the Government of Indonesia for their assistance in the grand organization of the current Annual Session of AALCO. I am quite confident that our Sixty-First Annual Session in Bali will also be equally successful. I am very hopeful that the Bali session provides an opportunity to reflect on the role, functions and the great potential of AALCO in the years to come.

Excellencies, Ladies and Gentlemen, the Asian Legal Consultative Committee, ALCC, was convened on 15 November 1956 as a tangible outcome of the Bandung Summit of Asian-African States. The year 2023 marks the sixty-seventh anniversary of AALCO. This year, the organization is returning to the lands of its genesis, the Republic of Indonesia, to hold its Sixty-First Session in this beautiful Bali Islands. AALCO is a unique organization that specializes in international law covering both Asia and Africa. It is an advisory and consultative body and brings together legal experts to engage them in deliberation on legal issues of common interest. AALCO promotes the exchange of views to facilitate the codification and progressive development of international law in truly representative manner with due regard to the voice of Asian and African states.

Excellencies, Ladies and Gentlemen, I would like to make some brief comments to the challenges facing AALCO and its future missions. First, I would like to note the growth in membership of AALCO. In 67 years of its work, the organization has grown in strength and has now 47 Member States. Benefiting the title Asian-African Organization and consideration of the large number of countries from Asia and Africa, there are approximately 100 states in this region. The need for a further increased number of Member States is still a current issue of AALCO.

Second, there has been a considerable growth in activities of AALCO. Since AALCO's establishment, a number of major issues of international law have arisen. As AALCO has always selected topics in response to the changing need in a timely manner, it could make focused discussion and effort to provide solution based on international law on issues faced by international community. Since its inception, AALCO has been evolving as an innovative institution with a unique structure. AALCO has been extremely productive in generating new international norms. In particular, it has made a great contribution to developments of new regimes of international law such as law of the sea, human rights laws and treatment of refugees. Let us therefore use AALCO to have a more influential role in the codification and the progressive development of international law by promoting global governance based on principles of the UN Charter that underpins peace and prosperity in the changing time we live in.

Third, AALCO is made up of different member countries from Asia and Africa with a variety of legal system and culture. Ensuring Asian-African cooperation in legal matters and legal harmonization among its Member States is a challenge for AALCO. It is important to recall that the Member States had adopted in the Forty-Eighth Annual Session held in Malaysia in

2009, the historic Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization. The Declaration reaffirmed that AALCO remains the main centre for harmonizing the action of the Asian-African states in international legal matters. We need to work collectively to ensure that this objective is consistently realized.

Fourth, over the years AALCO has made great contribution towards the codification and progressive development of international law and attracted the attention of the international community. It is in this context that we at the Secretariat have increased a number of activities in order to enhance cooperation amongst our Member States on various international issues of common concern. It is important to increase interactions with the International Law Commission (ILC), as well as the Legal Advisors of Member States of AALCO, mainly working with the Sixth Committee of the United Nations General Assembly. In addition, the organization has also enhanced efforts to strengthen cooperation with the United Nations and its specialized agencies and other international organizations such as UNCITRAL, UNCTAD, UNHCR, UNIDROIT, HCCH, ICRC and WTO. We therefore appreciate and look forward for your continued support.

Finally, the financial well-being of the organization has been one of the top priorities of Member States and it is also one of the most challenging endeavours of the Secretariat. The Secretariat takes necessary follow-up with the Member States, which are in arrears by regularly meeting with the head of diplomatic mission of the Member State in New Delhi for materializing the action plan to collect areas. In addition, at the Sixtieth Annual Session, the Secretariat was mandated to constitute a Sub-Committee of Liaison Officers to comprehensively review the scale of assessed contribution. The constitution of the Sub-Committee took place under the AALCO's Statutory Rules and the work remains in progress.

Excellency, Ladies and Gentlemen, in its journey of sixty-seven years, the AALCO Secretariat has been led by seven Secretaries-General. Thanks to the able and energetic leadership of my distinguished predecessors, the organization has come to stay on the international horizon.

I would like to take this opportunity to mention the following Secretaries-General of AALCO. Mr. Barry Sen from India who held office from 1956 to 1987, Mr. Frank X. Njenga of Kenya who held office from 1988 to 1994, Mr. Tang Chengyuan from the People's Republic of China who served from 1994 to 2000, Ambassador Dr. Wafik Zaher Kamil from the Arab Republic of Egypt who held office from 2000 to 2008, Professor Dr. Dato Rahmat bin Mohamad from Malaysia who served from 2008 to 2016, and Professor Dr. Kennedy Gaston from the United Republic of Tanzania who held office from 2016 to 2021. It gives me a great pleasure to inform you that two of my predecessors are participating in this session. Professor Dr. Dato Rahmat bin Mohammad who is currently the chair of the Asian International Arbitration Centre (AIAC), one of AALCO arbitration centres based in Kuala Lumpur and Professor Dr. Kennedy Gaston who leads the delegation of the United Republic of Tanzania at this session. On behalf of the AALCO Secretariat and my own behalf, I would like to extend a very warm welcome to both of them and thank them for spending time to join our session.

Excellencies, Ladies and Gentlemen, our Annual Session is the plenary organ of the Organization. It provides a unique platform for the Asian-African governments to deliberate upon international law issues, which are of particular relevance of the two regions, and to come with concrete proposals and suggestions. The last two sessions, the Fifty-ninth and the Sixtieth Annual Sessions in 2021 and 2022 respectively, due to the condition of the

pandemic, were held in hybrid mode and with a shorter meeting period of only three days. This year we are very pleased to be able to return to holding the session as before the pandemic. This Sixty-First Annual Session once again returns solely in person and is for five days as per previous practice. Over the course of the upcoming five days, after our inaugural session we will be deliberating upon several important international legal issues. Very soon after this inaugural session, the Head of the Delegation of the participating Member States, through their general statement, engage in sharing experience and perspective on contemporary areas of core concerns in international law matters of Afro-Asian states. Thereafter, we will deliberate on the substantive agenda item including, select item of the agenda of the International Law Commission. On this topic, I have pleasure to inform that two of the ILC Members have accepted to deliver keynote remarks on the work of the ILC, which will set the tone for our deliberations. I take this opportunity to convey my sincere thanks to Prof. Bimal Patel and Professor Asada for kindly joining us in this session.

We have the topics on the Violations of International Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine; Environment and Sustainable Development; International Trade and Investment Law; The Law of the Sea. In addition, three new topics have been proposed to be added in our substantive agenda for this session by Member States, namely, Asset Recovery Expert Forum, Legal Issues in Outer Space and Reforms related to Investor-State Dispute Settlement (ISDS), within the context of negotiations currently being conducted in UNCITRAL Working Group (WG III). We will also host a number of side events and I encourage all Delegates to participate in them.

Excellencies, Ladies and Gentlemen, as we engage in discussion over the coming days, let us remain mindful of the Bandung spirit that underpins our Organization, solidarity, friendship and cooperation. It is through our commitment to the Bandung spirit that we can create a world that is more just, more peaceful and more resilient to the challenges that lie ahead.

In conclusion, I extend my heartfelt gratitude to each one of you for your presence here today. All honourable Ministers, the Distinguished Ambassadors and Delegates, the ILC Members, the Directors of the AALCO Arbitration Centres and the observers who have come here from their respective capitals to participate in this session. I am confident that we would have fruitful exchange of views and experiences during this session. Once again, I would like to thank the Ministry of Law and the Human Rights of the Republic of Indonesia and the Organizing Committee for the excellent arrangements that have been made both for the efficient functioning of our session and for the warm hospitality and all the arrangements made for our stay here in this beautiful Bali Island. A special thanks is also due to the AALCO Secretariat team for the hard work and all the effort to prepare for this session. I sincerely hope for a successful and productive Annual Session. Thank you very much.

**Master of Ceremony:** Thank you, Your Excellency, Ladies and Gentlemen, we are now honoured to invite the President of the Sixtieth Annual Session of AALCO Her Excellency Uma Sekhar to deliver her opening statement.

**(ii) Opening Statement by Her Excellency Ms. Uma Sekhar, Additional Secretary, Legal and Treaties Division, Ministry of External Affairs, Republic of India and the President of the Sixtieth Annual Session (Republic of India)**

His Excellency Mr. Yassona H. Laoly, Honourable Minister of Law and Human Rights, Republic of Indonesia, Honourable Dr. Kamalinne, Secretary-General of AALCO,

Honourable Ms. Teresa Cheng, former Secretary for Justice of Hong Kong, S.A.R. of the People's Republic of China and the President of the Fifty-Ninth Annual Session of AALCO. Honourable Ministers, Excellencies, Distinguished Delegates, Observers, Ladies and Gentlemen, a very good morning. Indeed, I feel highly privileged to be here. I think I mentioned on several occasions, I take immense pleasure to be with my AALCO fraternity whenever these AALCO Annual Sessions happen or any AALCO meetings takes place. I cherish this unique platform a lot.

Before I begin, Excellencies, on behalf of my Government and my Delegation, I would like to thank the Government of the Republic of Indonesia for the warm hospitality extended to us and for the excellent arrangements made for the occasion. Thank you.

India and Indonesia share very close bonds. Like India, Indonesia is also a diverse, multi-ethnic, multi-religious, democratic country. We have more than two millennia of cultural and trade relations, so it is always a privilege to visit this beautiful city of Bali.

Excellencies, Ladies and Gentlemen, I extend my profound gratitude to the Secretary-General of AALCO and his dedicated team, including the Secretariat, not only for their generous support and cooperation extended towards success of the events conducted during my presidency, but also in making the activities of AALCO in general a grand success. Thank you to the Secretary-General and his team. Let me also thank the Vice-President of the Sixtieth Annual Session, His Excellency, Mr. Mohammed Said Al Hilo, Minister of Justice, the Republic of Sudan, for his cooperation in discharge of my duties as the President of the Sixtieth Annual Session.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, as you all are aware, AALCO is one of the tangible outcomes of the historic Bandung Conference held in Indonesia in the year 1955. So today when I stand here as an outgoing President of the Sixtieth Annual Session of AALCO, I am overwhelmed to see the growth of this organization, which include transition from a non-permanent committee to a formal organization, enlarging of its membership from 7 to 47, a permanent headquarters in New Delhi, and taking up international issues of contemporary relevance that are of concern for the Asian and African states, initiating and strengthening cooperation with international organizations and institutions, and covering and also encouraging observer states to contribute. So in the process, the Organization has succeeded in making significant contribution to the progressive development of international law, which include, as just the honourable Secretary-General mentioned, the Law of the Sea, Refugee Law, Human Rights, Trade Law and Treaty Law. Indeed, most of you may be aware, that the most important concepts under international law, like the exclusive economic zone in the field of Law of the Sea, were articulated for the first time in the deliberations of this organization.

Excellencies, Ladies and Gentlemen, AALCO being a consultative organization comprises of Member States of diverse cultures and the legal systems. Therefore, it is always a challenge for the Organization to consolidate the positions of Asian and African countries in the field of international law. However, throughout the history, AALCO has consistently risen to this challenge. It has succeeded in doing so several times and therefore has acquired a unique place in the galaxy of international organizations. Member States attach great significance to the work of this Organization and this is contributing to the rise in its stature.

Excellencies, during my presidency, the AALCO Secretariat, despite being faced with a limited financial and human resources, organized several programs. I am sure the Secretary-

General would also give a detailed report on the various activities undertaken during this period.

Excellencies and distinguished guests, it is worth mentioning that AALCO's close cooperation with the United Nations has provided an additional platform for AALCO Member States to participate in the interactive dialogue and thereby to contribute to the progressive development of international law. In the same spirit, AALCO follows the work of the International Law Commission and deliberates on important topics as just now highlighted by the honourable Secretary-General, under consideration of the Commission at its Annual Sessions. The establishment of six Regional Arbitration Centres in Cairo, Kuala Lumpur, Tehran, Lagos, Nairobi and Hong Kong reflects the proactive approach towards pacific settlement of disputes.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, I will be failing in my pious obligation if I do not acknowledge the immense support that I receive from the Member States and AALCO Secretariat during my presidency for the Sixtieth Annual Session of AALCO. It was their support that enabled India to successfully conduct a seminar on the theme, "Seven Decades of the Constitution of India", on the occasion of 75 years of independence of India, *Azadi ka Amrit Mahotsav*. The seminar gave an insight into India's deep democratic values and commitment to international obligations reflected in our Constitution. To commemorate India's presidency of AALCO, a seminar on Treaty Law and Practice to disseminate best practices and capacity building for Asian and African countries with emphasis on information and communication technology was also organized. Excellencies, Ladies and Gentlemen, to conclude, I would once again thank the Government of the Republic of Indonesia for their warm hospitality and support. Our sincere appreciation goes to the Secretary-General for his tireless efforts.

Since I have the floor, I also wish the incoming President all success and I am confident that under his able guidance, the organization will continue to work as a platform for legal deliberations on issues of significance to Asian and African countries. I thank you very much.

**Master of Ceremony:** Thank you very much, Your Excellency. Excellencies, Ladies and Gentlemen, we are now honoured to invite President of the Fifty Ninth Annual Session of AALCO, Her Excellency Teresa Cheng to deliver her welcoming address.

**(iii) Vote of Thanks by Her Excellency Ms. Teresa Cheng, former Secretary for Justice of Hong Kong, S.A.R. of the People's Republic of China and the President of the Fifty-Ninth Session of AALCO (the People's Republic of China)**

Your Excellency, Mr. Yassona Laoly, Minister of Law and Human Rights of Indonesia, Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, my new friend Uma, President of the Sixtieth Annual Session of AALCO, Honourable Ministers, Attorneys Generals, Excellencies, Head of Delegations, Heads of International Organizations, Distinguished Guests, Ladies and Gentlemen. It is an honour and privilege to address you at the Sixty-First Annual Session of AALCO. I take this opportunity to express on behalf of all participants in the Session our gratitude to the Government of the Republic of Indonesia for generously hosting this Session. It is indeed a memorable location for AALCO to have its Sixty-First Annual Session in Indonesia. Since its inception as a tangible result of the Bandung Conference in Indonesia back in 1956, this Organization has grown into a large family of 47 Member States from Asia and Africa. This session, held in Bali, Indonesia, is a homage to the Bandung spirit, reminding us of the ethos of our Afro-Asian community that the nurturing of

international law should be an inclusive enterprise in which the Asian-African views and voices should be taken into account. I am proud to say that AALCO has grown over the years to become one of the largest and most successful regional forums in the world, ensuring that the views and voices from Africa and Asia are heard, valued and reflected in the concrete rules and mechanisms in the development and advancement of international law. Practicing multilateralism, observing peaceful coexistence and upholding international rule of law with the United Nations at its core are all our collective commitments in face of today's global challenge as we live in a global community of shared future. AALCO's engagement with the International Law Commission established under the UN General Assembly and whose work the AALCO Secretariat has monitored from time to time is one of the key conduits through which Afro-Asian positions are articulated in an effective manner.

The six Regional Arbitration Centres set up by AALCO, including the latest one set up in Hong Kong's Special Administrative Region of the People's Republic of China in 2022, have made invaluable contribution to facilitate peaceful settlement of international disputes in support of the UN Charter. I must take this opportunity to record my deepest sense of appreciation for His Excellency Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO, for his remarkable contributions to the Organization and outstanding leadership in spite of the difficulties posed by the COVID-19 pandemic in his first year of office.

I look forward to the Sixty-First Annual Session held here in person again for one full week, similar to Annual Sessions held before the pandemic. My thanks must also go to the AALCO Secretariat for their dedication and preparation work in making this event a success. I hope that the session would further strengthen our bond and help us revisit the shared aspirations and interests on the topics to be discussed this week. *Terima kasih*. Thank you very much.

**Master of Ceremony:** Thank you very much, Your Excellency. Now, Excellencies, Ladies and Gentlemen, we are now honoured to give the floor to Minister of Law and Human Rights of the Republic of Indonesia, His Excellency, Yasonna H. Laoly.

**(iv) Inaugural Address by His Excellency Prof. Yasonna H. Laoly, S.H., M.Sc., Ph.D., Minister of Law and Human Rights of the Republic of Indonesia**

Excellencies, Mr. Secretary-General Dr Kamalinne Pinitpuvadol, Excellencies, President of the Sixtieth Annual Session, Madam Uma Sekhar. Thank you. Madam Teresa Cheng, President of the Fifty-Ninth Annual Session of AALCO, Excellencies, Heads of Delegations, Ambassadors of AALCO Member States, Distinguished Delegates, Ladies and Gentlemen, allow me to speak on behalf of the Government of the Republic of Indonesia. It is a great honour for me to welcome you all to the Sixty-First Annual Session of AALCO. Thank you for attending this important session and I hope you enjoy your stay in this wonderful Bali.

Indonesia places great importance to AALCO as a forum for Asian-African countries to discuss legal matters of common concern. It is an honour for us to host this Sixty-First Annual Session, the third for us hosting it in Indonesia. Initially, our President, Mr Joko Widodo, will address this Inaugural Session, but unfortunately, he is unable to attend this session, and the Vice-President of the Republic of Indonesia, Mr Ma'aruf Amin, will be here this afternoon to deliver his special remarks.

I will not speak too elaborately about the agenda of our work in this inaugural session, as we will discuss it later on in the next session. We will have a full week to deliberate issues of common interest among Asian-African countries. I hope your time here in Bali will be



fulfilling and the functions and purpose of AALCO be rightfully served. I wish you all the best and fruitful deliberation in the days ahead. With that being said, I declare the Sixty-First Annual Session is open. Thank you all very much and *Selamat datang di* Indonesia. Thank you.

**The Inaugural Session was thereafter concluded.**

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**IV. VERBATIM RECORD OF THE FIRST  
MEETING OF DELEGATIONS OF AALCO  
MEMBER STATES**



#### **IV. VERBATIM RECORD OF THE FIRST MEETING OF DELEGATIONS OF THE AALCO MEMBER STATES HELD ON MONDAY, 16 OCTOBER 2023 AT 11:30 AM**

**Her Excellency Ms. Uma Sekhar, the President of Sixtieth Annual Session of AALCO in the Chair.**

**Master of Ceremony:** Distinguished Guests, Ladies and Gentlemen, welcome back. And now we will continue our agenda with the first meeting of delegations of the AALCO Member States. So it is the time to give the floor to the President of the Sixtieth Annual Session of AALCO, Her Excellency Madam Uma Sekhar to launch the meeting.

#### **Adoption of Agenda and Tentative Schedule of Meetings and Events**

**Chair:** Good morning, Excellencies, Ladies and Gentlemen, I would like to call the First Meeting of Delegations of the AALCO Member States to order. So we will be going through some of the 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 Heads of Delegations for adoption. Let me also mention here that this provisional agenda has been finalized in consultation with the Member States and the Host Government.

I am happy to inform you again that this is the first full five-day regular Annual Session of AALCO after the outbreak of pandemic in 2020. So in addition to the organizational matters, we have seven substantive topics. Allow me to go through them.

1. Report on Matters related to the work of the International Law Commission at its 74th Session;
2. The Law of the Sea;
3. Environment and Sustainable Development;
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;
6. Establishment of Asset Recovery Expert Forum;
7. Legal Issues in Outer Space; and
8. Reforms related to Investor State Dispute Settlement, specifically the negotiations currently being conducted by the UNCITRAL Working Group 3.

Let me note at this point of time, item numbers 1 to 5 that is the provisional agenda before you, are part of the substantive agenda of AALCO. Items 6, 7 and 8 are new items proposed by the Government of Indonesia, the Government of India and the Government of Islamic Republic of Pakistan respectively for inclusion in the agenda of the Sixty-First Session.

I would like to again remind the Distinguished Delegations that the Secretary-General Dr. Kamalinne discussed and reached consensus on the provisional agenda with the Heads of Delegations of the Member States yesterday at the informal meeting of Head of Delegations. If there are no comments, then we shall consider as adopted the agenda and schedule of meetings and events. Is there anybody, any Distinguished Delegation would like to take the floor with respect to the adoption of the agenda?

**Chair:** Shall we take it adopted?

**Chair:** Thank you, the agenda is adopted. Now let me take up the next agenda item, admission of new Member States. Let me ask the Secretary-General to brief us on this item.

**His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO:** Madam President, there is no new Member State.

**Chair:** So I see no State is applying for new membership at this session, so this agenda item is passed. The next item before me is that admission of Observers. So, I request the Secretary-General to give us the details of the list of Observer States and Organizations. Thank you.

**His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO:** Madam President, the Observers are composed of Observer States and Observer Organization. In terms of Observer States, we have the **Russian Federation, Tunisia and Burkina Faso**. Regarding Observer Organizations, we have **Asian Academy of International Law, The Hague Conference on Private International Law**, and the **International Committee of Red Cross**. Thank you Excellency.

**Chair:** Thank you, Mr. Secretary-General. Are there any views, observations or any objections to their participation?

I see none. So let us admit them as observers to the Sixty-First Annual Session of AALCO. Allow me to welcome them.

### **Election of President**

**Chair:** The next agenda item before me is the election of the President and Vice-President for the current session. So may I request the honourable Member States to nominate the incoming President of the Annual Session of AALCO?

I see the Distinguished Delegation from Nigeria. Thank you, sir. May I know your introduction?

**Head of Delegation of Nigeria:** Ambassador Usman Ari Ogah, Federal Republic of Nigeria.

**Chair:** Thank you very much, sir. Welcome.

**Head of Delegation of Nigeria:** The Delegation of the Federal Republic of Nigeria would like to nominate His Excellency Professor Yasonna H. Laoly, Minister of Justice and Human Rights of the Republic of Indonesia, as the President of the Sixty-First Session of AALCO.

**Chair:** I thank the Distinguished Delegation from Nigeria for nominating the incoming President of the Annual Session of AALCO. Thank you, Sir. May I request the honourable Member States for the secondment of the nomination? I see the Distinguished Delegation from Japan.

**Head of Delegation of Japan:** The Delegation from Japan would like to second the nomination of His Excellency Professor Yasonna H. Laoly, the Minister of Justice and Human Rights of the Republic of Indonesia, as the President of the Sixty-First Annual Session of AALCO.

**Chair:** I thank the Distinguished Delegation from Japan for the secondment of the nomination of the President. Now it is my turn and all of us to congratulate His Excellency Mr. Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia, for his election as the President of the Sixty-First Annual Session of AALCO. Congratulations Excellency.

### **Election of Vice-President**

**Chair:** Distinguished Delegates, we now turn to the election of the Vice-President of the Sixty-First Annual Session of AALCO. I request the honourable Member States for nominating the Vice-President of the Annual Session of AALCO for this Sixty-First Annual Session.

I see the Distinguished Delegation from Iran. Floor is yours, Sir. My apologies. I see the Distinguished Delegation from Qatar. Floor is yours, Sir.

**Head of Delegation of Qatar:** Thank you. Delegation of the State of Qatar would like to nominate His Excellency Mr. Ronald Ozzy Lamola, the Minister of Justice and Correctional Services of the Republic of South Africa, as the Vice-President of the Sixty-First Annual Session of AALCO.

**Chair:** Thank you very much, Sir. So, I request the honourable Member States for the secondment of the nomination of the Vice-President.

I see the Distinguished Delegation from Pakistan. Floor is yours, Sir.

**Head of Delegation of Pakistan:** My name is Raja Naeem Akbar. I am current Federal Law Secretary, Islamic Republic of Pakistan. I second the recommendation made by the Distinguished Delegation of Qatar. Thank you.

**Chair:** Thank you very much. So honourable Member States, Mr. Ronald Ozzy Lamola, Minister of Justice and Correctional Services from the Government of South Africa, is elected as the Vice-President of the Sixty-First Annual Session of AALCO. Let us congratulate him.

**Chair:** Now let me take this opportunity to invite the President of the Sixty-First Annual Session of AALCO as well as the Vice-President of the Sixty-First Annual Session of AALCO to take the floor. Welcome you both, sir.

**The Opening Statement of His Excellency Mr. Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia the President of the Sixty-First Annual Session:** Thank you very much for the trust in me and the Minister of Justice and Correctional Services of South Africa for electing us as the President and Vice-President of the Sixty-First Annual Session of AALCO. I would also like to thank Ms. Uma Sekhar and Ms. Teresa Cheng the Presidents of the Sixtieth and Fifty-Ninth Sessions of AALCO and for leading the Annual Session previously.

Excellencies, Ministers and Heads of Delegation, Secretary-General of AALCO, Vice-President of the Sixty-First Annual Session of AALCO, President of the Fifty-Ninth and Sixtieth Annual Session of AALCO, Distinguished Delegates, Ladies and Gentlemen.

It is an honour for me to preside over this important session, and I am confident that with the



cooperation and support of all Delegations participating in this Session, I will be able to lead this Session as the President with no difficulties. I take this opportunity to thank the President of the Sixtieth Annual Session of AALCO, Ms. Uma Sekhar, Additional Secretary of the Legal and Treaties Division, Ministry of External Affairs, Republic of India, for skilfully presiding the previous Annual Session. 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 and his team in the AALCO Secretariat for making excellent arrangements for the organization of this Session. The briefs prepared by the Secretariat are indeed useful for our deliberations. As we convene here, let us use this opportunity to rekindle the spirit of cooperation between Asia and Africa. This spirit, which found its roots in the historic Asia-Africa Conference of 1955 in Bandung, remains at the core of our shared aspiration. It is time for us to not only discuss legal matters but to reflect on the historic Asia-Africa Conference and the principles that continue to guide our collaborative efforts. This session is a testament to our commitment to the vision of Asia and Africa, working together for a better future.

Allow me to highlight our works at this Session. As you are all aware, we have very interesting and important agenda items for deliberations during this Session, not only the substantive matters of our shared concerns but also administrative and organizational matters relating to the future works of AALCO.

There is also a new proposal submitted by Indonesia under the agenda of the Law of the Sea, which is on the issue of “Illegal Fishing as a Transnational Organized Crime”. The Concept Note about this new issue has been communicated and widely circulated by the AALCO Secretariat to our esteemed Member States, which can also be accessed at the AALCO website for your reference.

Furthermore, Indonesia also invites AALCO Member States to discuss “Strengthening Asian-African Collaboration on Climate Change” on the agenda of “Environment and Sustainable Development”.

Additionally, three new topics have been proposed by the Member States to be added to our substantive agenda for this Annual Session, namely; “Asset Recovery Expert Forum”; “Legal Issues in Outer Space”; and “Reforms related to Investor-State Dispute Settlement (ISDS), within the context of the negotiations currently being conducted by the UNCITRAL Working Group-III”.

We can see now that we have a very ambitious work, fully packed schedule for the upcoming days.

In order to encourage larger participation and effective deliberation, may I suggest that Member States observe the following:

1. If a Member State wishes to take the floor on any agenda item, it is requested to keep it brief and precise; the full text of the statement can be submitted to the Secretariat, which will be reflected in the records of the meeting.
2. Due to the paucity of time, if a Delegation is not able to read the full statement within the limited timeframe, the Delegation can submit the statement to the Secretariat and it will be reflected in the verbatim records of the meeting.

The above requests are made to make sure that we can cover all the topics included in our agenda this Session.

Distinguished Delegates, Ladies and Gentlemen, Once again, I warmly welcome every Delegation to this Session and encourage you to engage actively in the discussions and deliberations, so that we can maximize our efforts to achieve the objectives of AALCO. I also take this opportunity to extend the cordial invitation to all Delegates for the Gala Dinner tonight, hosted by the Government of the Republic of Indonesia on assuming the Presidency of the Sixty-First Annual Session. Thank you very much

**The meeting was thereafter adjourned**

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**V. VERBATIM RECORD OF THE SECOND  
MEETING OF DELEGATES OF AALCO MEMBER  
STATES**



## **V. VERBATIM RECORD OF THE SECOND MEETING OF DELEGATIONS OF THE AALCO MEMBER STATES HELD ON MONDAY, 16 OCTOBER 2023 AT 12:00 PM**

**His Excellency Prof. Yasonna H. Laoly, the Minister of Justice and Human Rights of the Republic of Indonesia, the President of the Sixty-First Annual Session of AALCO in the Chair.**

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

**President:** I now invite the Secretary-General to make a Statement of the report on the work of Organization in financial matters of AALCO.

**His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO:** Mr. President, Honourable 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 Sixty-First Annual Session on their election. I look forward to receiving your wisdom and guidance. On behalf of the Secretariat and my own behalf, I assure you that I extend all support to your efforts in the smooth conduct of the Annual Session in the best possible manner. I am confident that AALCO would attain greater achievement under your guidance and leadership.

I would also like to express my sincere gratitude to the President of the Sixtieth Annual Session of AALCO held in 2022 at the Headquarters in New Delhi, Her Excellency, Ms. Uma Sekhar, Additional Secretary, Legal and Treaties Division, Ministry of External Affairs, Government of India and the Vice-President, His Excellency, Mr. Mohammed Said Al Hilo, Minister of Justice, the Republic of Sudan, for their valuable guidance and support in fulfilling the mandate entrusted to the Organization.

Mr. President, AALCO's Annual Session, besides being the plenary organ of our Organization, serves as the forum where the legal luminaries assemble from our two regions and exchange their views and concerns on international legal matters. These deliberations are held in a friendly, cordial and brotherhood of Asian-African solidarity. We meet as far as possible based on regional rotation. In its sixty-seven years of journey, this is our Sixty-First Annual Session. We have assembled for our Annual Sessions on 44 occasions in Asia and on 17 occasions in Africa.

I take this opportunity to thank all our Member States for extending all help and support to the AALCO Secretariat in carrying forward our mandate. I also thank the Member States for reposing trust and confidence in my leadership towards strengthening Asian-African solidarity in international legal matters. I will do my best to contribute to the realization of the aspirations and hopes of the Member States, which they wish to accomplish through AALCO.

Mr. President, Excellencies, I would like to express my gratitude to Member Governments for their constant encouragement, support and participation in all activities on the agenda of AALCO. I also extend my sincere appreciation 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. All this has helped me immensely in discharging my duties and functions smoothly and effectively.

I would also like to thank the international organizations and other academic institutions collaborating with AALCO to organize 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.

Mr. President, Excellencies, Ladies and Gentlemen, the present Report of the Secretary-General on the work of the organization is contained in document AALCO/61/BALI/2023/ORG 1. In addition to an introduction and concluding remarks, this Report is divided into six parts, namely: (i) Consideration of the Work Programme of AALCO; (ii) Activities undertaken since the Sixtieth Annual Session; (iii) Overview of the Secretariat (iv) AALCO's Financial Situation and Draft Budget for the Year 2024; (v) Steps taken to Revitalize and Strengthen AALCO; and (vi) Future Plan of Action.

Regarding consideration of the Work Programme of AALCO at the Sixty-First 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 Sixty-First Annual Session based on their current relevance: (1) Topics on the Agenda of the International Law Commission; (2) Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine; (3) The Law of the Sea; (4) Environment and Sustainable Development; and (5) International Trade and Investment Law.

In addition, three new topics have been included in the agenda of the Annual Session, on reference by Member States, namely, (i) Establishment of Asset Recovery Expert Forum by the Republic of Indonesia; (ii) Legal Issues in Outer Space by the Republic of India; and (iii) Reforms related to Investor-State Dispute Settlement (ISDS), within the context of the negotiations currently being conducted by the UNCITRAL Working Group III by the Islamic Republic of Pakistan.

Mr. President, Excellencies, Distinguished Delegates, in addition to the rationalization of AALCO's agenda the practice of constituting a Drafting Committee started for the first time in Seoul (2003) in the Forty-Second Session of AALCO. It continued till the year 2011, after which this practice was discontinued. Member States may consider reviving the practice of constituting a Drafting Committee for the Annual Session. The main objective for forming a Drafting Committee was to streamline the preparation of documents, namely, the Summary Report, the Resolutions and Message of thanks to the Host Government for adoption. Behind-the-scene work by the Drafting Committee ensured that the essence of the statements by the delegations were reflected appropriately. Past practice brings out that the Drafting Committee was an Open-Ended Committee, and any Member Government desirous of participating in its work was part of it. A Representative of the Host Government chaired the Drafting Committee. Officials of the Host Government and the AALCO Secretariat facilitated the meeting of the Drafting Committee. I request the Member States to endorse my proposal to constitute a Drafting Committee for this Annual Session.

Mr. President Excellencies, since the conclusion of the Sixtieth Annual Session, the Secretary-General and the Deputy Secretaries-General have participated in about 20 events. I

take this opportunity to highlight some. The Second AALCO Annual Arbitration Forum at Sharm El Sheikh City, Arab Republic of Egypt; 21<sup>st</sup> Session of the Rome Statute of the International Criminal Court at The Hague; First Anniversary of the Opening of AALCO Regional Arbitration Centre in Hong Kong; Seminar on UNIDROIT projects in New Delhi; 74<sup>th</sup> Session of the International Law Commission; Forum on Developing Countries and International Law and the 6<sup>th</sup> China-AALCO Exchange and Research Programme in Beijing and Hong Kong SAR, People's Republic of China; Tokyo International Law Seminar Tokyo, and the UNCITRAL South Asia Conference in New Delhi.

Mr. President, Excellencies, since the last Annual Session, the Secretariat had organized two webinars on “General Principles of Law and AALCO Member States”, and “Global Compact on Refugees: Mapping the Way forward for AALCO Member States”. We also hosted a lecture by Ms. Anna Joubin-Bret, Secretary, UNCITRAL at the AALCO Secretariat. The representatives of AALCO Member States and academia very well attended all these activities.

In the period under review, AALCO has entered negotiations with UNIDROIT – International Institute for Unification of Private Law for a memorandum of understanding to collaborate on issues of mutual interest.

Mr. President, Excellencies, one of my priorities is strengthening 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. From the last Session until the end of September 2023, I have visited the missions of 12 Member States. I have also been visiting the missions of Non-Member Asian-African States to encourage their governments to become AALCO Member States. For this purpose, I visited the Diplomatic Missions of four Non-Member States. Further, to further strengthen the cooperation with international organizations, during the period under review, I visited the headquarters of nine (9) international organizations.

Mr. President, Excellencies, let me now invite your attention towards the Secretariat of the Organization. The Secretary-General heads the Secretariat. We have three Deputy Secretaries-General on secondment from the Islamic Republic of Iran, Japan, and the People's Republic of China. Mr. Sun Guoshun, seconded by the Government of the People's Republic of China, recently retired from his services and returned to his home country. I wish to place on record our sincere appreciation for his dedication and conscientious involvement in supervising the work of the Secretariat and his proactive role in managing the work of the Organization. Mr. Zhu Yong has been seconded by the Government of the People's Republic of China to succeed Mr. Sun Guoshun. The contributions of the Deputy Secretaries-General have been invaluable in ensuring that the mandate entrusted to the Secretariat is duly performed. I wish to place on record my appreciation to the Deputy Secretaries-General for their diligent efforts.

The number of locally recruited staff in the Secretariat as of 30<sup>th</sup> September 2023 is 22. They comprise of legal team and the administrative team at the Secretariat. We have also established a close working relationship with the United Nations through our permanent observer in New York and in Vienna. I sincerely thank them for their tireless effort in representing our goal to realize UN events.



Mr. President, Excellencies, the financial report and the budget for the year 2024 is an integral part of the SG Report. However, this Section will be presented in detail by my colleague Deputy Secretary-General Mr. Jun Yamada. However, I would like to take this opportunity to express my gratitude to the Member States that have until end of September 2023 paid their annual contributions for the year 2023. I also take this opportunity to thank the following Member States who have paid their arrears fully or partially during the same period: (1) the People's Republic of Bangladesh; (2) State of Libya; (3) Nepal; (4) the Federal Republic of Nigeria; (5) the Islamic Republic of Pakistan; and (6) the State of Palestine. I take this opportunity to urge the Member States who are in arrears to kindly consider clearing their arrears as expeditiously as possible.

The Secretariat is continuously implementing austerity measures and cost-saving efforts at the Secretariat.

Mr. President, Excellencies, consistent efforts are required to be made to revitalize and strengthen our organization. I would like to explain some of the key initiatives that may be considered in this regard.

Mr. President, Excellencies, the two great regions of Asia and Africa account for 102 States. Out of these 102 States, only 47 States are Member States of AALCO. Therefore, I humbly urge the Member States present here to impress upon the Non-Member Asian-African States to become a Member State of AALCO. Presently, all the three Deputy Secretaries-General in the Secretariat are from Asia, although the Secretariat invites representation from both Asian and African states. I sincerely encourage the African Member States and the Arab Member States to positively consider deputing at least one senior official to the Secretariat as a Deputy /Assistant Secretary-General. Likewise, the Member States may consider to provide support to the Secretariat by way of promoting engagement of the Secretariat with an expert, academician, and practitioner in the field of international law. This would surely boost the substantive work of the organization.

Mr. President, Excellencies, I wish to inform you that in accordance with the mandate received from the AALCO Annual Session, an Open-Ended Subcommittee of Liaison Officers on the review of the scale of assessed contributions, and revising the Statutory Rules of AALCO have been constituted. The constitution of the subcommittee took place under Rule 14 of the Statutory Rules of AALCO with the understanding that the proceeding of the subcommittee would be informal in character. The Republic of the Philippines was appointed as the Chair of the Subcommittee on the Review of Scale of Assessed Contribution of Member States of AALCO, while the Republic of India assumed the position of the Chair of the Subcommittee on the Streamlining of the Statutory Rules of AALCO. This first meeting of the Subcommittee on the Review of Scale of Assessed Contribution of Member States, and streamlining the Statutory Rules of AALCO took place on 14 June 2023 and 11 July 2023 respectively. The work of both committees remains in progress.

Mr. President, Excellencies, my vision and mission as regards the future work plan encompasses specific strategies for making AALCO a more proactive and robust Organization. I am striving to strengthen cooperation with the International Law Commission. I also intend to collaborate with the Legal Advisers of the Member States on the side-lines of the Sixth Committee of the UN General Assembly. We also need to address emerging challenges and cross-cutting issues in international law and enhance cooperation in the field of international law, especially concerning the topics on its work programme.

Our success with the three webinars indicates that we should move towards increasing use of digital technology in our work. To harness the benefits of information technology, I propose to hold in future webinars, virtual consultations, virtual conferences, and online research activities. Further the AALCO annals contain a rich repository of Asian-African practices in international law matters. To preserve these records for posterity, it would be useful to digitize Secretariat records, and relevant documents can be placed on AALCO's website.

Mr. President, Excellencies, to nurture future scholarship in international law amongst the Asian-African states, the internship programme at the Secretariat has been strengthened. I also propose to establish the AALCO Research Award Program for outstanding research, encouraging the assimilation of academic inputs into the work of AALCO through a Visiting Fellowship Program and promoting networking of new generation of international lawyers in the region as well as providing a platform for discussion on the most cutting-edge contemporary international legal issues.

In so far as capacity building programs are concerned, the Government of the People's Republic of China has been convening the China AALCO Exchange and Research Program in International Law. Likewise, the Government of Japan has initiated the Tokyo International Law Seminar. These initiatives are most welcome. Furthermore, the other Member States could consider organizing similar activities, which will be of great benefit to our Member States.

I also propose the revival of the AALCO Eminent Persons Group. The EPG could serve as an informal guidance mechanism for the Secretary-General for steering the work of the Organization. In this information age, website of any organization forms the primary mode of communication with the stakeholders. Constant efforts are made to improve the AALCO website. It contains information in English and Arabic.

I also propose that AALCO's participation in the Sixth Committee's work be more proactive. Further, an increased participation in various Conferences convened by the United Nations would help in enhancing the profile of AALCO.

I also take this opportunity to recall that in the Forty-Eighth 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 as the "main centre for harmonizing the actions of Asian-African States in international legal matters". We need to work collectively to ensure that this objective is consistently realized.

In conclusion, I wish to emphasize that AALCO has been established to promote international law in the Afro-Asian regions. In its journey of 67 years, AALCO has undertaken many programmes and projects which are beneficial for AALCO and for the development of international law for the Asian and African regions. These include: increasing the scope of cooperation with other international institutions and regional organizations, reinforcing AALCO as the hub for collective dialogue on legal concerns of Member States from Asia and Africa, and promoting international commercial arbitration through AALCO Regional Arbitration Centres, which are set up in different parts of Asia and Africa, organizing under the auspices of the CRT (Centre of Research and Training) numerous seminars, workshops and training programmes on the topics of contemporary relevance in international law, developing a body of knowledge on international law for the Asian and African regions through publications, research studies such as Yearbooks, Journals

and Special Studies. AALCO would continue to actively cooperate with the ILC to provide the ILC views of the Asian and African regions and to contribute substantially towards the work of the Commission.

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, I continuously strive for planning outcome-driven activities for the benefit of the Member States in order to engage them further in effective international law-making exercise. I thank the Member States for their immense support both in financial and substantive matters. I thank you all very much for your kind attention. Thank you, Mr. President.

**President:** Let's give a round of applause again. Thank you. Mr. Secretary-General, for the informative and elaborate report. And now, I open the floor for any comments from Member States on the report presented by the Secretary-General. However, as a gentle reminder, those who want to make a statement are kindly requested to register with our Secretariat, which has been entrusted with responsibility of collecting the list of speakers on each item and collecting the statements from the floor. As we have a packed schedule, please limit your oral intervention to 10-15 minutes. The longer statements can be deposited with the designated staff at the venue or sent to the Secretariat by email. Now, I invite Delegations to make a statement. I have here in my list, Malaysia will make an intervention on both esteemed report and budget. Please, you are welcome. You have the floor.

**The Head of Delegation of Malaysia:** Thank you, Mr. President. The Honourable Mr. President, His Excellency Secretary-General, Excellencies, Distinguished Delegates, Ladies and Gentlemen,

Allow me to express Malaysia's profound gratitude to H.E. Dr. Kamalinne, the Secretary-General of AALCO for the presentation of his detailed report, which sets out the works of AALCO since the conclusion of the Sixtieth Annual Session held from 26<sup>th</sup> until 28<sup>th</sup> September 2022 in New Delhi (Headquarters), Republic of India until up the end of September 2023. The report is certainly another testament of the accomplishment of the significant works of AALCO in ensuring that AALCO will continue to be revitalized and strengthened as the main centre for harmonizing the actions of Asian-African States in international legal matters.

Congratulations are also in order to the His Excellency, Secretary-General and the Secretariat for the successful organization of activities and programs undertaken since the last Annual Session. Malaysia hopes that 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.

Malaysia also wishes to express our deepest appreciation to His Excellency the Secretary-General in ensuring the smooth functioning of AALCO, living up to the expectations of the Member States, and his endeavour to take AALCO to greater heights. We express our support to His Excellency and Malaysia remains dedicated and strives to contribute its efforts in ensuring the effective and sustainable operations of the AALCO for the benefit of AALCO Member States.

Further, Malaysia wishes to place on record our appreciation to Mr. Sun Guoshun who had recently retired from his service and returned to his home country. His dedication and conscientious involvement in supervising the work of the Secretariat as the Deputy Secretary-

General have been invaluable. We learn that Mr. Zhu Yong has been seconded by the Government of the People's Republic of China to succeed Mr. Sun Guoshun.

On a separate note, Malaysia understands that H.E. Secretary-General is keen on exploring the possibility of establishing a Permanent Observer Mission of AALCO at the United Nations (UN) offices at Geneva and Nairobi to strengthen AALCO's presence and activities in these nerve centres of the UN. In this regard, Malaysia views that such a proposal would necessitate a feasibility study to be undertaken by the AALCO Secretariat in order to determine the overall benefits of this proposal to the AALCO Member States, as well as any potential financial and human resources implications arising from such a proposal.

In relation to AALCO's proposed budget for the year 2024, Malaysia supports the AALCO Secretariat's proposal to undertake capacity-building programmes and conferences/seminars in the year 2024 on some of the selected topics on the agenda of AALCO, which have been mandated at the previous Annual Sessions. The Malaysian delegation also applauds H.E. Secretary-General's efforts to optimize the use of both human and material resources available within the Secretariat, and that efforts to minimize and curtail operational cost are also being exerted. We hope to see the outcome of financial auditing report to cover value for money audit and how the financial management system will be reinforced within AALCO.

With regard to the steps taken to revitalize and strengthen AALCO, Malaysia wishes to express its support for the idea that AALCO's senior management should have equal representation from Asia and Africa to reflect the image of AALCO as an organization representing the two regions. Therefore, Malaysia supports the proposal by the Secretary-General, requesting 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 seconding one senior official as Assistant Secretary-General or Senior Legal Officer to the Secretariat for primarily managing the affairs of the Arabic Section.

As for the revision of scale of assessed contributions, Malaysia notes that there were several informal meetings of Liaison Officers to discuss on this matter, and that any decision or action would not be taken at the informal meeting, but comments would be shared with all Member States in the form of unofficial minutes. Moreover, at the Sixtieth Annual Session, the Secretariat was mandated to constitute a Sub-committee of Liaison Officers to review the scale of assessed contributions of AALCO Member States. Since the first meeting had taken place on 14 June 2023, Malaysia looks forward to the outcome of that discussion, having regard that there is an increase for the budgetary estimate for the year 2024.

Malaysia also commends the vision of our His Excellency Secretary-General in making AALCO a more proactive and robust Organization, especially in promoting the digitalization of AALCO in the post-pandemic world. It is pertinent for AALCO to venture into new methods so that it can help to increase efficiency of AALCO as well as to facilitate Member States and AALCO staff. This method of digitalization could also encourage the hope and ensure full participation of AALCO Member States in the activities organized by AALCO. Moreover, 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 other Asia and Africa to become new members of AALCO. Thank you, Mr. President.

**President:** Thank you. Is there any other Delegation that wishes to make comments on the Secretary-General's Report? Any other Delegations? There are none. It seems that we have to close the list. Only one Delegation from Malaysia. Thank you.

#### **AGENDA ITEM: AALCO'S BUDGET FOR THE YEAR 2024**

**President:** Now we move on to the next item. The next item on the agenda is AALCO's draft budget for 2024. I invite the AALCO Secretariat to make a presentation and therefore the floor will be open for discussion. The Secretariat has the floor now. Please.

**Mr. Jun Yamada, Deputy Secretary-General of AALCO:** Thank you, Mr. President, Excellences, Distinguished Delegates, AALCO's proposed budget for the year 2024 is contained in Document No. AALCO/61/BALI/2023/ORG 2.

In accordance with the Statutory Rules of AALCO, the proposed budget was presented to the Member States at the 356<sup>th</sup> meeting of the Liaison Officers on 1<sup>st</sup> December 2022 and was approved at the 357<sup>nd</sup> meeting on 14<sup>th</sup> of February 2023. Today, the proposed budget is submitted to you for its final approval.

The budgetary estimate for the year 2024 is US\$ 702,800, which is an increase of US\$ 26,000 from the budget for the year 2023. It is recalled that the proposed budget for the year 2023 was originally US\$ 702,800, to which an additional amount of US\$ 26,000 was drawn from the reserve fund, and thereby reducing the budget for the year 2023 to US\$ 676,800 for its approval at the Sixtieth Annual Session. Therefore, the proposed budget for the year 2024 is of the same amount as the proposed budget for the year 2023 before drawing the amount of US\$ 26,000 from the reserve fund.

The Secretariat has prepared a table in the explanatory note of the proposed budget for the year 2024, which is contained on page 7 of the proposed budget. The table shows the increases and savings in the budget heads and sub-heads of the proposed budget for the year 2024 in comparison with the budget for 2023. As you can see in the table, the Secretariat has managed to offset all the increases by identifying the savings.

In order to properly fund the salaries and other emoluments of its sanctioned local staff and to implement its mandated activities, the Secretariat proposes to maintain the amount of US\$ 364,000 for the Pay and Allowance for the local staff. As the Pay and Allowance for the local staff is a regular expense of the budget, it is the view of the Secretariat that such expense should be budgeted and apportioned accordingly on an annual basis, and the resources of the reserve fund should be drawn in an exceptional case, as in the case of the budget for the year 2023.

Hence, the amount of US\$26,000, which, in the case of the budget for 2023, was offset by drawing the same amount from the reserve fund, represents the increase of the proposed budget for 2024 in comparison with the budget for 2023. The draft Resolution AALCO/61/RES/ORG 2, annexed to the budget document, is placed before you for its adoption.

I would like to draw your attention to the financial situation of the AALCO budget explained in the budget document from pages 29 to 34. Page 29 shows the statement of financial position as of the beginning of 2022 amounting US\$ 575,400.75. Page 30 shows that the same total marked US\$ 458,102.95 at the end of the same year. Please note that these figures are snapshots of the balances of the Organization in our banks, deposits and cash in hand at the beginning and the end of 2022.

Page 31 shows the statement of the reserve fund at the end of 2022. You may notice that, in 2022, the expenditure (US\$ 686,550.22) has exceeded the total receipts (US\$ 539,042.83), thereby resulting in a decrease in the reserve fund to the amount of US\$ 298,601.28, or a deficiency of US\$ 147,507.39 of the fund against the receipts for 2022. Nevertheless, it should be noted that this amount of the reserve fund is still above the six-month expenditure of the Organization in 2022.

The excess of expenditures in 2022 was a result of imminent spending for the Sixtieth Annual Session, the incoming and outgoing of the Secretary-General, and the purchase of two vehicles as approved at the meeting of Liaison Officers. The details on the revenues and expenditures of 2022 are provided from pages 32 to 34.

The Secretariat is fully aware of the mandate of ensuring the six-months operational resources in the reserve fund for the functioning of the Organization and will continue to carefully monitor its expenses through daily saving efforts.

We are also making continuous efforts to reach out to the Member States to collect the contributions and arrears. Nevertheless, in order to implement our mandates, and to properly maintain the premises of the Secretariat, we are still in dire need of the uncollected financial resources. The Secretariat notes that, in 2022, the annual contributions and arrears paid by the Member States (US\$ 524,699.09) marks 82 per cent of the budget for 2022. In other words, the budget for 2022 was underfunded by 18 per cent. This is why we are pleading the Member States to redouble their efforts to pay their annual contributions and arrears in a timely manner.

In this regard, I am pleased to report that, as of 13 October 2023, AALCO has received annual contributions from 25 Member States for the year 2023 and arrears from 6 Member States. We thank those Member States which have made their timely payments of annual contributions and arrears. While we are aware that many Member States are seeking ways to meet their financial obligations amidst their challenging financial situations, we note with concern that the remaining arrears amount approximately US\$ 2.150 million. We urge all Member States which have not paid their annual contributions yet and those which are in arrears to fulfil their financial obligations. The Secretariat is ready to discuss with Member States which are in need of our technical assistance on this matter.

In closing, I would like to briefly share an update on the review of the scale of assessed contributions. Under the mandate given to the Secretariat during the Sixtieth Annual Session, on 15 February 2023, at their 357<sup>th</sup> meeting, the Liaison Officers nominated the Republic of the Philippines as Chair of the sub-committee on the review of the scale of assessed contributions. On 14 June 2023, the first meeting of the sub-committee was held under the chairmanship of Mr. Mark Anthony Articulo, Liaison Officer from the Republic of the Philippines to discuss the way forward of the sub-committee. As the work of the sub-committee is still in progress, the Secretariat expresses its readiness to facilitate the work of the open-ended sub-committee in the coming months ahead.

Thank you, Mr. President.

**President:** Thank you. Now the floor is open for comments and questions and I also remind all the Delegation who would like to make any comments or interventions due to the limited time because the Vice-President will be here at 2 o'clock pm so I would like to be brief.

**The Head of the Delegation of Malaysia:** Malaysia thanks the Deputy Secretary-General of AALCO Secretariat for presenting the paper on the proposed budget of AALCO for the year 2024.

Malaysia notes that the paper is requesting US\$ 702,800 for the overall proposed budget of 2024, which is an increase of US\$ 26,000 from the previous budget in 2023. It is observed that the increment reflects the efforts by AALCO Secretariat in taking the necessary adjustments, which have been made under certain heads and sub-heads depending on the expenses likely to be incurred.

The budget allocated for Centre for Research and Training is US\$ 3,000 or 0.42% (which is less than 1%) from the total budget 2024, which is decreasing in percentage by 0.02% from the total budget of 2023. It is pertinent to note that the Centre for Research and Training of AALCO is responsible to undertake the substantive activities of AALCO, among others research and dissemination of information, engagement in capacity building, providing internship opportunities and organizing training programmes. In this regard, Malaysia invites the AALCO Secretariat to review the proportional allocation of the budget for this heading to reflect AALCO's commitment on the Centre's establishment.

Malaysia expresses its gratitude to the Member States for fulfilling their financial commitments as this is crucial for the functioning and continuation of AALCO. We hope that the AALCO Secretariat will arrange more capacity-building programs, conferences, and seminars in 2024 to address some of the selected topics on the AALCO's Work Programme.

To conclude, for consideration of budget proposal for the year 2024, Malaysia believes that the proposed budget for 2024 is reasonable and a realistic budget necessary to improve the AALCO financial situation and ensure the smooth functioning of the AALCO Secretariat.

**President:** I don't see any other Delegations seeking floor. So that concludes our deliberations on the AALCO's Budget for the Year 2024.

#### **AGENDA ITEM: REPORT OF THE CHAIR OF THE FIFTH OPEN-ENDED WORKING GROUP (OEWG) ON INTERNATIONAL LAW IN CYBERSPACE**

**President:** Now I invite the Chairperson of the Open-ended Working Group (OEWG) on International Law in Cyberspace to present his Report.

**Chairperson of the Fifth Open-ended Working Group (OEWG) on International Law in Cyberspace:** Excellencies, Distinguished Delegations, Ladies and Gentlemen, I take this opportunity to present the Chairperson's report of the Fifth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace before the plenary of the Sixty-First Annual Session of AALCO.

The Fifth Meeting of the OEWG on International Law in Cyberspace was held in Bali, Republic of Indonesia on 15 October 2023. Fifteen Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Fifth Meeting of the Open-

ended Working Group on International Law in Cyberspace, namely Brunei Darussalam, People's Republic of China, Democratic People's Republic of Korea, Republic of Indonesia, Islamic Republic of Iran, Japan, Malaysia, Nepal, the Republic of Korea, Singapore, Republic of South Africa, the Republic of Türkiye, Kingdom of Thailand, Socialist Republic of Viet Nam and Yemen.

The Secretary-General of AALCO, H.E. Dr. Kamalinne Pinitpuvadol, in his opening address welcomed the Delegations to the Fifth Meeting of the OEWG on International Law in Cyberspace and noted the keen interest and active participation of Member States in its earlier proceedings. It was observed that the Fifth Meeting of the OEWG was being held after a gap of four years, the last OEWG meeting held in Hangzhou, People's Republic of China in September 2019. The Secretary-General emphasized that the OEWG is a Member-State driven process while encouraging Member States to engage with the Special Rapporteur since clarity on the nature and manner of application of international law principles in cyberspace remains unclear in many aspects.

Pursuant to the Secretary-General's address, I gave a brief history and overview of the previous OEWG meetings after which a presentation was made by the Special Rapporteur, Prof. Zhixiong Huang. Prof. Huang highlighted some of the major substantive aspects of the topic while presenting the main elements of his latest report containing the draft "AALCO's Consensual Basic Principles of International Law Applicable in Cyberspace" (revised draft of July 2021). He observed that the applicability of international law in cyberspace is not contested though the exact contours of its application need clarification in the light of divergent interpretations. Additionally, he recognized the importance of Afro-Asian perspectives in the field of international law in cyberspace. The need to harmonize divergent international positions on the topic was also emphasized.

Pursuant to Prof. Huang's presentation, interventions were made by the following Member States: Republic of Korea, Japan, Republic of Indonesia, Islamic Republic of Iran, People's Republic of China, Kingdom of Thailand, Malaysia and the Socialist Republic of Viet Nam. Member States generally opined that the topic of international law in cyberspace is of significance to the international community and the application of international law to cyberspace needs further deliberation and clarity. Member States, in general, extended their support to the work of the Special Rapporteur with a view that contemporary challenges, new developments and the work of the United Nations Group of Governmental Experts (UNGGE) and other relevant bodies be reflected in the future work of the Special Rapporteur.

In his concluding remarks, the Special Rapporteur stated that he would present an updated report containing the draft basic principles of July 2021 taking into consideration comments of Member States received previously as well as those raised at the Fifth meeting of the OEWG. I also encouraged the Member States to submit their comments to the Secretariat in written form for a better reflection in the future work of the OEWG and for the Secretariat's records. Thereafter, the Fifth OEWG was concluded.

I thank all the Member States who participated in the Fifth Meeting of the OEWG and hope that the updated work of the Special Rapporteur can be presented to the Member States for their comments and observations to be considered during the next meeting of the OEWG. Thank you.



**President:** Now the floor is open for comments and questions. Thank you, Mr. Chairperson. Please, if any comments from the delegations. If there is no other comment, thank you very much. Thank you, Mr. Chairperson for your report on the fifth Open-Ending Working Group on International Law in Cyber Space.

#### **AGENDA ITEM: ESTABLISHMENT OF DRAFTING COMMITTEE**

**President:** Yesterday, the heads of Delegation in their meeting have discussed for the establishment of drafting committee. This committee will streamline the preparation of documents and resolution to be adopted by the session. It will be open-ended from the Delegation of Member States chaired by the host government and designation of official. As for the venue and timing of the meetings, the Chairperson of the Committee in consultation with the Secretariat informs the Member States. Is there any Delegation that wants the floor?

If no, we take a 40 to 50 minutes break for lunch and reassemble here for our special event with His Excellency Mr. Ma'ruf Amin, the Vice-President of the Republic of Indonesia, will be welcoming the Delegations and to make a special remarks, we'll also have a short cultural performance. Due to security considerations, I request you to all reassemble here by 1:40 PM. I repeat, by 1:40 PM. First, we will have a photo group with the honourable Vice-President with the Heads of Delegation. Our agenda later will be resumed at 2 PM. Thank you. Thank you very much. We'll be back here soon. Thank you very much.

**Master of Ceremony:** Thank you very much, His Excellency Yasonna Laoly the President of the Sixty-First Session of AALCO. And now, Ladies and Gentlemen, we'll take our lunch break and we request you to return to this ballroom at 1:40 PM to continue the series of activities of the Sixty-First AALCO Annual Session Special Remarks session by Honourable Vice-President of the Republic of Indonesia. So kindly be back on time at 1:40 PM. Thank you everyone. *Selamat menikmati makan siang. Bon appétit.* Please enjoy your lunch. Thank you.

**The meeting was thereafter adjourned.**

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## **VI. VERBATIM RECORD OF THE SPECIAL SESSION**



## **VI. VERBATIM RECORD OF THE SPECIAL SESSION WITH HIS EXCELLENCY MR. MA'RUF AMIN, THE VICE-PRESIDENT OF REPUBLIC OF INDONESIA HELD ON MONDAY, 16 OCTOBER 2023, AT 02:00 PM**

**Master of Ceremony:** Good afternoon and welcome back. We will commence the special remarks session with group photo with the Vice-President of the Republic of Indonesia and the Heads of Delegation. And in order to have good photographs, we kindly ask for your cooperation during the official photo session to not take any pictures as it will be taken by official photographers. The Committee will then share the official photographs with all of us. Thank you very much.

**Master of Ceremony:** Excellencies, Ladies and Gentlemen, what better way to start the special remarks ceremony of the Sixty-First AALCO Annual Session than with a dance. After all, our host island is Bali, an island famous for its traditional dances. And our agenda opens with a sacred dance, Lambang Sari Dance, which is used to welcome guests of honour. The sprinkles of flowers performed by the dancers symbolize the warm Balinese way to greet guests to this island of Gods and Goddesses.

### ***(Cultural Performance)***

**Master of Ceremony:** May I now request His Excellency Mr. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, Republic of Indonesia, and President of the Sixty-First Session of AALCO to present his Report.

**President:** Excellency, Mr. Ma'ruf Amin, Vice-President of the Republic of Indonesia; Excellency the Minister of Environment of Republic of Indonesia, Ministers and Head of Delegations of AALCO Member States, Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO; Excellency Ministers and Head of Delegations of AALCO Member States; Excellency Ambassadors of AALCO Member States; Distinguished Delegates; Ladies and Gentlemen.

*Assalamualaikum warahmatullahi wabarakatuh* May peace be upon us all; *Om swastiastu; Namoh buddhaya;* Greetings of virtue; Good afternoon. First of all, let us thank God Almighty for his bountiful blessings to all of us so we can all gather here on this occasion of the Sixty-First Annual Session of Asian-African Legal Consultative Organization (AALCO). Excellency Vice-President of the Republic of Indonesia, we are honoured by your presence and thank you for your willingness to attend this Session. Allow me to deliver a brief report to you on the organization of the Sixty-First Annual Session of AALCO and its side events from 16th to 20th October 2023. Indonesia hosts this Annual Session and its side events as a reflection of its commitment to enhancing cooperation among Asian-African cooperation, working together for a better future. The organizational works for hosting this Annual Session are conducted with the support and cooperation of the AALCO Secretariat and all relevant institutions from Indonesia.

This is the third time for Indonesia to host the Annual Session of AALCO, after hosting the Twenty-First Annual Session in 1980 in Jakarta and the Forty-Third Annual Session in 2004 in Bali. Today, there are 130 Delegates from AALCO Member States, 11 Delegates from observers, 14 representatives from international organizations, and 14 people from AALCO Secretariat, taking part in this Sixty-First Annual Session of the AALCO. We also have Indonesian Ministers, AALCO Ambassadors and Indonesian Government officials, who are present here. We had the inaugural session this morning to start our work, which consists of

comprehensive agenda covering issues of shared concerns on different legal issues. I am honoured to be elected as the President of this Annual Session and convinced that with the support of all Delegates our meeting will be successful.

During this Sixty-First Annual Session of AALCO, Indonesia will also host four important side events namely: 1. Strengthening the Legal Regime and Infrastructure to Support Business and Dispute Settlement; 2. Challenge and Strategy for Recovering Stolen Asset from Asian and African Country: Best Practices from Jersey, Hong Kong, and the United States; 3. Reducing Civilian Harm in Urban Warfare: National Implementation and Strengthening Cooperation to Ensure Respect for International Humanitarian Law; and 4. Advancing Cooperation between AALCO and HCCH for Promotion of Private International Law. All side events are open not only to all participants of the Sixty-First Annual Session of AALCO, but also to the invitees and the public in general. We also showcase several exhibitions from different Ministries and Small and Medium Enterprises. Hopefully you can have the time to look around the exhibitions, located in BNDCC 1 and BNDCC 2.

Excellency Vice-President of the Republic of Indonesia, Ladies and Gentlemen, We are convinced that with your full support, the Sixty-First Annual Session of AALCO will be successful. I thank you. *Wallahul muwafiq ila aqwamitthariq; Wassalamualaikum warahmatullahi wabarakatuh.*

**Master of Ceremony:** Thank you very much Mr. Yasonna Laoly for your Report.

Distinguished Ladies and Gentlemen, next, let's welcome the special remarks to be delivered by the Vice-President of the Republic of Indonesia. This will be followed by the beating of *tek-tek* as a sign of welcome to the Delegation of the Sixty-First Annual Session of the Asian African Legal Consultative Organization, AALCO, 2023.

**Special Remarks by His Excellency Mr. Ma'ruf Amin, Vice-President of the Republic of Indonesia<sup>1</sup>**

*Assalamualaikum warahmatullaahi wabarakaatuh.* Good afternoon, May peace be upon us all. *Bismillaahirrahmaanirrahim.*

Excellencies, Heads of the Delegations of AALCO Member States, His Excellency President of the Sixty-First Annual Session of AALCO, His Excellency the Secretary-General of AALCO, Excellencies, Ambassadors of Friendly States, Excellencies, Ministers of the Advanced Indonesian Cabinet, Honourable Acting Governor of Bali Province along with Sub-National Leadership Coordination Forum or Forkopimda of Bali Province, Ladies and Gentlemen.

Praise be to the God Almighty for the blessings given to all of us, so that we can meet in person at this important event.

I would like to extend the warm greetings from the President of the Republic of Indonesia, who planned to attend this event, but due to his conflicting schedule he asked me to represent him here.

Excellencies, Distinguished Guests and Delegates, we have our collective memory on the Asia-Africa Conference in Bandung in 1955, which plays an important role in the establishment of AALCO. At that time, Asian and African countries met to discuss global peace and how they could play a role in global development.

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<sup>1</sup> Statement was delivered in Bahasa Indonesia. The text contained herein is the official translation provided by the Host Government.

AALCO was then formed based on the spirit that the international political and legal order must reflect the views and interests of Asian and African.

I am sure that all Member States of the Asia Africa Conference and AALCO still firmly hold the spirit and aspirations to realize a world order that is peaceful, just and prosperous in a sustainable manner, and provides space for the interests of Asian and African states.

This time we are holding the Sixty-first session of AALCO amidst the wars happening in other parts of the world.

From Bali, let us together call for war and acts of violence to be stopped immediately because wars and violence will only cause suffering for humanity and setbacks in the development that has been achieved with great difficulties.

The various challenges faced by all nations today require cooperation, creativity and innovation. All of this will only blossom and bloom in a peaceful environment, not amid fear and hatred.

For Indonesia, we will continue to voice and fight for peace, diplomacy, and respect for the law, in accordance with the mandate of the 1945 Indonesian Constitution.

Therefore, as the Sixty-first President of AALCO, Indonesia encourages AALCO forums to continue to promote proper implementation of international law so that it always functions as an instrument for realizing peace and protecting human rights.

Hopefully this meeting in Bali will lead to AALCO's best contribution in realizing a peaceful, just and prosperous world order, where international law is the support.

Distinguished guests, I would like to convey a few wishes regarding the holding of AALCO's Sixty-First Annual Session.

First, AALCO must continue to revive the spirit of solidarity between Asian and African states, and fight for the voice of Asian and African states in the formation of the international legal architecture, as well as in efforts to combat transnational crimes and in efforts on asset recovery from transnational crime.

Many transnational crimes are committed at sea and harm Asian and African states. I encourage AALCO to provide a solution concept that reflects the synergy and integrated response of Asian-African states to transnational crimes at sea that threaten lives and economic growth.

Second, AALCO must strengthen its role in establishing a legal framework that will be the foundation for mutually beneficial partnerships between states, especially in responding to various global problems that threaten the future of humanity and development.

States that are members of AALCO can provide breakthrough solutions to current global issues, such as climate change and sustainable development, international trade and international investment, maritime issues, asset forfeiture, and the development of artificial intelligence.

All states are exerting their best efforts to be able to navigate the digital revolution so that it can provide benefits and accelerate progress, rather than being a threat to the future of the people. It is hoped that AALCO can contribute to designing a legal architecture that accommodates advances in technology and artificial intelligence to support the noble ideals of the Asia-Africa Conference.



In closing, I congratulate AALCO on its Sixty-First Annual Session. I would like to remind the honourable Delegates to take the time to enjoy the beauty, friendliness and diversity of the island of Bali.

May Allah, the Almighty God, always give His blessings in every effort we make. Thank You.

*Wallahulmuwaffiq ilaa aqwamith tharriq. Wassalamualaikum warahmatullahi wabarakatuh.*

**Master of Ceremony:** Joining the Vice-President, we would like to kindly invite to the stage the Honourable Secretary-General of AALCO. We as Indonesians whole heartedly treat our guests who come to our country and making sure that all of our guests are properly welcomed.

Now, Excellencies, let us start the special session of the Sixty-First Asian African Legal Consultative Organization Annual Session by beating together one of the Balinese instruments called *TekTekan*, which marks the welcoming of the AALCO Delegation.

*(Tek-tekan and Bali Gamelan sounds)*

**Master of Ceremony:** Ladies and Gentlemen, we the people of Indonesia are welcoming all Delegates of the Sixty-First Annual Session of the Asian African Legal Consultative Organization hosted by the Government of Indonesia.

Thank you, Excellencies, you may return to your seats.

**Master of Ceremony:** We are thanking the Vice-President, Your Excellency, Ma'ruf Amin, for gracing this opening ceremony. And now Vice-President of the Republic of Indonesia will leave the ballroom. Due to the protocol procedures, we kindly ask everyone to stay in the room for a few minutes until Vice-President is completing the walkthrough. Thank you.

Please be seated. Thank you very much. Excellencies, distinguished guests, Ladies and Gentlemen, we will next take a short break. You may enjoy your coffee and tea served in the foyer area of this ballroom. And also kindly return to the ballroom at 3 PM this afternoon to continue with the meeting. We kindly expect you to come back on time as we will start our first and second general meeting. For now, enjoy your coffee break. Thank you.

**The meeting was thereafter adjourned.**

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## **VII. VERBATIM RECORD OF THE FIRST GENERAL MEETING**



## **VII. VERBATIM RECORD OF THE FIRST GENERAL MEETING HELD ON MONDAY, 16 OCTOBER 2023, AT 03:00 PM**

**His Excellency Dr. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia and the President of the Sixty-First Annual Session of AALCO in the Chair.**

### **AGENDA ITEM: RELEASE OF AALCO PUBLICATIONS**

**President:** Thank you. Thank you very much. Welcome to the next session. Now the Observers can re-join the plenary, since the first plenary. I now invite the Secretary-General to inform about the publication of AALCO that are to be released here. Please.

**His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO:** Thank you Mr. President. Mr. President, Excellencies, Distinguished Delegates, the publications of AALCO play a crucial role in disseminating the work of the Organization to a wide audience in the Afro-Asian community and beyond. The publications serve as a strong intellectual connect between the Organization and those interested in following our work closely.

As in the past years, I am honoured to present our regular publications this year including:

1. Volume 19 of the Yearbook of the Asian-African Legal Consultative Organization
2. Volume 11 of the AALCO Journal of international law (2022-2023)

In addition, we are pleased to have the reports of two webinars organized by the AALCO this year. These include:

1. Report of the AALCO Webinar on General Principles of Law and AALCO Member States organized on 6 April 2023; and
2. Report of the AALCO Webinar on the Global Compact on Refugees and AALCO Member States organized on 24 May 2023.

The reports capture the presentations delivered by experts from our Member States and beyond who shared their viewpoints on key issues on the topics including questions and answers that followed the presentations, witnessed by participants from the Asian-African membership of AALCO. We expect that these publications will further strengthen the intellectual foundations of AALCO, facilitating scholarly contributions in newly emerging areas of international law.

Thus, there are a total of four publications that are being released here at the Sixty First Annual Session of AALCO.

We also intend to publish e-newsletters detailing our activities in the coming year and the same will be available on our website. The e-newsletter seeks to provide greater insight into the day-to-day activities of AALCO. I would kindly invite you to follow our website closely in this regard.

Thank you, Mr. President.

**President:** Thank You Mr. Secretary-General.

## AGENDA ITEM: GENERAL STATEMENTS

**President:** Thank you, Mr. Secretary-General. We now proceed to the substantive part of our work. The first and the second General Meetings are devoted to General Statements from Member States of AALCO. Before we begin, may I request the Delegates wishing to make statements to please complete your statement within 10 to 12 minutes, so that we can maintain the timings and accommodate as many States as possible? In any case, your entire statement will be reflected in the Verbatim Records of Proceedings and that will be prepared by the AALCO Secretariat in accordance with Rule No. 13, Paragraph 16 of the Statutory Rule of AALCO.

After the session is over, further, to facilitate this work, Member States are recommended to submit a written statement to the Secretariat by email at [as61@aalco.int](mailto:as61@aalco.int). If the statement is made in Arabic, it will be appreciated if an English translation is attached as well. And, just in case we cannot finish this session at 6 o'clock PM, then we have to continue it tomorrow morning, since we'll have a gala dinner at 7 o'clock PM later.

Now, we begin with the general statements. Now, Member States wishing to make their statements, should register themselves, and we have also a list here. Now, I invite the Distinguished Head of Delegations to make their statements. First, Islamic Republic of Iran, please. You have the floor, Sir.

**The Head of Delegation of the Islamic Republic of Iran:** *Bismillahirrahmanirrahim.* Mr. President, Mr. Secretary-General, Distinguished Delegates, Ladies and Gentlemen. At the outset, I would like to express my appreciation to the Government of the brotherly country of Indonesia for hosting the Sixty-First Annual Session of Asian African Legal Consultative Organization, as well as for the warm hospitality extended to my Delegation. We are fully confident that this session will be crowned with success. I express our full support and cooperation to that end.

My thanks also go to the Secretariat of AALCO and its Distinguished Secretary-General for his hard work, efforts and for preparing related documents of this session in a timely and efficient manner. Mr. President, to address serious conflicts and multifaceted challenges of our highly interdependent and interconnected world, we have no better option than upholding multilateralism, which is an appropriate practical mechanism for resolving international issues and disputes through collaboration in accordance with the principles of international law.

A candid review of some States' practice reveals that international law has repeatedly been abused by certain states in pursuit of their short-sighted political objectives, in particular, against developing countries. For such a state, international law is merely a tool to exert pressure on independent states that they dislike. Such conducts constitute material breaches of the UN Charter and fundamental principles of international law, jeopardizing its integrity and efficiency. Mr. President, a strong commitment to the fundamental principles of international law, including peaceful settlement of disputes, in a manner consistent with the purpose of maintaining international peace and security, has been a long-standing policy and practice of the Islamic Republic of Iran.

In this context, and in accordance with Article 33 of the UN Charter, we have sought different means of dispute settlement with the United States and other States to resolve all outstanding disputes. Based on its long-standing practice of resorting to international Judicial and Arbitral forums, Iran has brought various cases to the Iran-US Claims Tribunal and some others before the International Court of Justice. Currently, Iran is a party to four pending cases before the ICJ, in three cases as an applicant and in one case as the respondent. Recently, my country achieved a victory over the US at the ICJ in the case concerning certain Iranian assets, which confirmed the illegality of seizure of certain Iran's assets by the US.

Mr. President, aware of the serious threat that terrorism continues to pose against international peace and security, as well as its nefarious effects on the well-being of societies and enjoyment of human rights, Iran considers terrorism as a global phenomenon that knows no borders religion, ethnicity, nationality, or civilization. As such, responding to this formidable challenge requires a vigorous international cooperation, so as to deny terrorists of any safe haven and freedom of movement and oppression. Our success in combating terrorism could only be ensured by respecting the rule of law, strengthening international co-operation and promoting sustainable development.

Accordingly, our efforts to combat terrorism shall be in full conformity with fundamental principles of international law, in particular, sovereignty, sovereign equality, non-intervention, and due respect to political independence and territorial integrity of States. The Islamic Republic of Iran has manifested its unwavering determination, strong commitment, and decisive role in combating terrorism by effectively assisting affected regional States in combating and diminishing terrorist groups, such as ISIS and its affiliates.

Nevertheless, the determination of international community, as a whole, is vital for eliminating terrorism in all its forms and manifestations. This is even more dire today when we witness heinous terrorist attacks organized and perpetrated against governmental officials, scientists, in particular, regional heroes in combating terrorism, like General Qasem Soleimani, who was assassinated at the direct order of the then US President. It was indeed a flagrant violation of the principles of humanity and international law and entails the international responsibility of the US.

Mr. President, the rapid expansion of information and communication technologies have proved to be an enormous potential source for development of states. It, however, has also brought about unprecedented challenges, including, through providing a ground for criminals to expand their pernicious activities and weaken the rule of law. Cyber Crime has appeared to be a challenge for Member States since such crime is constantly evolving and could transcend borders. Criminals could explore information and communication technologies too remotely and, in many cases, anonymously commit crimes overseas. The intensity of this challenge is more conceivable when taking into account the sobering fact that no comprehensive international law instrument on cybercrime exists. In the absence of such legal framework, there is no proper and institutionalized international cooperation for a collective and efficient response to cybercrime. Indeed, AALCO's grasp on consensual basic principles of international law applicable in cyberspace, which introduced a balanced approach to cyberspace, can be considered as a supplement to other initiatives in the international sphere.

Distinguished Delegates, several economic and social impacts of corruption, its negative effect on the stability and security of societies, and the magnitude of the corruption offenses, has necessitated redoubling our efforts to prevent and combat corruption. In this regard, UN

Convention against Corruption as the only relevant comprehensive legally binding international instrument is an appropriate framework for strengthening and coordinating actions among the State parties against its scourge, including by providing a legal framework for asset recovery as well as facilitating the recovery of the proceeds of corruption offenses and their return to the requesting State parties. Addressing great importance to the efforts of AALCO to consider all aspects of corruption, we believe that these Secretarial activities can provide an appropriate framework for strengthening and coordinating actions in removing challenges on recovery and return of assets and proceeds of the crime.

Distinguished Delegates, the ongoing situation in Gaza Strip and other parts of the occupied Palestine is the result of the long-lasting denial of the Palestinian people's legitimate inherent right to self-determination, well over the inaction of the UN Security Council due to the unreserved shielding of the Israeli regime by the US, the persistence of the crimes of the Israeli regime against Palestinians, the confiscation of their lands, demolishing of their homes, the forced displacement and collective punishment, as well as the continued desecration of Muslim holy sites, particularly Al-Aqsa Mosque. For the past nearly 80 years, the Israeli regime, which is rooted in terrorism, aggression, and brutality, has been and continues to be the main source of instability and insecurity of the Middle East and beyond.

This regime has waged nearly 20 wars, including against all its neighbours, without exception, and has repeatedly committed all four core International Crimes, namely Genocide, Crime against Humanity, War Crime, and the crime of Aggression, and in some cases, committed all such crimes simultaneously. According to the norms and principles of international law, this regime is an Aggressor and Occupier and by any measure all its practices, including its recent brutalities against Palestinians, are inhumane and unlawful, and consequently, the crimes of its officials must not go unpunished. The recent actions of the Palestinians against the Israeli regime are firmly rooted in the fundamental principle of self-determination representing a completely legitimate response to seven decades of oppressive occupation and atrocities committed by the Israeli regime.

In this context, I would like to refer to Resolution 37/43 of 3 December 1982, through which the UN General Assembly reaffirms the legitimacy of the struggling of peoples for independence, territorial integrity, national unity, and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle. Fully committed to its obligations under international law and rejecting all attempts in accusing or involving any recent actions of the Palestinians, the Islamic Republic of Iran stands in solidarity with Palestine and fully supports the struggle of its people for the realization of their inherent right to self-determination and establishment of their own independent State in entire Palestine, in Al-Quds Al-Sharif as its capital. Obviously, the Palestinians themselves decide freely and independently when and how to exercise this right. Under the current highly complex situation in Palestine, the international community of States and the UN Security Council must live up to their responsibility and compel the Israeli regime to terminate, promptly and unconditionally, all its current brutalities and to bring to an end the illegal occupation of Palestine and other Arab territories currently under this occupation.

Mr. President, in conclusion, I wish to stress our dire need to prevent the promulgation and application of unilateral coercive measures as a flagrant violation of fundamental principles of international law as set forth in the Charter of the United Nations. Such unlawful measures endanger the rule of law, and the spirit of solidarity and coexistence and friendly relations between nations, impede freedom of navigation and trade, and adversely impact the full and



effective realization of human rights, including social, cultural, and economic rights of nations, particularly their right to development. I thank you for your attention.

**President:** Thank you, Your Excellency. Now, next on my list is the Kingdom of Saudi Arabia. Please, you have the floor, Sir.

**The Head of Delegations of the Kingdom of Saudi Arabia:**<sup>2</sup> Thank you, Mr. President. In the name of God, the Most Gracious, the Most Merciful.

His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of the Asian-African Legal Consultative Organization, Your Excellencies, distinguished attendees; May the peace, mercy, and blessings of God be upon you:

At the outset, I would like to extend my sincere thanks to Her Excellency Ms. Uma Sekhar, President of the Sixtieth Annual Session held in New Delhi under her presidency for her commendable efforts. I also extend sincere thanks and appreciation to the Republic of Indonesia for the warm hospitality and excellent arrangements for the Sixty-First Annual Session of AALCO.

At this Sixty-First Annual Session of the Asian-African Legal Consultative Organization, I am pleased to reiterate the appreciation of the Kingdom of Saudi Arabia for all the efforts made to improve the work of the Organization in general, which will allow a greater role for the Organization that would benefit the Member States of the Organization and its affiliated centres and bodies.

Ladies and Gentlemen, Saudi Vision 2030 laid strong foundations for success and began implementing comprehensive development processes that included the public sector and all economic and social aspects. It laid down three important pillars (a vibrant society, a prosperous economy, and an ambitious nation). Development programs began to be executed in all areas in which all segments of the society were fully involved.

The initiatives of Saudi Vision 2030 contributed to achieving many strategic goals to achieve complete justice, provide judicial guarantees, set in motion the digital transformation, and enhance the values of justice and transparency. Digital transformation encompassed all sectors, including the judicial sector, as digital technologies were utilized in all judicial fields. Indeed, this eliminated the need for litigants and beneficiaries to visit judicial centres and contributed to raising the quality of services and facilitating their access.

Excellencies and dignitaries, the challenges and changes facing us today and in the future are manifold and accelerating. This requires us to put in more efforts and enhance cooperation among the members of the organization in order to achieve the noble aim of justice.

Many efforts have been made in the Kingdom of Saudi Arabia to keep pace with these changes, especially with regard to the justice sector. The Ministry of Justice has set thirteen strategic goals to achieve and has been keen to transform the institutional judiciary with the help of many projects, including the launch of the Najez platform, which has four portals: For individuals, businesses, governments, and lawyers. The platform provides (160) services to beneficiaries, saves ninety million papers annually, and eliminates the need for (65 million) visits to judicial facilities per annum.

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

In the judiciary, the digital transformation has been achieved at all stages, as during the past seven years the courts held (15.5 million) judicial sessions, including (6.5 million) online sessions, and issued (5.5 million) rulings. Further, (2.6 million) cases resolved through electronic litigation, and to enhance the transformation of the institutional judiciary, the Ministry has launched two centres supporting this trend, namely: (the Litigations Audit Centre and the Litigations Preparation Centre). With many other supportive measures, the average number of judicial sessions has become only two sessions.

The executive sector, in conjunction with the developments in the judicial sector, was made in line with the reality of the judiciary in various legislative and procedural aspects, as the executive courts in the Kingdom began implementing their development plans since the launch of the vision, starting with digital transformation with the aim of dispensing with paper alongside the uses of artificial intelligence.

In the field of documentation too many achievements were made, starting from the announcement of dispensing with paper agencies in 2018 and replacing them with electronic agencies, to the issuance of the documentation system, and the launch of many initiatives, including: the virtual notary, which provides electronic documentation services in agencies, declarations, and real estate electronically/digitally, around the clock, and the real estate stock exchange platform that allows real estate documentation and trading, provides a reliable source of real estate data, and offers real estate buying and selling services and other services. All of this transformation of the sector was necessary to keep pace with the rest of the transformation in other sectors.

Excellencies and Dignitaries, we would like to emphasize that the legislative system must undergo rapid development to keep pace with the changes that will meet the needs. The legislative environment in the Kingdom of Saudi Arabia has witnessed, and continues to witness, modernization and innovation that contribute to consolidate the principle of justice, preserving and securing rights, and raising the level of integrity and efficiency. The performance of judicial agencies, increasing the reliability of procedures and oversight mechanisms, and through developing the system of specialized legislation announced by His Highness the Crown Prince and Prime Minister - May God protect him - these legislations will achieve a major qualitative shift in the system of judicial legislation, and establish principles based on fixed references in judicial work.

Excellencies and Dignitaries, the Kingdom is striving towards a future that guarantees zero carbon emissions by 2060. With a commitment to clean energy and sustainability, the Kingdom is moving with confident steps towards confronting the challenges of energy and climate change, through innovative solutions that include the circular carbon economy and the diversification of energy sources.

The Kingdom has adopted a comprehensive vision for ecosystems through sustainable agriculture, protection of the natural environment, and preservation of biodiversity. Saudi Vision 2030 contributes to developing cities and improving the quality of life through a sustainable green future that enhances urban life and provides vast green spaces and opportunities to communicate with nature.

Excellencies and Dignitaries, the demands of the current era and their abundance must be met with speed in responding to these requirements. This will be possible by enhancing joint co-operation among the members of the organization, studying means to meet these requirements, and having a comprehensive vision of the current situation that helps in

achieving objectives that would enhance transparency in all sectors, value human capabilities, and ensure that there is a real and continuous motivation that helps to continue work and keep pace with all changes.

Excellencies and Dignitaries, in conclusion, I thank His Excellency the President of the Sixty-First session, His Excellency the Secretary-General, and the Secretariat of the Organization for all the efforts being made, hoping for fruitful outcomes for the session's agenda.

Peace, mercy, and blessings of God.

**President:** Now I turn the floor to the State of Qatar. Please, you have the floor, Sir.

**The Head of Delegation of the State of Qatar:**<sup>3</sup> Thank you Mr. President.

In the name of Allah, the most gracious, the most merciful Your Excellencies, Heads of participating Delegations, Your Excellency, Secretary-General, Honourable Audience,

May the peace, mercy, and blessings of Allah be with you.

I would like to express my honour and pleasure to meet with you today in this major legal forum at the opening of Sixty-First session of the Asian-African Legal Consultative Organization AALCO, to continue joint work in studying the most important issues and topics related to international law, and to submit recommendations thereon, to international organizations guide the governments of Member States and international organizations in its quest to achieve international peace and security.

I would like to extend my sincere thanks and gratitude to the Republic of Indonesia for the warm reception and generous hospitality. I would like to thank His Excellency the Secretary-General and to all employees in the Secretariat for the great efforts made to make this session a success.

Your Excellencies, Honourable Audience, in continuation of the major role played by the organization in highlighting the most important issues of international law, especially matters of international trade law, economic relations, human rights, environmental protection and sustainable development, and other topics of common interest, and providing technical and advisory opinion through experts and specialists, the State of Qatar, through its participation in this Session, stressed the importance of cooperation in achieving sustainable development and establishing security and stability globally, in particular, regional and international issues, through the agenda topics to be discussed in the meetings of this session, which are mainly:

Law of the Sea which is considered to be one of the most important topics of contemporary international law use it is related to the economic rights of countries over their marine territories and the legitimate utilization of their resources without threatening marine biodiversity. In this context, the State of Qatar has paid great attention to the seas and has taken many measures aimed at supporting and protecting the marine environment and its biological diversity, preventing overfishing, combatting coastal pollution, unsustainable practices, and illegal, unreported, and unregulated fishing.

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<sup>3</sup> The statement was delivered in Arabic. This is the official translation submitted to the Secretariat.

These efforts have led to the issuance of Law No. (12) of 2023 regulating marine fishing ports, by His Highness Sheikh Tamim bin Hamad Al Thani, the Emir of the country, in August of this year, making it the latest among Qatari legislation to protect the marine environment. Through it, the State of Qatar renews its commitments to the provisions of the United Nations Convention on the Law of the Sea, which it ratified in 2003, and the subsequent international charters and pledges.

The State of Qatar affirms that joint action and mutual coordination between Member States would help shed light on illegal practices and create international mechanisms that guarantee the protection of the marine environment and prevent excessive exploitation of the biological diversity of the seas.

Your Excellencies, Honourable Audience, the Palestinian issue represents one of the most complex topics in modern international law, as it witnesses serious violations of all international conventions, treaties, and norms. The State of Qatar has long affirmed its firm position on the justice of the Palestinian case and the legitimate rights of the brotherly Palestinian people, especially their right to self-determination and the establishment of their independent state on the 1967 borders as its capital with East Jerusalem.

Based on these constants, the State of Qatar stresses the necessity of finding a satisfactory and just solution to the Palestinian issue to achieve international peace and security, and stop the cycle of violence in the region, and renews its call on the international community to carry out its legal and moral responsibilities by obligating Israel to respect the Resolutions of international legitimacy, protect the rights of the Palestinian people, and stop all oppressive action against the Palestinian people and solve the refugee problem in accordance with United Nations Resolutions.

Qatar also stresses the importance of including a clear condemnation of all illegal measures carried out by Israel against the Palestinian people in violation of all relevant United Nations Resolutions in the final statement of this Session.

Your Excellencies, Honourable Audience, during the past two decades, the State of Qatar has paid great attention to protecting the environment and preserving and developing its natural resources for the current and future generations, within the framework of the sustainable strategic plan included in the Qatar National Vision 2030 and its fourth pillar of environmental development. Qatar National Strategy for Environment and Climate Change and the National Action Plan for Climate Change 2030 have been launched to achieve a balance between protecting the environment and promoting sustainable social and economic development and implemented many projects and initiatives with the aim of reducing air pollutants, reducing carbon dioxide emissions, and increasing reliance on renewable energy sources. The State of Qatar has succeeded in hosting the first environmentally friendly edition of the FIFA World Cup by constructing 40% of the World Cup stadiums with recyclable materials, relying on solar energy to operate those stadiums, and using electric means of transportation.

To build on these efforts, the State of Qatar looks forward to benefiting from all the discussions and theses that will be discussed in the current session, especially those related to International Trade and Investment Law, which still needs further study, especially the model clauses and proposed guidelines on investment mediation and the increased arbitration mandate.

Your Excellencies, Honourable Audience, the Ministry of Justice in the State of Qatar is confident that the outcomes of this Session will contribute significantly to enhancing joint work and unifying visions on the topics on the meeting's agenda.

In conclusion, I pray to Allah Almighty to culminate our efforts in success for the good.

May Allah's peace, mercy, and blessings be upon you.

**President:** Thank you, Your Excellency. Now, the floor is for the Kingdom of Thailand. Please you have the floor, Sir.

**The Head of Delegation of the Kingdom of Thailand:** Thank you. Mr. President, Mr. Secretary-General, Excellencies, distinguish Delegates. On behalf of the Delegation of Thailand, I would like to extend our heartfelt congratulations to you, Mr. President, for your election as President to the Sixty-First Annual Session of the Asian-African Legal Consultative Organization. We have full confidence under your able leadership that this Annual Session will be a great success. You have our full support. We also wish to express our deep appreciation to the Government of Indonesia for graciously hosting this year's Annual Session in the captivating city of Bali. We thank the host for the warm welcome and hospitality extended to me and my Delegation. Moreover, we are grateful for the excellent, substantive preparations made by the AALCO Secretariat, as always.

Mr. President, Distinguished Delegates, as a long-standing member of AALCO, Thailand attaches great importance to this organization's work. We commend the Secretariat for their tireless efforts in organizing a full line of academic activities that contribute to the organization's role in enhancing capacity building in the field of international law. This year, we extend our gratitude to the governments of Japan and China for hosting an international law training programme for international lawyers and practitioners from AALCO-member countries in which Thailand proudly participates within. Such initiatives not only contribute significantly to the growth of international legal expertise, but also help promote wider dissemination of international law in the regions of Asia and Africa.

We also acknowledge and appreciate the efforts of Dr. Kamalinne Pinitpuvadol, the Secretary-General, in advancing the Organization's engagement with key international law forums, particularly the International Law Commission (ILC), the Hague Conference on Private International Law, and UNCITRAL. This collaboration has led to several fruitful activities, further strengthening AALCO global presence. There are several topics on AALCO's agenda this year that I wish to highlight. First, the report on the work of the International Law Commission at its Seventy-fourth Session. Thailand shares the same view with AALCO Secretariat for certain topics such as subsidiary means for the determination of rules of international law. ILC should also make all efforts to reach out to Afro-Asian states and strive to reflect the views and perspectives of these states in the work of the Commission. It is essential for the Commission to remain mindful that its efforts should not overly rely on publicists or certain courts and tribunals within the Anglo-American tradition. However, we firmly believe that it is the responsibility of every State to actively participate in the progressive development and codification of international law. To this end, we encourage our fellow members of AALCO to engage in discussions at the Sixth Committee of the UNGA, which of course, I will be attending next week. In its consideration of the report on the work of ILC at its Seventy-third and Seventy-fourth Sessions, as well as to provide responses to the questionnaires of the ILC. This commitment ensures that the practices and perspectives of

Asian and African states are duly reflected in the formulation of international norms and rules.

Secondly, we are delighted to see the inclusion of plastic pollution and climate change as a focus in the agenda item of Environment and Sustainable Development. We support the development of an international legally binding instrument of plastic pollution. And we'd like to see incorporated, a life-cycle approach within the instrument that integrates elements of circular economy and be forward-looking in considering technological advancements. Additionally, the instrument should be adaptable to different national circumstances while upholding the principle of common but differentiated responsibilities. Regarding climate change, we take pride in announcing that Thailand has made significant strides following the Sharm-el-Shaikh Climate Change Conference. We are pleased with the establishment of the Global Goal on Adaptation, which represents a long-term effort aimed at enhancing countries' capacities, resilience, and vulnerability reduction to the impacts of climate change. Nationally, Thailand is currently drafting a Climate Change Act, incorporating adaptation as a key element in our legislative response to climate change. Furthermore, we have established a Department of Climate Change and Environment to actively and efficiently implement both national and international climate change policies.

Third, we are pleased to welcome the issue of IUU fishing as a topic of discussion under the agenda item of Law of the Sea. The Thai government puts high priority on making concrete efforts to combat IUU fishing, which remains a national agenda. We are committed to the promotion of responsible and sustainable fishing for a long term, both nationally and regionally. In order to advance regional cooperation in this matter, Thailand played a leading role in establishing and promoting the ASEAN Network for combating IUU fishing. As this will be the first time that AALCO discusses this topic, Thailand looks forward to sharing our best practices and exchanging views with other Member States on this issue. Regarding the concept note prepared by Indonesia encouraging AALCO members to make collective commitment regarding illegal fishing as a transnational organized crime, Thailand has carefully studied the proposal and seeks further clarification from Indonesia on the elements of illegal fishing that, in their view, will fall within the definition of transnational crime under the UN Convention. Turning to the issue of marine biodiversity in areas beyond national jurisdiction, or BBNJ, we are pleased to witness the conclusion of the agreement, and Thailand is now actively working towards becoming a party. We see AALCO playing a significant role in shaping the implementation of the agreement, especially on issues regarding conservation, sustainable use of marine biodiversity, and equitable benefit sharing among developed and developing countries.

Fourth, the agenda item of International Trade and Investment Law. We would like to commend the Secretariat for its comprehensive and insightful report. Thailand warmly welcomes the inclusion of the topic "Reforms related to Investor-State Dispute Settlements", or ISDS, within the context of the negotiations currently being conducted under UNCITRAL Working Group 3 as proposed by Pakistan under this agenda item. Thailand, as a leading supporter for the Advisory Centre on Investment Law, seeks Pakistan's view on the vital role that such a centre, as discussed within the Working Group 3, can play in capacity building and sharing of best practices among nations. We firmly believe that an independent and neutral advisory centre would be of particular interest to developing countries. Moreover, as an active member of the UNCITRAL Commission, Thailand has recently proposed to host a forthcoming intersessional meeting of Working Group 3. The specific focus of this meeting

may centre on ISDS reform, but of course, topics will be in consultations with other states and the UNCITRAL Secretariat.

Lastly, we appreciate the inclusion of the new agenda item proposed by Indonesia and India on Asset Recovery Expert Forum and Legal issues in Outer Space. The discussion on these topics is both timely and significant. Thailand has taken steps in this domain with the successful launch of our Thailand Earth Observation System 2, or THEOS 2, which will support various aspects of social, security, resource, and disaster management. However, as capacity building in the technical aspects of Outer Space science progresses, we observe a significantly lesser emphasis on the promotion of legal expertise in this field.

Mr. President, Distinguished Delegates, since becoming an AALCO member in 1961, Thailand has had the privilege of hosting the Annual Session only once back in 1987. Nevertheless, we have consistently recognised the significance of AALCO as the only forum that unites distinguished international law practitioners from Asia and Africa. Therefore, on behalf of the Ministry of Foreign Affairs of Thailand, I am delighted to announce and register our intent to host the Sixty-second Annual Session, and we look forward to welcoming you all to Thailand next year.

In closing, we look forward to engaging in constructive discussions with our esteemed fellow AALCO members during this session. Thank you very much for your attention.

**President:** Thank you, Madam. Thank you very much. Now I will give the floor to the Republic of the Philippines.

**The Head of Delegations of the Republic of Philippines:** Thank you, Mr. Chair. Honourable President of the Sixty-First AALCO Session, Minister of Law and Human Rights of Indonesia, Minister Laoly, Mr. Secretary-General, Dr. Kamalinne Pinitpuvadol, Excellencies, Distinguished Delegates, Ladies and Gentlemen, on behalf of the Delegation of the Philippines, it gives me great pleasure to extend warm greetings to all of you present here today. At the outset, I would like to express our deepest gratitude to the host country Indonesia for their gracious hospitality along with the AALCO Secretariat in organizing this highly significant Annual Session of the Asian-African Legal Consultative Organization on the beautiful island of Bali. This gathering provides us with a remarkable opportunity to collectively address some of our time's most pressing legal issues.

The Philippines values our association with AALCO and recognizes its vital role in promoting cooperation and mutual understanding among its member countries. As we convene here again, we are driven by a shared commitment to foster dialogue, strengthen legal frameworks, and promote the rule of law within our jurisdictions. We live in a time of unprecedented challenges and rapid transformation, where the need for enhanced legal cooperation is more pronounced than ever. The Sixty-First Annual Session is a platform for fruitful discussions on critical global legal matters, allowing Member States to exchange experiences, best practices, and innovative approaches. As we deliberate over the next few days, I encourage all Delegates to participate in open-minded and constructive dialogue and consensus building. Let us actively contribute to formulating legal frameworks and strategies that uphold justice, protect human rights, and promote peace and sustainable development.

At this juncture, I wish to highlight that the Philippines reaffirms the primacy of the UN Convention of the Law of the Sea, or UNCLOS, as the constitution of the oceans that provides a comprehensive legal framework within which all activities in the oceans and seas

must be carried out. The Philippines further highlights the significant contribution of UNCLOS in maintaining international peace and security, including its compulsory dispute settlement procedures. Decisions emanating from these procedures not only resolve the disputes between the parties, but also benefit other states and subjects of international law. This is because such decisions of international courts and tribunals on questions of international law are particularly authoritative means for the identification or determination of the existence and content of rules of international law.

In this regard, the Philippines notes with appreciation the express support afforded by numerous states and international organizations for the South China Sea Arbitration Award, and encourages other states and international organizations, especially parties to UNCLOS, to consider publicly expressing its support for the Arbitral Award and reinforce the primacy of UNCLOS towards the preservation of the international legal order and the maintenance of international peace and security. The award emphasizes the rights of all states to enjoy freedom of navigation and overflight in the South China Sea, thereby promoting the freedom of movement, trade, and economic development, not only for countries directly involved, but also to other States with an interest in the region. The Arbitral Award recognizes the ecological significance of the South China Sea and the importance of preserving its marine resources and ecosystems. This recognition encourages sustainable practices and environmental protection efforts, benefiting the countries involved and the international community as a whole. Indeed, in the recent proceedings of ITLOS, in the request for an advisory opinion submitted by the Commission of Small Island States of Climate Change and International Law, a significant number of states parties to UNCLOS positively acknowledged the important contribution of the award. For Asian-African States, the Arbitral Award offers lessons and opportunities related to the peaceful resolution of disputes, the protection of maritime rights, and the development of regional cooperation. The Philippines encourages countries to engage in dialogue, multilateral negotiations, and legal mechanisms to address their maritime disputes, fostering peace, stability, and sustainable development. Overall, the Arbitral Award serves as a historic milestone in the development of international law, settling the precedents and principles that can guide nations toward peaceful resolutions and protection of rights and cooperation in various regions of the world. The Philippines takes pride that it played a crucial role in this realization.

I am confident that this Annual Session will facilitate greater understanding, foster meaningful collaboration, and cultivate innovative legal solutions. Together, let us reaffirm our commitment to AALCO's noble mission and work towards a more just and equitable future for all. Thank you for your attention, and I wish you all a productive and successful Sixty-First Annual Session. Thank you. *Terima kasih.*

**President:** Thank you, Madam. Thank you, Your Excellency. Now the floor is given to the Delegation of Sultanate of Oman. Please the floor is yours.

**The Delegation of the Sultanate of Oman:**<sup>4</sup> In the name of Allah, the Most Gracious, The Most Merciful.

Your Excellency, the President, Your Excellency, the Secretary-General, Distinguished guests, Heads of Delegations, Esteemed Representatives and Observers, Respected audience, may the peace, blessings, and the mercy of Allah be upon you.

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



I am pleased to commence this speech by extending my sincere congratulations to Your Excellency, the President, and your deputy, for choosing to oversee the proceedings of the Sixty-First session of the Asian-African Legal Consultative Organization. We assure you our support and collaboration to achieve the goals set forth for this session.

I would also like to commend the efforts of the previous session's President during her tenure, and to take this opportunity, along with my Delegation participating in this session, to express our heartfelt greetings and appreciation to all participating Delegations for responding to the organization's call to contribute to this session, enriching it with valuable views, sincere visions, and experiences; Allowing an opportunity for an exchange of views regarding the topics listed on the agenda and to benefit from the experiences and expertise of Member States in dealing with the challenges faced in these areas, leading to progress and prosperity in our societies.

I am also pleased to extend my sincere gratitude and appreciation to the Republic of Indonesia, its President, government, and people, for hosting this session, and for the warm welcome, and generous hospitality we received. Wishing the Republic of Indonesia and its friendly people continuous progress and prosperity.

I would also like to express my deep gratitude and appreciation to his Excellency, the Secretary-General, for his dedicated work since assuming the leadership of the Secretariat, and I also extend my sincere gratitude to Your Excellency, the President and the Secretariat for providing me this opportunity to present my country's stance on some of the issues under discussion.

Dear audience, the topics on the agenda of this session of this venerable organization, such as Maritime Law, Environment and Sustainable Development, and International Trade and Investment Law, are important subjects worthy of discussion and study by all Member States due to their significant impact on our people and nations.

However, we firmly believe that this difficult situation forced upon the Palestinian people by the Israeli occupation's violation of humanitarian principles and the most basic rules of International Law, including the killing, terrorization and displacement of civilians, especially women and children in Gaza and other Palestinian cities, as well as what the brutal Israeli military machine has caused from the demolition of houses above the heads of their inhabitants, the destruction of hospitals, and essential infrastructure such as electricity, water, and roads, all under the gaze and support of major powers, make it a matter that surpasses all others in significance, and compels us all to pay attention to it, in order to deter this Israeli belligerence and to stop this inhumane aggression against the Palestinian people, who have been suffering for decades under this occupation.

This occupation which refuses all sorts of peaceful resolution and only knows killing, displacement, and depriving the Palestinian people from the basic prerequisites of a dignified life, whilst holding international law principles and the United Nations Resolutions to the lowest regard.

I, therefore, call upon all peace-advocating states and people to take upon themselves their humanitarian duty to stop this blatant assault against the Palestinian people and enable them to live on their land in security and peace.

Dear audience, we are fully convinced that the peaceful settlement of conflicts between countries undoubtedly contributes to enhancing and consolidating international security and peace. It fosters brotherhood and harmony among the world's people and prevents the waste of nations' energies and resources for purposes that offer no benefit or return, at the expense of security, development, and stability. This approach has been consistently advocated by my country, emphasizing on every occasion its support for the principles of justice, peace, tolerance, dialogue, and close cooperation among nations and peoples. This commitment includes adherence to the principles of truth, justice, equality, non-aggression, non-interference in the internal affairs of States, and the peaceful resolution of conflicts in accordance with the Charter of the United Nations and the rules of international law, thus promoting the rule of law, mutual respect for state sovereignty, good neighbourly relations, and safeguarding the security, stability, and prosperity of nations.

Your Excellency, the President, distinguished guests, in conclusion, I am pleased, along with my country's Delegation, to express our utmost appreciation and sincere gratitude to all the Secretariat staff for their attention, effort, and continuous work in preparation, execution, and follow-up of the decisions and recommendations. We extend our sincere gratitude and appreciation to them.

May the peace, blessings, and the mercy of Allah be upon You.

**President:** Your Excellency, thank you. Now the floor is for Delegation of Republic of Myanmar. Please, you have the floor.

**The Head Delegation of Republic of the Union of Myanmar:** Mr. President, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen. It is a great honour and privilege for me to have the opportunity to address this Sixty-First Annual Session of Asian-African Legal Consultative Organization AALCO, in this beautiful heavenly island country, Bali of Indonesia.

First of all, on behalf of Myanmar Delegation and on my own behalf, I would like to express my deepest appreciation to the Ministry of Law and Human Rights, the Republic of Indonesia, the Secretariat of the AALCO and all officials concerned for holding this important and valuable Sixty-First Annual Session of AALCO. I am also grateful to the Government of Indonesia and the people of Indonesia for the warm hospitality which has been extended to me and my Delegation since our arrival in Bali.

Mr. President, may I congratulate you on your well-deserved leadership to presidency and we are confident that under your able leadership, this Sixty First Annual Session will reach great heights of success and will have fruitful results. We also would like to express our sincere acknowledgement to Her Excellency, Ms. Uma Sekhar, former President of the Sixtieth Annual Session of AALCO, for her remarkable capability on the last AALCO Session.

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, today is the special day for the Asian-African Law Consultative Organizations AALCO and Indonesia. I must say the historical start is through again because AALCO is a tangible outcome of the historic Bandung Conference, held in Indonesia in April 1955. Today we are all here in Indonesia and the subject of Bandung is rising again in its original ground. We would like to express our appreciation on the AALCO's publication of the Yearbook of AALCO Volume 19 Year 2022, AALCO Journal of International Law and Newsletter Volume 14, and Report

of the AALCO Webinar on Global Compact of Refugees. We acknowledge the AALCO Secretariat and the team for their excellent energies to release those materials.

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, as you know, the theme for this Sixty-First Annual Session focuses on Substantive Matters. Preservation and conservation of marine environment is important for the protection of living and non-living resources. Marine living resources preservation is a critical issue that affects not only marine ecosystem but also, human society as a whole. Moreover, governments can co-operate together to create international agreements and conventions that promote marine conservation and encourage sustainable practice. By taking action to protect marine living resources, government can guarantee the future generations will be able to enjoy the benefit of a healthy and vibrant ocean ecosystem. International co-operation is key to preserving marine living resources, as the ocean covers 70% of the planet and its ecosystems are interconnected.

Illegal, unreported, and unregulated (IUU) fishing activities create a direct threat to food security and socio-economic stability. It also violates both national and international fishing regulations. Moreover, IUU fishing remains one of the greatest dangers to marine ecosystems due to its dominant ability to undermine national and regional efforts to manage fisheries sustainably as well as endeavours to conserve marine biodiversity. Therefore, Myanmar enacted Myanmar Marine Fisheries Law for the preservation of marine biological diversity and prohibition of IUU fishing and we are ready to join with the joint regional cooperation in this matter.

Mr. President, Excellency, Distinguished Delegates, Ladies and Gentlemen, I wish to highlight that international trade and investment law is always a vital role in every discussion. Nowadays, Asian and African regions are rapidly developing and investment opportunities are increasing too. Myanmar is situated at the strategic geographic point of trading. Moreover, Myanmar Investment Law was enacted on October 18, 2016, which aimed at promoting equal and fair business opportunities among citizens and foreigners that are in line with our ASEAN agreements and standards. Therefore, if foreign investors invest in Myanmar, they will have a golden network through the Asian countries and they will export their products to global markets easily and quickly and they will have enormous profits in their investment.

Mr. President, Excellency, Distinguished Delegates, Ladies and Gentlemen, Sustainable Development recognizes that economic, social, and environmental issues are interconnected and must be valued to achieve long-term well-being. Sustainable Development teaches us to use our resources in the right way. Environmental sustainability is important because of how much energy, food and human resources we use every day. We need more energy and materials than ever before.

International humanitarian law, IHL, is one of the side events for this Annual Session. IHL is the set of rule that seeks to limit the effects of all conflict. Without them, there would be no international standard at all for this. IHL is based on the 1949 Fourth Geneva Convention, as Myanmar ratified the Geneva Convention in 1993-1992. Myanmar always seeks to protect that people who are not taking part in the hostilities, such as civilians, medical and aid workers, and those who are no longer fighting, including wounded, sick and injured soldiers, and prisoners of wars.

Asset Recovery is also included in Side Event. International co-operation and assets recovery is very important in international legal co-operation. This co-prevails that the conversation of

assets related to transnational organized crime, such as corruption, creates a strong deterrent for the corrupt officials that there is no safe haven for hiding in this world.

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, the agenda of this Annual Session included is necessary topics for the current global status and very appropriate measures for the current situation of our region and the world. Myanmar will deeply participate in the discussion and contribute to show all issues in this session.

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, as a founding member of AALCO, Myanmar will always support to all efforts of AALCO, while continuing to cooperate with AALCO activities and agencies. In conclusion, I once again express my gratitude to the Government of Indonesia, AALCO, all officials concerned who worked on behind the scenes to make this Sixty-First Annual Session a reality. I also thank all Delegations for your valuable and active participation and wish all of you the best for everything. Thank you so much and have a good day.

**President:** Thank you, Sir. Thank you. Now the floor is for the Kingdom of Bahrain. Please, you have the floor.

**The Head Delegation of the Kingdom of Bahrain<sup>5</sup>:** Mr President, Excellencies, Ladies and Gentlemen, at the beginning, 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 success for the work of the Sixty-first session of the Asian-African Legal Consultative Organization. I would like to extend my thanks and appreciation to the Republic of Indonesia for hosting the Sixty-first Session of the Asian-African Legal Consultative Organization.

I am also pleased to share with everyone our congratulations to His Excellency Mr. Yasonna Laoly, Minister of Law and Human Rights of the Republic of Indonesia, on the occasion of his election to chair this session, expressing our confidence that his high competence and experience will contribute to the success of the work of this session, and we are ready to provide him with all support and assistance.

Mr President, Excellencies, the Kingdom of Bahrain believes in the importance of the constructive role played by AALCO in strengthening relations and joint cooperation between the countries of the Asian continent and the countries of the African continent. Therefore, the Kingdom of Bahrain pays great attention to its contribution to this organization and its Annual Sessions, and the Kingdom of Bahrain emphasizes the importance of promoting and strengthening the bonds of unity and solidarity between countries in legal matters of common interest, which reflects positively on all peoples.

Mr President, Excellencies, the Kingdom of Bahrain is keen to create a suitable business 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 freest and most transparent environment to serve companies and the local community.

The Kingdom has succeeded in maintaining its advanced position as a competitive base for international trade, as the Kingdom of Bahrain established the Bahrain Chamber for Dispute Resolution, where the Chamber carries out its duties through a partnership with the American

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

Arbitration Association (AAA) in the field of providing solutions related to the rapid and effective settlement of economic, financial and investment disputes.

The Kingdom of Bahrain also topped the list of Arab countries as the freest economy in the Arab world in the Economic Freedom in the World 2023 report issued by the Fraser Institute and received full marks in 9 different indicators measured by the report. The Kingdom of Bahrain also topped the countries in the Middle East and North Africa region in the index (freedom to enter markets and competition), and the Gulf Cooperation Council countries topped in three out of five main pillars measured by the report, including the index (freedom of International Trade), so that these developments witnessed by the Kingdom contributed, The results of the report were reflected in creating an attractive and sustainable environment for doing business.

The Kingdom of Bahrain is keen to continue developing policies and initiatives that support and stimulate economic activity, which is clearly reflected in the Kingdom's advanced ranking in international reports and indicators, ranking 45th globally out of 165 countries included in the report.

Mr President, Excellencies, the Kingdom of Bahrain believes that international cooperation based on mutual trust, sincere intentions and common understanding is the best way to overcome common challenges in all their dimensions, placing at the forefront of its priorities the peaceful and civilized approach to ending wars and settling all regional and international differences and conflicts, most notably the developments in the situation in the Gaza Strip, where it calls for intensifying efforts to bring about a just and lasting peace in the Middle East region. The Kingdom supports stopping the fighting between the two parties, protecting civilians in accordance with international humanitarian law, advancing the efforts of the peace process, and establishing the Palestinian state in accordance with the two-state solution and the resolutions of international legitimacy. In this context, the Kingdom of Bahrain renews its support for the final statement issued by the extraordinary session of the Council of the League of Arab States at the level of foreign ministers to discuss the dangerous escalation in the Gaza Strip.

Mr President, Excellencies, in terms of environment and sustainable development, the Kingdom of Bahrain has launched a number of initiatives through which it seeks to reduce carbon emissions, achieve international goals to combat climate change, and achieve sustainable development goals, and this was announced by His Royal Highness Prince Salman bin Hamad Al Khalifa, the Crown Prince. The Prime Minister, may God protect him, announced in October 2020 that Bahrain aims to reach "zero neutrality" in carbon emissions by the year 2060 AD, during His Highness's participation in the Green Middle East Initiative Summit, which was held in Riyadh.

These initiatives aim to provide a safe and sustainable environment in the Kingdom of Bahrain, which is what we seek, not only for ourselves, but in order to preserve the right of future generations to enjoy this safe and sustainable environment in which living provides the highest elements of the decent life that everyone in the Kingdom seeks.

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 in all its agenda items.

Peace, mercy, and blessings of God.

**President:** Thank you, Your Excellency, Excellency, Distinguished Delegates. Now I may invite the Delegation of Japan to make a general statement. Please, you have the floor, Sir.

**The Head of Delegation of Japan:** Excellency Dr. Yasonna Laoly, Honourable Minister of Law and Human Rights of the Republic of Indonesia and President of the Sixty-first Annual Session. His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Excellencies, Distinguished Delegates. At the outset, allow me to congratulate Mr. President on the election as Chair of the Sixty-First Annual Session. You can rest assured of my government's continued cooperation.

I would also like to extend my gratitude to the Government of Indonesia for hosting this meeting. Let me remind you all that the Government of Indonesia successfully hosted the G20 Summit here in Bali last year and East Asia Summit in Jakarta this year. I would like to express my government's appreciation to the Government of Indonesia for its hospitality and professionalism, which has also been demonstrated in organizing the Annual Session of AALCO. My appreciation also goes to the Secretary-General of Kamalinne and his team for the dedicated work in organizing this session.

Mr. President, the international community is facing changes defining an era. We are at a historic turning point. The foundations of the international order have been shaken by continued aggression against Ukraine. Under those circumstances, it is of utmost importance to unite ourselves once again around the principles of rule of law, not rule by force. Uniting for the rule of law must be the keyword for us. It is essential to uphold the principles of sovereign equality, respect for territorial integrity, and prohibition of the use of force enshrined in the UN Charter, which are the cornerstones of the rule of law. International law is there for the benefit of weaker states. The right to life of fragile countries and people and human dignity can be protected only under the rule of law. Mr. President, on this occasion, allow me to introduce some of Japan's ongoing efforts to strengthen the rule of law in the international community.

First, Japan remains committed to developing the function of international judicial institutions through such means as financial contributions and the provision of human resources. For example, Professor Asada Masahiko, who is taking part in this Annual Session, serves as an ILC member. In this regard, we would like to emphasize the importance of strengthening the International Court of Justice, ICJ, and the International Criminal Court, ICC. Among the 47 AALCO Member States, only 13 countries have declared the acceptance of the compulsory jurisdiction of the ICJ, and only 15 countries are members of the ICC. I would like to take this opportunity to call on all relevant countries to declare acceptance of compulsory jurisdiction of the ICJ and to join the ICC. We are keen to discuss this matter at AALCO as well as at bilateral consultations in the future.

Second, in order to foster legal experts in the field of international law, the Government of Japan organized the first Tokyo International Law Seminar in August this year in cooperation with AALCO and the United Nations University. Government officials from Asian and African countries and Japanese lawyers attended the lecture and engaged in a lively exchange of views on key international legal issues. Within the framework of this seminar, the Government of Japan also held an International Law Moot Court Competition called Asia Cup. Secretary-General Kamalinne kindly gave a very informative lecture and served as a Judge for the final round of the Asia Cup. Our government is very grateful for Dr. Kamalinne's contribution. We will continue to organize these events in the coming years in

order to contribute to foster human resources and enhance network among experts and practitioners in Asia and African countries.

Third, my Government is implementing cooperation projects with Asian and African countries in the field of law and justice. To cite an example, the Government of Japan supports the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, UNAFEI, located in Tokyo, and implementing training programs in the field of criminal justice for Government officials from Asian and African countries. With respect to our cooperation with ASEAN, this year marks the 50th year of ASEAN-Japan Friendship and Cooperation. On this occasion, the ASEAN-Japan Work Plan for Law and Justice was adopted and endorsed at the ASEAN-Japan Special Meeting for Justice Ministers held in July this year. Japan hopes to further develop cooperation with ASEAN to promote and strengthen the rule of law in the Indo-Pacific region.

In regard to our cooperation with Africa, Japan has conducted various consultations and implemented projects for the enhancement of the rule of law under the framework of the Tokyo International Conference on African Development, namely TICAD. For example, Japan has implemented capacity building projects including donation of necessary equipment in judicial, administrative, and maritime security fields. In order to realize a world where human dignity is respected, Japan will continue these projects for promoting the rule of law while respecting African ownership.

Mr. President, AALCO has a unique role to play as the only organization composed of legal experts across the Asia and African region. International experts, wherever they are located in the world, have accumulated common knowledge by referring to the same Articles of International Agreements, the same case law of International Judicial Organs, and the same ILC reports. This enables international lawyers to communicate with policymakers and advise them based on the same knowledge of international law. International law experts can overcome political differences and play a role as stabilizers, as interlocutors with a common language.

We look forward to professional and constructive discussions among international law experts from AALCO Member States during this Annual Session. I assure you of my Delegation's full support for your work as well as full engagement in the active exchange of views. I thank you, Mr. President.

**President:** Thank you, Your Excellency. Now I would like to give the floor to the Delegation of Nepal. Please, you have the floor.

**The Head of Delegation of Nepal:** Mr. President, Honourable Ministers, Excellencies, Secretary-General, Distinguished Delegates, Ladies and Gentlemen. At the outset, on behalf of the Nepali Delegation, I would like to congratulate the President, His Excellency, Mr. Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia and Vice-President Mr. Ronald Lamola, Minister for Justice and Correctional Services of South Africa on being elected to run the Sixty-First Annual Session of AALCO. I am confident that under your able leadership and guidance, AALCO's Sixty-First Annual Session will be fruitful and meaningful. I will assure you of my government's continued cooperation and contribution to AALCO during your Presidency. My Delegation would also like to take this opportunity to extend our sincere appreciation to the outgoing President Ms. Uma Sekhar for her leadership and well-management of the Sixtieth Annual Session. We must thank the AALCO Secretariat for their excellent work in ongoing this session.

The Nepal Delegation would like to extend our special thanks to the government and people of the Republic of Indonesia for cordial reception and warm hospitality accorded to my Delegation. I would also like to extend sincere thanks to His Excellency Mr. Ma'ruf Amin, the Vice-President of the Republic of Indonesia for special remarks.

Mr. President, the genesis of AALCO goes back to 1955, the Bandung Conference where 29 participating countries of Asia and Africa dedicated to support all efforts to uphold the sovereign equality of all states, respect for their territorial integrity and political independence. Resolution of disputes by peaceful means and in conformity with the principles of justice and international law. Mr. President, Nepal firmly believes in international rule-based order, governed by the norms and principles of the United Nations Charter. Nepal practices democracy and parliamentary system of government, federal and republic system of governance. And it has ensured human rights and fundamental freedoms as fundamental rights in the 2015 Constitution. We are effortful to settle the issues arising out of internal armed conflict. The bill for the amendment of the transitional justice mechanism is under consideration of the Federal Parliament. Nepal intends to conclude the peace process in conformity with the norms and standards of international law, the constitutional provisions, comprehensive peace accord, and taking into account of the interests and concerns of the victims and ground reality.

Mr. President, the substantive matters chosen for discussion for the Sixty-First session are important and timely. AALCO is contributing in the codification and progressive development of international law through the deliberations on the subjects that are under consideration of the ILC. Nepal always advocates for peace and peaceful resolution of disputes. Both sides of the conflict of the Middle East must stop conflict and violence and must negotiate for peace. Violence begins violence, the end of destruction for everybody. Both sides must honour international law, particularly the Human Rights and Humanitarian Law. During recent conflict, 10 Nepal students have been killed and one is disappeared. They were participating under student exchange program as interns.

Mr. 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 population, melting Himalayan glaciers, climate change and increased disaster risk continue at rates with potentially catastrophic consequences for humanity. We would like to reiterate the relationship between mountains and sea in the context of climate change. Climate change is causing rapid melting of the Himalayan glaciers and adversely affecting the lives and habitats of the coastal and mountain area. Nepal would like to emphasize the need for revitalization of efforts for the conservation of Himalayan biodiversity. Countries like Nepal are bearing the brunt of climate change, disproportionate to the contribution to greenhouse gases. The burden of climate change shouldn't be shifted to the least developed countries. Climate equality, climate equity and justice should prevail in real sense. We urge the States to accelerate their climate actions and limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels. That this would significantly reduce the risks and impacts of climate change. Nepal has submitted its nationally determined contributions, NDC, and it is determined to reduce carbon emissions to net zero by 2045.

In order to achieve this commitment, we further urge the developed countries to meet their commitments on climate financing for least developed and most vulnerable countries and peoples with respect to mitigation, adaptation and loss and damage. Mr. President, I would like to recall the efforts made by AALCO Member States through G77 in advancing the BBNJ negotiation. Nepal believes that BBNJ Agreement which is open for signature may



help protecting marine environment and biodiversity. I request all the AALCO Member States to become a party to this Agreement and dedicate for effective implementation.

Mr. President, International Trade regime including WTO and regional and sub-regional mechanisms have not been proven to be useful for the countries like Nepal whose circumstance is more different than others. Tariffs and non-tariff barriers imposed to the products of these countries have created huge trade deficit in the one hand and dispute settlement mechanisms are not feasible for these countries on the other. I would like to recommend the AALCO Secretariat to focus on in addition to deliberation on international law and related instruments, conduct independent research and make assessment on the implementation of the multilateral agreements by the AALCO Member States.

Mr. President, I am confident that this session will be successful in promoting the codification and progressive development of international law in the areas of contemporary issues to be deliberated in this session. Thank you, Mr President, thank Excellencies, thank you Distinguished Delegates, thank you Ladies and Gentlemen, thank you.

**President:** Thank you, Your Excellency, now the floor is for the Republic of Kenya, please, you have the floor.

**The Head of Delegation of Republic of Kenya:** Mr. President, Secretary-General, Distinguished Guests, Ladies and Gentlemen, it is a great honour and privilege to address you all on behalf of the Republic of Kenya. On behalf of myself and my Delegation, we would like to express our pleasure in attending this auspicious occasion on the Sixty-First Annual Session of the Asia African Legal Consultative Organization being held in the beautiful island of Bali, Indonesia. We take this opportunity to thank the Government of Indonesia for graciously hosting this session and particularly the Vice-President for joining us this afternoon. Distinguished Delegates, let me join other Delegations in congratulating you, Mr. President and the Vice-President for being elected to lead the Sixty-first Annual Session and the work of AALCO in the coming year. Kenya, having served as President of the Fifty-Sixth Session, assures you of her full support and cooperation during your term. Let me also express on behalf of the Kenyan Delegation our sincere appreciation to the outgoing President of the Sixtieth Session for the accomplishments achieved during her tenure. Mr. President, we 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 forums including the United Nations General Assembly and the World Trade Organization.

Distinguished Delegates, we note with interest the important topics on the agenda that are to be discussed by the Member States, such as matters related to the work of the International Law Commission, Law of the Sea, Violations of International Law in Palestine and other Occupied Territories by Israel and other international legal issues relating to the question of Palestine, Environment and Sustainable Development, International Trade and Investment Law, Asset Recovery Expert Forum, Legal issues in Outer Space and International Law of Cyberspace. Of particular interest are the deliberations on the issues around the Environment and Sustainable Development, with Kenya having recently hosted the Africa Climate Summit. We note that unsuitable use of the environment poses an existential threat, leading to extreme weather conditions, aggravated food insecurity, and divisive intercommunity and intercommunity competition for resources. Africa's footprint remains small, but the human toll of climate change is disproportionately high. This, therefore, needs urgent attention to the loss and damage caused by climate change and to configure appropriate financial

mechanisms for resilience, growth, and with each extreme weather event and each port of climate induced insecurity.

We note the importance of renewable energy resources as they are the ultimate catalyst of radical social and environmental prosperity. They can fuel sustainable development, drive economic growth, create jobs, and uplift millions from energy poverty, all while reducing our carbon footprint, continentally and globally. Africa can power all her energy needs with renewable resources. The continent has enough potential to be entirely self-sufficient with a mix of wind, solar, geothermal, sustainable biomass, and hydropower. In fact, Africa can be a green industrial hub that helps other regions achieve their net zero strategies by 2050. Kenya has developed a robust legal regime to scale up efforts to maintain a low-carbon development trajectory. This includes commitment to restore degraded water towers, accelerated forest restoration, and increased tree cover to at least 10 percent of our land area, promote a sustainable blue economy, and green manufacturing.

Mr. President, we recognize the adoption of the Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ), which opened for signature on 20 September 2023, particularly as it relates to conservation and sustainable use of resources. Kenya has continually supported the conducting of environmental impact assessments, EIAs, as a way to ensure sustainable development. Our position is that there should be global minimum standards for the conduct of EIAs in the areas beyond national jurisdiction, with the understanding that regional, sub-regional, and sectoral bodies may put in place other stringent measures, if need be. We recognize that all these efforts play a critical role towards climate change mitigation. Mr. President, in regard to the continuing work to ensure the safe and equal use of Outer Space, Kenya has been a leading light in Africa in the uptake of novel and emerging technologies, especially those that address the needs of the society. The advent of new and cutting-edge technologies has drastically cut down the costs of development of satellites and spacecraft, resulting in wider access to and exploitation of space services and applications.

Mr. President, I thank you for your kind attention and reiterate our commitment towards the work of AALCO. Kenya is confident that under your able guidance on the Secretariat, the organization will continue to work as a platform for legal deliberations on issues of significance to Asian and African countries. I wish all Delegates and observers attending this session a fruitful week of deliberations. Thank you, Mr. President.

**President:** Thank you, Madam. Thank you very much. Now, the next speaker is Delegation of Republic of Korea. Please, your floor is yours, Excellency.

**The Head of Delegation of the Republic of Korea:** Thank you, Mr. President. On behalf of the Government of the Republic of Korea, we would like to express our sincere appreciation to the Government of Indonesia for generously hosting the Sixty-First Annual Session of AALCO here in Bali. We would like to extend congratulations to you, Excellency, Minister Laoly, on being elected as President of this session. Your wisdom and leadership will certainly lead us to collaboration and constructive discussions this week. We wish to take this opportunity to thank the High Court Secretariat headed by the Secretary-General for their excellent work. A big round of applause to you. Now. Our world today faces complex challenges. The causes of these challenges lie on a broad spectrum. They range from armed conflicts and climate change to economic disparity. To better respond to these challenges, the international community needs to reinforce shared values of freedom and human rights, foster humanitarianism, and advocate sustainable development. AALCO's responsibility, therefore,

is more important than ever. For the last six decades, AALCO Annual Sessions have provided a unique venue for Asian and African legal advisors to exchange views on various issues. With advancement in technology, the scope of human activity is rapidly expanding. The horizon of international law has been expanded. Technology is propelling us into new frontiers like our space.

Let's talk about the ILC, International Law Commission. Besides long-standing issues like General Principles of Law and State Responsibility, the recent session of the ILC covered new topics. For instance, settlement of disputes to which international organizations are parties, and Subsidiary Means for the Determination of Rules of International Law are being discussed by ILC members. We welcome these topics. We look forward to engaging in the discussions with other AALCO Member States. We should recognize the importance of aligning these topics with the existing legal framework and build consensus among States. We also welcome BBNJ, Marine Biodiversity of Areas beyond National Jurisdiction.

The Republic of Korea recognizes the need to take a global response to environmental issues. We have supported the adoption of the BBNJ Agreement. We are pleased to note that the Agreement was adopted in June. Another topic we would like to mention is IUU, Illegal, Unreported, and Unregulated fishing. Regarding IUU fishing, we have taken measures for decades by enhancing our domestic laws and regulations and by participating actively in international cooperation to combat IUU fishing. Climate change, another topic of this year's session, is undoubtedly a global issue that no single country can address alone.

As a responsible global actor, the Republic of Korea announced its commitment to contribute 300 million US dollars to the Green Climate Fund. This is to support the climate change adaptation efforts in developing countries.

Lastly, we would like to emphasize that in the face of challenges, our dedication is essential. As legal advisors, we should ensure that States comply with international law. We also should shape the future of international law through constructive dialogue. AALCO is a valuable platform. Here, Asia and Africa come together. We are in this together. Possibilities are endless. Thank you.

**President:** Thank you, Excellency. Now, I give the floor to the Delegation of the United Republic of Tanzania. Please, you have the floor.

**The Head of the Delegation of the United Republic of Tanzania:** Your Excellency, the President, Secretary-General of AALCO, Heads of Delegation of AALCO Member States, Distinguished Guests, Ladies and Gentlemen, Mr. President, on behalf of my Delegation, the government and the people of the United Republic of Tanzania, I wish to express my sincere gratitude for the opportunity to address this assembly. This is indeed a privilege and honour for me as I join other Member States in my capacity as the Deputy Permanent Secretary in the Ministry of Constitutional and Legal Affairs of the United Republic of Tanzania. I join other Delegation in congratulating you, Mr. President, and Vice-President for being elected to lead this Annual Session and the work of these organizations in the coming year. Please be assured of our highest support during your tenure.

Mr. President, allow me to take this opportunity to congratulate AALCO Secretary-General, His Excellency Dr. Kamalinne Pinitpuvadol for his distinguished leadership at our organization. We understand the weight and the pressure that comes with the job, especially at this time of organizing Annual General Meetings. We salute the entire Secretariat for the

job well done. Mr. President, Tanzania, under the leadership of Her Excellency Dr. Samia Suluhu Hassan, recognizes the important role of AALCO in promoting mutual understanding on various legal issues, legal collaboration, and sustainable development across our regions. Tanzania is fully committed to the principles and objectives of AALCO and your pledge of unwavering support in strengthening the organization and its legal framework for cooperation.

Mr. President, in the spirit of collaboration, Tanzania looks forward to working with fellow Member States on initiatives that address our shared challenges and opportunities. We particularly emphasize the importance of legal cooperation in addressing global challenges, including climate change and promotion and protection of investment.

Mr. President, the United Republic of Tanzania appreciates the choice of substantive topics under deliberation during the session. These topics touch critical areas that are relevant to the prosperity of our region. This includes deliberation in the Working Group in the International Law of Cyberspace, selected items on the agenda of the International Law Commission, Environmental and Sustainable Development, as well as International Trade and Investment and particular Reform relating to the Investor-State Disputes Settlement currently under AALCO Working Group. We commend the analysis offered by the Secretariat of AALCO in the Brief of the respective agenda.

Mr. President, the need to protect life in the ocean beyond national jurisdiction is a matter that is undeniable. For many countries, especially Small Island Developing States and coastal states, the blue economy is critical for their survival and prosperity. Tanzania is no exception to this. It is therefore important that maritime crimes and all other illicit activities in the ocean be contained. To this end, we are proud as Tanzania to have actively participated in the negotiation and the conclusion of the High Sea Treaty on Maritime Biodiversity Beyond National Jurisdiction. This will, among others, contribute to the effort towards controlling illegal, unreported and unregulated fishing. The problem of illegal, unreported and unregulated fishing needs multilateral approach.

Mr. President, I therefore urge fellow Member States, in collaboration with the Secretariat, to enhance capacity building to allow the process on maritime law to create a better understanding on the UN Convention on the Law of the Sea and the High Sea Treaty to enable them to stay ahead of the global challenge and the fight against Illegal, Unreported and Unregulated fishing. Tanzania stands firm to engage with the Secretariat and other Member States in this capacity building program. Mr. President, climate change is among the major crisis that currently faces our humanity. Her Excellency Dr. Samia Suluhu Hassan, the President of the United Republic of Tanzania, is at the forefront on mobilizing global solidarity against the impact of climate change and urging global leaders to join African countries in seizing opportunity to accelerate global decarbonisation while pursuing equality and shared prosperity. I therefore call upon Member States to recognize the African leaders' Nairobi Declaration on Climate Change and Call to Action, which emphasizes on climate positive investments that catalyse a growth trajectory anchored in the industry poised to transform our planet and enabling African countries to achieve stable middle income status by 2050.

Mr. President, we take note of the Brief by the Secretariat on the topic of Violation of International Law in Palestine and Other Occupied Territories by Israel and Other International Issues Related to the Question of Palestine. We reiterate our call for a peaceful resolution of disputes and path to promote, and path to pursue durable peace through a

genuine dialogue guaranteed by the goodwill of the entire family of nations rooted in an imperative of the two equally viable States living side by side in peace and harmony.

In conclusion, Mr. President, I wish to reiterate Tanzania's unwavering commitment to AALCO and its mission and their optimism for the future of our shared legal cooperation for greater prosperity, stability and sustainability. Thank you for your attention.

**President:** Thank you, Your Excellency. Since the Republic of South Africa is not ready yet, now I turn the floor to the Socialist Republic of Vietnam. Please, you have the floor.

**The Head of the Delegation of the Socialist Republic of Viet Nam:** Thank you, Mr. Chairman. Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen. On behalf of the Delegation of Viet Nam, I wish to express our appreciation and thanks for the warm welcome and gracious arrangement for the Sixty-First Session of AALCO to the Government of the Republic of Indonesia. I would like also to convey our utmost respect and admiration for Dr. Kamalinne Pinitpuvadol, the Secretary-General, for his valuable contributions to AALCO's endeavours and his dedicated engagement with Member States.

I also wish to extend my heartfelt congratulations to you, Mr. President, on your election and assure you our full support and firmly convinced that under your capable leadership and guidance, the Sixty-First Session of AALCO will undoubtedly bring about productive results. Mr. President, in today's world, we are facing multiple challenges arising from armed conflicts, territorial disputes, cyber- attacks, humanitarian crises, as well as extreme weather conditions driven by climate change. This fast-involving landscape is affecting our common aspiration of global peace, security, cooperation, and development.

As a responsible member of the international community, Viet Nam is making substantial contributions to the collective efforts aimed at enhancing International and Regional cooperation. We also strongly advocate for Multilateralism within the United Nations at its core and international law at its cornerstone. We are steadfast in our commitment to the principles and objectives outlined in the United Nations Charter and are dedicated to playing an active role in strengthening the United Nations. Our nation's policy is firmly rooted in the support of an International System based on international law, the one that upholds fundamental principles including sovereign equality, territorial integrity, and non-interference in domestic affairs, peaceful settlement of international disputes and the prohibition on the use or threat of force.

Mr. President, in an effort to deepen our involvement in the development of international law at all Regional and International levels, Viet Nam has taken proactive steps in recent years towards the codification and ongoing progressive development of international law, including United Nations Legal Organizations such as the International Law Commission and the United Nations Commission on International Trade Law. Viet Nam is also an active participant as well as facilitator in the drafting negotiations of International Legal Framework under the UN auspices. Indeed, we are among the first countries to sign an agreement under the United Nations Convention on the Law of the Sea, the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction.

Mr. President, the United Nations Convention on the Law of the Sea serves as a paramount legal framework governing all activities in the oceans and seas. Within this framework, UNCLOS upholds the lawful and sustainable utilization of the oceans and seas by all States, significantly contributing to international peace, stability and prosperity. We call on States to

effectively implement this instrument and encourage them to build mutual trust and confidence, exercise restraint, and abstain from actions that could escalate tensions or complicate the situation. Viet Nam underscores this principle of peaceful resolution of international disputes and highlights the usefulness and effectiveness of peaceful means such as negotiation, facilitation of good offices, mediation and adjudication.

In this regard, we are pleased to witness the operationalization of the Permanent Court of Arbitration's Representative Office in Hanoi since November 2022 as prospective venue as well as a capacity meeting centre for the resolution of regional disputes and differences, thus promoting peace and stability in Asia and Pacific.

Mr. President, Viet Nam follows and welcomes the efforts of AALCO Secretariat and Dr. Kamalinne Pinitpuvadol in expanding the collaboration with the United Nations entities such as UNIDROIT, ICRC, etc. to promote the interests of its Asian African Member States in the ongoing process of codifying and developing international law. Along this line, we would also like to highlight and appreciate the value of the AALCO-affiliated capacity meeting programs in cooperation with its Member States such as China and Japan. I thank you very much, Mr. President.

**President:** Thank you, Your Excellency. Now, since the Delegation of People's Republic of China is here, please have the floor. Turn the floor to the People's Republic of China. Please, you have the floor.

**The Head of the Delegation of the People's Republic of China:** Thank you, Mr. President. I will be following your instructions on the time frame of the speech. I will make a statement as brief as I can and the full content will be delivered later to the Secretariat.

Mr. President, first of all, on behalf of the Chinese Delegation, I would like to congratulate you on your election as President of the Sixty-First Annual Session of AALCO. 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 the Indonesian government for all the thoughtful arrangements of this Annual Session.

Mr. President, Asian and African countries are an important force on the international stage. Over the years, we have upheld mutual respect, equality, mutual benefit, full consultation, and consensus building, and made our contribution to the development of international law and international relations. At present, profound changes in the century are taking place at a faster pace, and international order and international law are being seriously challenged by unilateralism and hegemony. Faced with a new situation and new challenges, Asian and African countries need to strengthen solidarity and cooperation, and make use of international law to uphold justice and peace, and promote development and cooperation. With regard to the work of AALCO, I wish to propose the following suggestions. First, firmly adhering to multilateralism and jointly upholding the international order based on international law. As an important outcome of the Bandung Conference, AALCO should stay committed to the genuine multilateralism. We should address international affairs through consultation among all countries, and promote equal participation of all countries in formulating and interpreting international law. International law should reflect the interests of all countries, and be observed universally.

Second, promoting international law and jointly safeguarding world peace, stability, and development. AALCO should promote the continued role of international law in stopping

war, preserving peace, and promoting cooperation. We should practice the UN Charter more firmly and uphold the basic principles of international law, such as Non-Interference in Internal Affairs, No Use of Force, and Peaceful Settlement of Disputes. We must promote the building of the global partnership for development and create a secure and stable international environment. For a common development, we should firmly uphold the WTO-centered multilateral trading system and protect the security and stability of global industrial and supply chains, so as to let the people of all countries benefit more from the fruits of development.

Third, advancing dialogue on the rule of law and jointly making contributions on the development of global governance and formulation of international rules. As the only platform covering both Asia and Africa for cooperation on international law, AALCO should advocate the common values of humanity, advance exchanges and dialogue on the rule of law, and promote harmony among different legal cultures. It should further strengthen communication with 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, outer space, and cyberspace, the international legislation is uprising. AALCO Member States should actively participate in those international legislations to safeguard the rights and interests of the developing countries.

Mr. President, President Xi Jinping emphasized that development carries the people's aspirations for a better life, and is the first priority of developing countries and an eternal theme of human society. China will always be a member of the big family of developing countries, and has always shared the faith of developing countries. China will firmly push forward global development initiatives, uphold the spirit of open and inclusive partnership, and promote the joint realization of sustainable development. China is ready to work with developing countries to uphold multilateralism and the international rule of law, jointly safeguard the international order based on international law, so as to boost the representation and voice of developing countries in global governance and jointly work for a bright future. The Chinese government has always attached great importance to the role of AALCO, and has maintained good and fruitful cooperation with it.

We thank the Secretary-General of AALCO and Secretary's work, and in this case I fully agree and appreciate Mr. Secretary-General's guidance in yesterday's meeting of the Head of Delegation, that we are ready to focus on the topics agreed on the agenda and promoting the common understanding and rich common agreement on the topics of our common interest, avoiding to bring contentious, especially bilateral contentious case into this order. Since some Distinguished Delegates mentioned about South China Sea case, I have to add some comment in this moment. China's position on the South China Sea issue is clear and consistent. China reaffirms the importance of maintaining and promoting peace and stability in the region and the freedom of navigation in and over flight above the South China Sea on the basis of international law, including UNCLOS. The so-called South China Sea Arbitration Award is illegal, null and void. The arbitration initiated by the Philippines directly concerns the issues of territorial sovereignty and maritime delimitation. Territorial issues are not subject to UNCLOS. Besides, in 2006, pursuant to Article 298 of UNCLOS, China excluded issues relating to sea boundary delimitations from the jurisdiction of a court or tribunal.

By unilaterally initiating the South China Sea arbitration, the Philippines contravened the stipulations of UNCLOS. The arbitration tribunal violated the principle of state consent, which is a fundamental principle of international law, exercised its jurisdiction ultra-vires,

and rendered an award in disregard of the law. Such an award is illegal, null and void, and completely invalid. The development of international law is premised on a variety of sources. Anyone's statement or opinion, however formed, does not necessarily represent the real and correct principle of international law. One must appreciate that sometimes, for all sorts of reasons, decisions by tribunal can be subject to a lot of legitimate criticisms, and must therefore not be assumed as it automatically represents an aspect of international law. Every State is free to choose the means of dispute settlement. No one has the right to interfere with the freedom of choice of other States. At last, I wish the Sixty-First Session of AALCO a great success. Thank you.

**President:** Thank you. Thank you, Excellencies. Now, the floor is for Islamic Republic of Pakistan. Please, you have the floor.

**The Head of the Delegation of the Islamic Republic of Pakistan:** *Bismillahir-Rahmanir-rahim.* Mr. President, Vice-President, Secretary-General of the Asian-African Legal Consultative Organization, Distinguished Delegates, Honourable Guests, Ladies and Gentlemen, *Assalamu Alaikum* and a very good afternoon. It is indeed a great pleasure and honour for me to address the Sixty-First Annual Session of AALCO. First and foremost, I would like to express sincere gratitude on behalf of the Islamic Republic of Pakistan to the Republic of Indonesia, a founding member of AALCO, for hosting this significant event very successfully. It shows their commitment to promote cooperation within the AALCO and extending warm welcome and hospitality to the participants.

Let me take this opportunity to congratulate the AALCO Secretariat as well as the Member States for their continued hard work and cooperation during the last six decades. On behalf of the Islamic Republic of Pakistan, I would like to congratulate your Excellency Mr. Yasonna H. Laoly, Minister for Law and Human Rights, Republic of Indonesia, being elected as the President, and Mr. Ronald Ozzy Lamola, Honourable Minister of Justice and Correctional Services, the Republic of South Africa, being elected as the Vice-President of this session.

Excellencies, Pakistan attaches great importance to AALCO and remains committed to the principles and objectives of the AALCO Charter. Pakistan has always played an important role to make AALCO a useful international organization for cooperation among Member States on the principle of sovereignty and equality. The Annual Session provides an excellent opportunity for the Delegates to collaborate and exchange knowledge with their counterparts, broaden their networks, and deepen relationships with colleagues. Pakistan sees AALCO's role more dynamic in the near future for building strong partnership among Asian and African Member States on important international law issues such as Investment, meaningful Dispute Settlement regime, Environment, and Sustainable Development, and most importantly, the Law of Seas.

Mr. President, Regional International Arbitration Centres set up by AALCO are a remarkable achievement in their appreciative role to attract investment and investors among the Member States. AALCO's close cooperation with United Nations International Organization and International Law Commission has facilitated the Member States to convey their perspective at the international forums more vehemently. Excellencies, environmental degradation is an imminent threat for all the nations and people around the globe. However, the Asian and African countries are more vulnerable to climate change risks than other regions of the world because of their more dependence on the natural resources, agriculture sectors, densely populated coastal areas, weak institutions, and poverty among the considerable population. No one can deny its implication, including the heat waves, droughts, territorial rains, and



frequent and severe other natural disasters. The work on environmental and state development has been on the agenda since 1970, and more emphasis was brought in the year 1992 during the Thirty-First Annual Session in Islamabad where Statements of General Principles of International Environmental Law were adopted. Since then, the steps taken by AALCO are remarkable.

Mr. President, I would submit that as the impact of climate change is moving in too many forms, there is an urgent need to expand our collective deliberation on the important issues of climate change. In this respect, a result-oriented approach may be considered to save human beings and our natural and financial resources. The development of legal systems across AALCO Member States is a shared objective. I would propose that a dedicated committee comprising of a legal expert may be created on the subject of environmental law. This will provide an opportunity to update and amend respective domestic legislation, and the success story of one Member States may set out paths for other countries.

Excellencies, introducing new technologies in the field of law for administration of justice is an extreme requirement of modern era. It signifies our unwavering commitment to justice, transparency. It is about making the justice system work for everyone, no matter their background, location or resources. This aspect may also be considered to be brought on the agenda during next meetings.

Excellencies, the Islamic Republic of Pakistan is deeply concerned by the situation in the Middle East and loss of innocent lives. International communities need to intervene to bring an end to this long-standing dispute as per the UN Charter.

Mr. President, Pakistan supports the proposal of Thailand to host the next Annual Session of AALCO. Before I conclude, I wish to congratulate Republic of Indonesia and AALCO Secretariat for their hard work and making excellent arrangements for holding this Annual Session. I assure the Distinguished Delegates the full cooperation in building consensus on the agenda item and wish the Sixty-First Annual Session complete success, Inshallah. Thank you very much.

**President:** Thank you, Excellencies. We hope we can finish the Delegates more because we are now at more than 17:37. We have to adjourn the meeting, the session at 6 o'clock. Now, the State of Palestine. Please have the floor.

**The Head of the Delegation of the State of Palestine<sup>6</sup>:** I congratulate you for being elected as the President of the Sixty-First Session and also congratulate you for the trust that you have received. I wish you progress and success. I also congratulate your deputy for the trust deposited in both of you and also like to thank your predecessors, the Delegation from India, Mrs. Uma Sekhar, for the successful conduct of the Sixtieth session.

Brothers, I stand here in front of you, in these difficult moments which our Palestinian people are going through as a part of the ethnic cleansing and genocide practiced by the Israeli Occupation Forces supported unfortunately by the United States of America and their Allies, the Western countries. Mr. President, Honourable Ministers, our Palestinian people look up to this day and at the session for your support and firm position by taking measures and decisions which support Palestinian people and their rights in their legitimate struggle for freedom, independence and sovereignty. His Excellency Palestinian President Mahmoud

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

Abbas has told many times that the situation may explode. There are so many human rights violations of the Palestinian people due to these foolish policies followed by the Israeli Occupation Forces unfortunately. Nobody heard or listened and therefore the Palestinian people cannot remain tight lipped in front of the provocation of Israel against these policies. This auspicious land of Holy Messengers is suffering and this land of Prophets must have peace but Israel, the enemy does not want peace and stability in this land therefore the international community has the big responsibility to bear upon what is happening and what will happen in future as a result of this Holocaust carried out by the State of Israel on this pious land blessed by God himself in his books. Jesus Christ is from Palestine who spread the message of peace to the world. Muhammad, may the peace be upon Him, He departed from this place to the heavenly sky therefore this piece of land appeals the International community to stand by it and also demands the Occupation Forces to put an end to mass killings of so many innocent children that all of you can see. All of you must be watching and must be aware of what is happening on the daily basis. This genocide is being committed by the Occupation Forces of Israel just because we decided to defend our land and ourselves. We cannot pay the price in this blatant way. We request and hope that all of you work to please end this occupation. The problem is the illegal occupation and the only viable solution is that we demand the international community and these friendly nations to stand for justice for the Palestinian people.

Your Excellencies, the Minister of Justice was supposed to be here today but he has commitments in another conference in Iraq. The Minister will come tomorrow and he will participate in the remaining programmes and will connect with you. Ladies and Gentlemen, it is my pleasure to be here with you all in this meeting which receives all the attention and follow up from my country as it is a meeting which brings together the countries which are supportive to Palestinians and our people, our Palestinian national cause and the right of our people to self-determination and establishment of their independent State with East Jerusalem as its Capital.

Mr. President, Excellencies, Ladies and Gentlemen, Distinguishes Guests, a few days ago, His Excellency Palestinian President Mahmoud Abbas delivered his speech before the United Nations General Assembly at its Seventy-Eighth session, which included the legal determinants and constants of our national cause based on ending the Israeli occupation of our land, establishing our independent state with East Jerusalem as its capital on the borders of June 4, and resolving the refugee issue in accordance with international legitimacy resolutions.

Palestinian President Arafat has always worked for peace and current President Mahmoud Abbas is also walking in the same direction. He is calling for peace but he is not getting support and nobody is hearing. His Excellency has also called on the international community to assume responsibilities to provide protection to the Palestinian people in recognition of the Palestinian State as a full Member State in the United Nations and to put pressure on the Israeli occupation forces to implement its obligations arising from its membership in the United Nations. The United Nations Resolution 181, which called up for Two State solution. One state has already been established while one State has been struggling to achieve its freedom. I hope the international community will be just and we demand the international community to ensure the respect of Human Rights. Palestine is witnessing genocide on a daily basis. President Abbas also called for the importance and necessity of having the international community to criminalise denying the Nakba of the Palestinian people and adopt the fifteenth May of each year as an international day to commemorate the Nakba in

memory of hundreds of thousands of Palestinians who were killed and displaced, and whose property and wealth were looted. The Balfour Declaration is responsible for this catastrophe and crisis. The Palestinians are paying the price of the conspiracy which was hatched by the Britain and its Allies at that time. I have heard that Biden has said that we have spent billions of dollars for Israel and we will continue to spend billions of dollars to maintain Israel because Israel is serving our interests in the Middle East. This is the reality of Israel.

The President's speech expressed the general inclination of the State of Palestine in confronting the occupier and its colonial project which is based on annexing and Judaizing the Palestinian land and denying the right of our people to self-determination by putting pressure on the international community to uphold its legal responsibilities and obligations in confronting the Israeli occupation, which has come to believe that it is a state above the law, and has immunity from being accountable for its crimes and actions.

Ladies and Gentlemen,

Despite the frustration we suffer from as a result of the international community's inaction and neglect to assume its legal responsibilities in promoting international peace and resolving our Palestinian cause, similar to what it did in dozens of international conflicts, including cases of its use of force and restraint to force the parties to comply with the decisions of international legitimacy and international law, we still have hope in the awakening of this society and its intervention to correct the pain, suffering and injustice that have befallen us over the past eight decades.

We have seen the crisis of Syria and Ukraine. Now you see how the west and US is behaving taking recourse to international law. There are numerous UN Resolutions in support of Palestine. None of the Resolution has been implemented. Can you gauge the amount of injustice perpetrated on Palestinians?

Indeed, with every supportive voice defending justice, humanity, and truth, and with every recognition of our Palestinian state, this hope is renewed, and we feel that justice, redress, and reparation for our harm are very close. That is why I hope that this meeting will reinforce and support our just and legitimate struggle, and I even hope that it will be the global breakthrough in criminalizing the denial of our catastrophe and to immortalize the victims of our people and the pain and suffering of its refugees, whose asylum has extended for eight decades now.

At the end of my speech, I would like to congratulate you all on this conference and wish you success and to come up with recommendations and decisions that meet the aspirations of our peoples. I congratulate the Republic of Indonesia on hosting this sixty-first session of the Asian-African Legal Consultative Organization (AALCO). In this regard, I would like to extend my sincere congratulations to H.E the President and the people of Indonesia, dear to the hearts of the Palestinian people.

**President:** Thank you, your Excellency, we have eight minutes to go. However, we would like to continue with Indonesia and India, the last people before we adjourn the meeting. Please, the floor is now for the Delegation of the Republic of Indonesia. You have the floor.

**The Head of the Delegation of the Republic of Indonesia:** Mr. President, Excellencies, Heads of Delegations, Distinguished Delegates, Ladies and Gentlemen, *assalamualaikum warahmatullahi wabarakatuh*. Good afternoon to all of us. First of all, on behalf of the

Delegation of the Republic of Indonesia, allow me to congratulate you, His Excellency Mr. Yasonna H. Laoly of the Republic of Indonesia, upon your assumption as the President of the Sixty-First Annual Session of AALCO. I am confident that under your able guidance and stewardship we can have fruitful discussions and achieve successful outcomes. May I also take this opportunity to extend my appreciation to Her Excellency Ms. Uma Sekhar of the Republic of India for her guidance and leadership in chairing the Sixtieth Annual Session of AALCO, as well as the Secretary-General of AALCO and the AALCO Secretariat for the excellent preparations and for assisting our Indonesian Committee in organizing this Annual Session. It is worth mentioning AALCO's role as an intergovernmental organization which brings together Asian and African countries in promoting international rule of law in a diverse and complex global landscape addressing issues in various fields, namely Report on Matters Related to the Work of the International Law Commission at its Seventy-Fourth session, Violations of International Law in Palestine and Other Occupied Territories by Israel, Law of the Sea, Environment and Sustainable Development, Asset Recovery Expert Forum, International Trade and Investment, as well as Legal Issues in Outer Space. AALCO deliberations under the agenda of the Law of the Sea have contributed a significant concept to the international legal norms under the 1982 United Nations Convention on the Law of the Sea, UNCLOS.

In this Annual Session, Indonesia would like to highlight the utmost importance for Asian and African countries to have a unified perspective and make a collective commitment to combatting illegal fishing as a transnational organized crime. The activities of illegal fishing not only impose economic, environmental and social harm upon nations with maritime resources, but also substantially impact global environmental sustainability and fish stocks. Comprehensive measures within the framework of international law are needed to address this multifaceted issue, aligning with broader efforts to combat organized criminal activities that transcend national borders. Combatting transnational organized crime often comprises intricate and lengthy process of recovering stolen assets. Considering the complexity of the asset recovery procedure, which involves multiple jurisdictions, it is crucial to strengthen international cooperation on this matter. Therefore, Indonesia would like to propose the establishment of an Asset Recovery Expert Forum between Asian and African countries. The Forum is a promising initiative as it can be a platform for Asian African countries to exchange views and knowledge, share best practices and address challenges and obstacles in recovering assets.

With regard to the issues on environment and sustainable development, in principle Indonesia supports the establishment of international legal frameworks as a collective effort in addressing environmental issues such as plastic pollution and climate change. However, recognizing the unique circumstances of Asian African countries, it is essential for an equitable and effective approach. Indonesia is of the view that the common position is necessary for alpha Member States, highlighting the value of Asian African solidarity to advocate for balanced and fair international frameworks in addressing global concerns related to environment and sustainable development.

Mr. President, Heads of Delegations, Excellencies, Ladies and Gentlemen. On the agenda item of Palestine, my Delegation views the importance of our work to continue giving spotlight and its view upon the work of the International Law Commission as well as special rapporteurs. In fact, over the years, AALCO's deliberation and advocacy have also contributed to enhancing international response and giving legal weight to the work of that process. My Delegation is one of the Co-Sponsors of the General Assembly's Resolution

number A/Res/77/247 dated 30 December 2022, containing the request for Advisory Opinion of the International Court of Justice for determining the legal consequences arising from the ongoing violation by Israel on the right of the Palestinian people for Self-Determination from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967. My Delegation looks forward to our deliberation under the agenda item, particularly in light of how international law best addresses the questions as presented to the International Court of Justice.

As for the World Trade Organization reform issue under the agenda of the International Trade and Investment Law, Indonesia always stands ready to support the ongoing WTO reform discussions and its dedication to preserving a strong and effective dispute settlement system within the organization, including by maintaining the two-tiered dispute settlement system. Indonesia believes that inclusive, transparent and open discussions for the process and implementation of WTO reform underline the importance of involving all WTO members in shaping the future of the organization. It is also positive to hear that progress is being made on addressing issues related to fisheries subsidies within the framework of the WTO, the adoption of the WTO agreement on fisheries subsidies and the commitment to continue negotiations on outstanding issues, constitute the global efforts for ocean sustainability. Indonesia is striving for a balanced approach that supports both sustainable fisheries management and the socio-economic development for developing and least developed countries by advocating the importance of effective, special and differential treatment. This aligns with the objectives of the sustainable development goals as the international community commitment to achieving sustainable development.

With regard to the agenda of ISDS reform, Indonesia actively engages in the discussions under the UNCITRAL Working Group 3, one which is related to the establishment of an Advisory Centre for developing countries. Indonesia is of the view that providing legal support and advice to developing countries in matters related to ISDS through the Advisory Centre can contribute to the ongoing efforts to reform ISDS mechanisms. Indonesia stresses the importance of finding solutions which can balance the often complex and asymmetrical relationship between States and Investors, promoting fair and equitable dispute resolution. Indonesia also recognizes the critical role of private international law in this modern and globalized society to provide legal certainty for civil matters involving multiple jurisdictions. Indonesia appreciates the Hague Conference on Private International Law's efforts to bridge the varying legal systems by developing multilateral legal instruments to facilitate cross-border legal relations. In 2021, Indonesia has acceded the Apostille Convention, reflecting its ongoing efforts to promote efficient and streamlined processes of public services, in this case in facilitating legalization of cross-border public documents. In order to keep adapting to the changing dynamics of the global legal landscape, Indonesia is open to explore and study development international legal frameworks and private international law which fit the needs and interests of the nation.

On the work of the International Law Commission, my Delegation attaches one particular importance on the issue of climate change. As you might be aware, this year and next year will be busy years for international climate litigation. Two Advisory Opinions on climate change were submitted to the International Court of Justice and the International Tribunal for the Law of the Sea. Although under the big purview of climate change, these requests for Advisory Opinions are different in scope yet both of them are cross-cutting issues and investigating international responsibilities of states under international law and customary international law. My Delegation looks forward to enriching deliberation on this issue on this

session. Indonesia always supports AALCO as a platform for addressing new global challenges, underscoring the organization's role in fostering dialogue and cooperation among its Member States.

With regard to the new proposed agenda on Legal Issues in Outer Space, Indonesia acknowledges that outer space has become an increasingly important domain for technological advancement, communication and scientific research. Indonesia believes that it is crucial to maintain the principles of peaceful use and non-appropriation in exploring and utilizing the outer space. Therefore, Indonesia welcomes further discussion among AALCO Member States to reflect our community's commitment to the peaceful use of outer space for the benefit of humanity.

Mr. President, Mr. Secretary-General, Mr. Vice-President, Heads of Delegations, Ladies and Gentlemen, As a founding member of AALCO, Indonesia has always pledged its full commitment to the works and values of AALCO and looks forward to even greater cooperation in the days to come. With the continued efforts and the spirit of friendship of each and every Member State, I believe AALCO could maintain its constructive role in representing the interests of Asian African countries in addressing global challenges and contributing to the development and strengthening of international law. I wish the Annual Session all success and hope we can have fruitful deliberations which could lead to the strengthening of the bonds of Asian African solidarity. I thank you, Mr. President.

**President:** Thank you Sir. Now, India is the last for today because at 7 o'clock we will have a gala dinner. Please, Your Excellency, you have the floor.

**The Head of the Delegation of the Republic of India:** His Excellency, the President of AALCO, His Excellency, Secretary-General of AALCO, Excellencies, Delegates, Ladies and Gentlemen, a very good evening. My Delegation would like to join the previous speakers, Mr. President, in congratulating you on your election as the President of the Sixty-First Annual Session. We are confident that your wisdom, experience, and expertise will enable us to conclude the session successfully.

We would also like to congratulate the Vice-President, Mr. Ronald Lamola from South Africa, for his election. We wish to thank the Government and the people of Indonesia for hosting our Annual Session in this beautiful, cultural and historic city of Bali. I would also like to thank them for the excellent arrangements made for this occasion and for the warm hospitality as given to us. We are thoroughly enjoying Mr. President. We would also like to thank the Honourable Vice-President of the Republic of Indonesia for gracing this occasion. We are truly honoured. Mr. President, we also wish to thank the AALCO Secretary-General and his dedicated team for the excellent preparation they have made for our current session, including the timely preparation of documents to facilitate our consideration of the various items on the agenda of the session.

Mr. President, India as a founding member of the Organization has been active in the organisational and the substantive work of the Organisation. We continue to attach highest importance to AALCO and its work and we are proud to be the host country of AALCO since it was established. Excellencies, international law plays a major role in building a rule based order. Hence, in developing multilateral agreements and identifying issues such as customary international law, Asian and African nations have to be actively involved. Annual Sessions of AALCO is one forum where Member States can deliberate on important international law-making exercises carried out under the auspices of the United Nations or other multilateral

bodies. AALCO is a legal consultative organisation purely for deliberations on legal matters. This differentiates AALCO from other regional international organisations which generally focus on political aspects of interstate relations. My Delegation is of the view that AALCO should essentially focus on legal aspects of interstate relations.

Mr. President, this year the topics chosen for deliberations are very important for us. Environment and Sustainable Development, International Trade and Investment, Law of the Sea, Asset Recovery, Legal Issues in Outer Space, Selected Items on the Agenda of the ILC and Violation of International Law in Palestine. My Delegation will be reflecting on these issues as and when the agenda items are taken up. Mr. President, one of the important concerns for the organization is the huge arrears of annual contribution which has been accumulated in the last several years. We appreciate efforts taken by the Secretariat to collect the arrears. We understand that AALCO Secretariat has limitations in compelling our Member States in arrears to pay. We believe that to improve AALCO's financial position, the problem of accumulated arrears has to be addressed in a timely manner.

Mr. President, AALCO being exclusively the organization concerned in legal affairs, I take this opportunity to highlight some developments concerning India in the field of international law. India has enacted certain major legislative amendments in the 2022 and 2023. On the India's commitment to empower women, including the CEDAW, we have passed a landmark legislation officially known as *Nari Shakti Vandana Adhiniyam* which guarantees one third of seats for women in the House of People, that is Lok Sabha. This will not only help address gender equality and promote social justice, but also advance effective governance. In December 2022, we have enacted the Anti-Maritime Piracy Act. The Act criminalizes maritime piracy on the high seas. We believe the Act will strengthen international cooperation and regional partnership to combat piracy in the region, enabling us to discharge our obligations under the United Nations Convention on the Law of the Sea.

Mr. President, in the digital era, data privacy has been a concern for all of us. A step towards building a strong data privacy and protection regime. This year, India passed a law on data protection, the 2023 Digital Personal Data Protection Act, which guarantees the protection of personal data of individuals. India continues to make serious efforts to bring international law in consonance with international obligations.

Mr. President, India has always engaged actively in international efforts to develop norms, standards, and laws governing global interactions across various sectors. There are emerging areas such as artificial intelligence, cyber security, outer space and others, where technology outpaces law, demands concerted efforts. It is in this spirit, India has proposed a new topic in this session for discussion on Legal Issues in Outer Space. My Delegation is hopeful that deliberations will enable the Member States in further enhancing their capacity building and contribute much more constructively in strengthening, safeguarding the rights and obligations of developing countries related to peaceful uses of outer space.

In this connection, I would like to also thank those Delegations who spoke before me in appreciating and acknowledging India's proposal to bring this topic on table for this session. Some of the other proposed topics are timely, including Indonesia's proposal on Asset Recovery, and we look forward for a constructive dialogue. We also welcome the work of the AALCO's Expert Group on Cyber Security. Mr. President, on behalf of my Delegation, I wish you all fruitful deliberations, and I hope this Annual Session will provide with a unique opportunity to deliberate on legal issues that impact both regionally as well as internationally. The Indian Delegation once again thanks the AALCO secretariat for organizing this session

in Bali. I thank you, Mr. President.

**President:** Thank you very much. Thank you, Your Excellency. Distinguished Delegates, as we are reaching the end of the first day of the sessions, I will conclude the proceeding of the day. And I still have a number of speakers on my list that will be continued in the next morning in the second day of the general meeting. Before I adjourn the meeting, I would like again to invite you to a gala dinner tonight at Taman Begawan at 7 p.m. Please don't miss it. After an adjusted one-day meeting, I think you would like to enjoy some musical performances and having authentic Indonesian foods and beverages. I'm looking forward to seeing you at 7 p.m. to attend the gala dinner. Thank you very much. The meeting is adjourned.

**Master of Ceremony:** Thank you very much, Mr. Excellency Yasonna Laoly. Excellencies, Distinguished Guests, Ladies and Gentlemen, we have finally reached the close of day one of the Sixty-First AALCO Annual Session today. Thank you for your participation and may the discussion with all Member States create the best outcome for the interest of Asian African countries and will drive favourable international legal policies. And for your information, as mentioned as well, gala dinner will be held at Taman Begawan at 7 p.m. tonight. Shuttles are ready to take you back to your hotels if you wish so. And dress code for tonight is smart casual. So please take your time to refresh. Later, join us for the gala dinner at Taman Begawan. We also provide shuttles to go to the gala dinner from your official hotels. And tomorrow conference will be held at 10 a.m. Thank you everyone. We express our sincere gratitude and enjoy your evening. *Wabillahi Taufik Wal Hidayah Wassalamu Alaikum wa Rahmatullahi wa Barakatuh.*

**The meeting was thereafter adjourned.**



## **VIII. VERBATIM RECORD OF THE SECOND GENERAL MEETING**



## **VIII. VERBATIM RECORD OF THE SECOND GENERAL MEETING HELD ON TUESDAY, 17 OCTOBER 2023, AT 10:00 AM**

**His Excellency Mr. Ronald Ozzy Lamola, the Honourable Minister of Justice and Correctional Services, the Republic of South Africa and the Vice-President of the Sixty-First Annual Session of AALCO in the Chair.**

**Master of Ceremony:** *Assalamualaikum Warahmatullahi Wabarakatuh.* May peace be upon us. *Shalom. Om swastiastu. Namó Buddhaya. Salam kebajikan.* Good morning, Distinguished Guests. Welcome to the 2nd day of Sixty-First Asian African Legal Consultative Organization Annual Session, hosted by the Government of the Republic of Indonesia through Ministry of Law and Human Rights of the Republic of Indonesia. We are truly honoured to have such an esteemed audience here today and welcome all of you to Bali, Indonesia. Excellencies, Distinguished Guests, Ladies and Gentlemen, let us start our agenda on Second General Meeting. And to launch this meeting, we give the floor to His Excellency the Vice-President of Sixty-First Session of AALCO.

**Vice-President:** Thank you very much and good morning, Ladies and Gentlemen, all the Delegates, we had a very fruitful day one yesterday. And we hope to carry this momentum forward with your cooperation and support. Unfortunately today, the President is not here with us due to another pressing matter. So I will now proceed to call the Second General Meeting. And Member States wishing to make their General Statement will continue to register themselves with the AALCO Secretariat. We will continue with the General Statements of the Member States, starting with the Democratic Socialist Republic of Sri Lanka, followed by Brunei Darussalam, Malaysia, Republic of South Africa, and Bangladesh. I now give the floor to the Democratic Socialist Republic of Sri Lanka.

**The Head of the Delegation of the Democratic Socialist Republic of Sri Lanka:** Good morning to all of you, Secretary-General of AALCO, Vice-President and esteemed Delegates representing the Member States of the Asian-African Legal Consultative Organization. My heart brims with appreciation for the warm hospitality of the Government of the Republic of Indonesia, which has graciously hosted this momentous event reminiscent of the historic Bandung Conference of April 1955. And it was Sri Lanka that hosted the preparatory meeting of Bandung in 1954, which brought together the leaders of India, Indonesia, Myanmar, Pakistan and Sri Lanka. This gathering laid the cornerstone for the establishment of AALCO in 1956 with Sri Lanka assuming its role as an original member, a role we continue to hold with great pride.

With profound satisfaction, I would like to acknowledge the pivotal session of 1981, held in Colombo, Sri Lanka, which conferred upon AALCO, the status of permanence. AALCO works as a force which unites the countries of the Asian and African region as a significant forum to work on crucial matters of concern in the field of international law. AALCO's role transcends that of mere Advisory Body in International Legal matters, but it also strives to cultivate collaboration among Member Nations, thereby functioning as a unified force. The spirit of collaboration binding the members of AALCO into a harmonious whole serves as essential prerequisite for pursuing the implementation legislation solutions to pursue issues that our Member States face even amid global conflict that occasionally threaten to disrupt our collective effort and shared goals. Representing each other territorial borders directly results the peace between the States. Therefore, it is crucial to cease influencing the freedom of other States arbitrarily. Many present day conflict within States have occurred basically as a result of such unreasonable influence made upon the States. Such a conflict arose between

countries based on issues related to territorial borders, continued without hold, abusing the right of innocent civilians, which I believe this forum should take serious note on these issues and should be addressed. Successful implementation of AALCO goals definitely target to minimize such a conflict between the neighbouring States. AALCO being an organization having almost all major countries of the African and Asian region as its members highlight the gravity of the peace between the neighbouring countries through the present and building the friendship between its members. This cordiality between the countries shall be maintained without any disruptions to achieve the expected target together. AALCO plays a significant part to play by supporting the Member States during the time of developing as well as strengthening the fundamental legitimate framework or system that are required.

A particular area of significance in this space is developing legal framework to address and characterize the danger to countries emerging out by Non-State Entities. For this reason, the member of AALCO should really take advantage of this significant association which is made to develop, reinforce and blend the domestic legal system as well as regional and global legal systems.

Since its formation, AALCO has played its role on a broad range of areas of international law and has made notable contributions among others in the Law of Sea Issues, Refugee Law, Rights of Migrant Workers, as well as Trafficking in Women and Children. The invaluable contribution of AALCO in sharing the best practices on the implementation of International Humanitarian Law and sharing best practices on Asset Recovery represent contemporary imperative that deserve our collective attention and heartfelt appreciation. In Sri Lanka, the Ministry of Justice, Prison Affairs and Constitutional Reforms have undertaken significant legislative measures to align our legal framework with international best practices. Notably, the enactment of Anti-Corruption Act, No. 9 of 2023 signifies our commitment to harmonize our legal system with the United Nations Convention against Corruption and other international norms. This legislation establishes an Independent Commission tasked with the investigation of bribery, corruption and related offences, facilitating the recovery of assets acquired through illicit means. Similarly, the assistance to the Protection of Victims of Crime and Witness Act No.10 of 2023 has been introduced to safeguard the rights and entitlement of victims and witnesses. It reflects our commitment to international standards in this regard and promote a victim-centric approach within the Sri Lanka criminal justice system.

So, before I conclude my remark, I want to reiterate the invaluable role of AALCO in addressing global legal challenges and emphasizes significance of Member States working together obviously to achieve the organizational vital objective. I extend my profound gratitude for your attention and trust that our collective and diverse will continue to affect positive change within our Member States and across the broader international landscape. Thank you very much.

**Vice-President:** Thank you very much the Distinguished Head of Delegation of the Democratic Socialist Republic of Sri Lanka. I now give the floor to the Brunei Darussalam.

**The Head of the Delegation of Brunei Darussalam:** *Bismillahirrahmanirrahim.* His Excellency Ronald Ozzy Lamola Vice-President of the Sixty-First Annual Session of AALCO. His Excellency Kamalinne Pinitpuvadol, Secretary-General of AALCO. Excellencies Heads of Delegations, Distinguished Delegates, Ladies and Gentlemen. *Assalamualaikum warahmatullahi wabarakatuh*, and a very good morning. It gives us great pleasure to be able to address your Excellencies in person in this Sixty-First Annual Session of AALCO.

On behalf of the Government of Brunei Darussalam, we would like to extend our warm congratulations to His Excellency, Yasonna H. Laoly the Minister of Law and Human Rights of the Republic of Indonesia as the President of the Sixty-First Annual Session of AALCO, and His Excellency Ronald Ozzy Lamola, Minister of Justice and Correctional Services of the Republic of South Africa, as the Vice-President, on your election to carry out the important task of leading AALCO's mandate. We wish to commend Her Excellency, Uma Sekhar the President of the Sixtieth Annual Session of AALCO, for your dedication and passion in bringing AALCO forward during your tenure.

We also wish to commend Your Excellencies, Secretary-General of AALCO, for the hard work to promote cooperation between AALCO Member States and other international institutions in the field of international law. We take this opportunity to express our sincere appreciation to the Government of the Republic of Indonesia and commend the hard work of the Ministry of Law and Human Rights under the leadership of His Excellency, Yasonna H. Laoly, in organizing the Sixty-First Annual Session of AALCO and the kind hospitality extended to the delegation of Brunei Darussalam to our stay here. Since Brunei Darussalam became a member in 2003, we continue to place great value and importance on our participation in AALCO, a legal platform for Member States to deliberate upon the myriad dimensions of international law and the opportunity to learn from each other through the exchange of views, experiences and best practices. This platform enriches our understanding of the diverse aspects of international law, but also further our common positions within the framework of Asian African Legal Consultative Organization.

Brunei Darussalam looks forward to an insightful discussion on the agenda items at this session, and reaffirms our continued commitment to the work of AALCO as a consultation forum to establish a substantial position on legal issues and forge closer cooperation among Member States on the matters of common interest and on the pursuit of our shared goals. Thank you

**Vice-President:** Thank you very much for the statement from Brunei Darussalam. I now give the floor to Malaysia.

**The Head of the Delegation of Malaysia:** Thank you Mr. Vice-President. *Bismillahirrahmanirrahim. Assalamu'alaikum warahmatullahi wabarakatuh. Salam pagi* and very good morning. His Excellency, Mr. Vice-President of the Sixty-First Annual Session of AALCO. His Excellency, Dr. Kamalinne, Secretary-General of AALCO, His Excellencies, Distinguished Delegates. On behalf of the Malaysian Delegation, allow me to express our utmost gratitude to the Government of the Republic of Indonesia for graciously hosting this Sixty First Annual Session of AALCO and for the excellent arrangements made for this session. Our heartfelt thanks also goes to the Minister of Law and Human Rights of the Republic of Indonesia for the warm and generous reception and hospitality in making our stay here in this lovely island of Bali meaningful and pleasant. Our Delegation is gratified by the special remarks by His Excellency Mr. Ma'ruf Amin, the Vice-President of the Republic of Indonesia, which is a reflection of the commitment and support of the Government of Indonesia towards AALCO. We wish to join other Delegations in congratulating you, Mr. Vice-President, and His Excellency Mr. President for being elected to chair the Sixty-First Annual Session and the work of AALCO in the coming year. We would like to pay tribute to the outgoing President of the Sixtieth Session for the accomplishment achieved during her tenure. We also thank the Secretary-General and the Secretariat for their tireless commitment and efforts and dedication in steering the work of AALCO, especially in organizing the

Session and ensuring that the interests of the Asian and the African regions are well articulated at various international forums.

Mr. Vice-President and Excellencies, our Delegation would like to express our appreciation to the AALCO Secretariat for its efforts in conducting in-depth and continuous review of current issues in international law. We note with interests of the important topics from the work program of AALCO that are being placed on the agenda of this Session, such as the Law of the Sea, Report on Matters Related to the Work of ILC at its Seventy Fourth Session, and Violations of International Law in Palestine and Other Occupied Regions by Israel. The plight of the State of Palestine is an agenda which has been deliberated at successive AALCO Sessions. Malaysia remains firm in its position that the Palestinian people deserve an independent and sovereign state. Malaysia is deeply concerned with the recent events and over the loss of so many civilian lives due to the latest escalation of clashes in and around the Gaza Strip. At this critical time, further loss of life, suffering and destruction should stop, and parties must exercise utmost restraint and de-escalate hostilities. Malaysia has always regarded AALCO as one of the most effective mechanisms in addressing issues of legal concern from both Asian and African regions. Malaysia looks forward to participating in the deliberation with the Member States on the topics included in the agenda, the outcome of which should be used as a basis to advance AALCO's views in a more coherent, effective and meaningful manner. Malaysia trusts that with the collective efforts and strong support of all Member States, we will be able to successfully rejuvenate and revitalize AALCO as resolved in the Putrajaya Declaration 2009.

Mr. Vice-President and Distinguished Delegates, Malaysia congratulates the AALCO Secretariat and the Member States concerned for organizing and hosting numerous trainings and seminars for the benefit of Member States in 2023. These programs have attracted broad participation and opened up important deliberations from participants representing the AALCO Member States. Among the trainings and programs which we have attended and participated are the Webinar on the General Principle of Law and AALCO Member States on 6 April 2023, and the Sixth Training Session of China-AALCO Exchange and Research Program on International Law held in Beijing and Hong Kong from 24 July to 4 August 2023.

In line with one of the purposes of AALCO on the exchange of information on matters of common concern having legal implications, our Delegation would like to share a reform on our legal criminal justice system in Malaysia, following the enactment of the Evaluation of Military Death Penalty Act 2023, which came into force on 4 July 2023, and the Imprisonment of Natural Life Temporary Jurisdiction of the Federal Court Act 2023, which came into force on 12 September 2023. The objectives of these legislations are, among others, to abolish the mandatory death penalty and vary the sentence relating to imprisonment for natural life. Judges will retain their discretionary power to impose capital punishment in exceptional cases. However, for the most serious crimes, the courts may impose life imprisonment sentences of up to fourteen years.

Malaysia is also committed to pursue a legal system that is dynamic, progressive and relevant to current needs and ensure access to justice in accordance with the laws, rules and policies in Malaysia. For instance, child's right based approach has been prioritized in our legal system by raising age limits for child witness from 16 to 18 years through the amendments to Evidence of Child Witness Act 2007 in 2023.

Last but not least, Malaysia is pleased to inform that the Government of Malaysia and AALCO have renewed the host country agreement on 25 March 2023 on the establishment and functioning of the Asian International Arbitration Centre as an International Arbitral Institution under the auspices of AALCO. Mr. Vice-President, Distinguished Delegates, Malaysia attaches great importance to AALCO and his work, and therefore looks forward to engaging in fruitful discussion in all agenda items for the session, and assures our full cooperation in order to conclude a successful session this year. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much from Malaysia. I now give the floor to Bangladesh.

**The Head of the Delegation of the People's Republic of Bangladesh:** Mr. President, Distinguished Delegates, Ladies and Gentlemen, let me at the outset join previous speakers in thanking Indonesia for hosting this Annual Meeting of AALCO and extending warm hospitality to us. Indonesia is already well known as a great Host. This time it is no exception. It also shows that the commitment and steadfastness of the government of Indonesia to international law, Multilateralism and a rule-based international order. I also thank the Secretariat of AALCO for making excellent preparations for this session. AALCO has an important mandate, i.e. to foster dialogue among the Legal Advisors, scholars and policymakers of the Asian and African countries, bring the Asian and African countries together for cooperation in the field of international law with the objective of promoting international law in collaboration with other international legal bodies including the International Law Commission. And this is to better understanding of the ongoing development in international law area.

As you may be aware, Bangladesh joined AALCO in 1974, soon after the country achieved its independence. Since then, Bangladesh has been an active member of this prestigious Legal Organization. I would like to appreciate AALCO for bringing up the most important issues like the Law of the Sea, Violations of International Law in Palestine and Other Occupied Palestinian Territories, Environment and Sustainable Development, International Trade and International Law, Legal Issues in Outer Space, International Law in Cyberspace, etc. on the table for discussion. Unfortunately, we are meeting at a time of history when international law as a globally acceptable concept of ideology is backsliding. The noble initiative of our forefathers at the end of the Second World War to achieve a global society which is peaceful and prosperous by creating United Nations-centered organs, adopting Universal Declaration of Human Rights and other instruments is facing a horrible challenge. There is a phenomenal rise of populism, nationalism, protectionism in many parts of the world. We see deliberate attempts to weaken United Nations and other international bodies. Unilateral actions have been taken jeopardizing long held global norms and the legal system. This must change. Today's global challenges require a revitalized international cooperation that is effective, representative and inclusive. From that point of view, we reaffirm that a rule-based, non-discriminatory, fair, open, inclusive and transparent international order is indispensable in the face of the current global challenges. We need a mandatory system that enables equitable and sustainable development through inclusive economic growth, vital development and shared prosperity for all. As peace loving and contributing members of the international community, Bangladesh remains steadfast in its commitment to international law and fair international system. We are committed to conducting international relations based on the principles of respect for national sovereignty, equality, political independence, non-interference in international affairs, peaceful settlement of international disputes, as well as respect for international law and principles initiated in the UN Charter. From the MDGs, we have moved

to the SDGs with a commitment to leave no one behind an unprecedented vow. However, it will not be achieved in the vacuum or hollow promises. It will entail decisive actions of individual nations and the collectives. The development architecture in which to address them needs overhaul. We call for support from Developed countries on means of implementation, financing and capacity building to realize these lofty goals.

Mr. Vice-President, climate change is perhaps the most important issue that we are currently grappling with. It poses existential threat to many nations. Bangladesh, despite making a negligible contribution to global climate change, has suffered the most as a victim of its consequences. Being an extremely climate vulnerable and disaster prone country, we urge the international community to redouble its efforts to deliver on the commitments made in different international agreements, including the Paris Agreement. We must strive for strengthening cooperation to tackle climate change with a special focus on mitigation and adaptation while addressing related funding gaps. We also need to ensure the transfer of climate friendly technologies from developed to the climate vulnerable countries, which will in fact deliver on-going countries' obligations to help these countries forge low carbon pathways. We deeply appreciate AALCO's work on an issue like Sea Level Rise in relation to international law, which is most pertinent to Bangladesh as it is a great risk of being heavily affected by the sea level rise. Bangladesh believes that there should be binding rules and laws for cyberspace and it must not be a lawless zone. The existing laws, like the UN Charter and any other conventional practices, may be adapted or a consensus-based new governing law or convention may be developed under the auspices of the United Nations to ensure cyber security. At this stage, when developments in ICT are at a great next speed, the absence of such laws would make it difficult to cope with the challenges of ever-changing cyber platforms and may enhance the risk of threats like cyber terrorism.

Mr. Vice-President, many speakers spoke about the grave situation in Gaza due to the latest Israeli actions. Bangladesh strongly condemns the growing civilian casualties and disproportionate use of force in Gaza. We urge the international community to allow humanitarian assistance to the seized in Gaza to avoid mounting humanitarian disaster. We also urge the international community to work towards finding a Two-State solution to the Israeli-Palestinian conflict based on the UN Security Council Resolutions for a just and lasting solution as well as for enduring peace in the future. I hope you all are aware that Bangladesh is hosting more than 1.2 million forcibly displaced Myanmar nationals. Their number is increasing with around 2,000 new-born children every year in the camps. Bangladesh always sought a durable solution to this problem in a peaceful manner through negotiations with Myanmar. A persecuted and disparate community with aspirations and grievances unattended, for long in Myanmar, the Rohingyas are prone to widespread exploitation, cross-border crime, and even radicalization. Bangladesh expects that the perpetrators of the Crime against Humanity against the Rohingyas would be brought to justice. In this regard, we support international initiatives taken, including the case laws by the Gambia at the International Court of Justice against Myanmar. Bangladesh seeks the international community's cooperation to facilitate early, safe, orderly, sustainable, and voluntary repatriation of the Rohingyas to their ancestral land in the land state of Myanmar.

Mr. Vice-President, the last issue that I am going to take up is the issue of Illegal, Unreported, and Unregulated fishing. Indeed, the recent report suggests that fish stocks are at risk of collapsing in many parts of the world due to over-exploitation. The incidence of Illegal, Unreported, and Unregulated fishing activities are of significant concern to state like Bangladesh. As such, we are committed to ensuring the conservation and long-term



sustainable use of fish stocks and the protection of the marine environment. Regional and International legal reports may be put into place to prevent such Illegal, Unreported, and Unregulated fishing. It may not be easy, but we have to take necessary steps to stamp out IUU Fishing and improve fishing, improve ocean health, and bring benefits, including international credibility to all States in power. I thank you for your attention.

**Vice-President:** Thank you very much, Bangladesh. If there is any Member State who still wants to make statement, please approach the Secretariat. I will now take the floor on behalf of the Republic of South Africa.

**The Head of the Delegation of the Republic of South Africa:** We also as the Government of South Africa want to extend our gratitude to the Government of Indonesia for the hospitality extended to all of us with our Delegation to warm reception in this area. We also want to thank the Secretariat for the organization of the conference, working together with the Government of Indonesia. We acknowledge and appreciate the significant and positive impact the Organization has had on the development of international law, particularly in conveying the perspective of Asian African nations on pressing legal matters to the global community. This forum's efforts continue to be a valuable contribution towards advancing the African Agenda 2063, the 2030 Agenda for Sustainable Development, and the global human rights, peace, and security issues. It is essential to acknowledge that AALCO Member States have a significant history of supporting decolonization since the UN's inception and have strived for its firm grounding in international law.

The right to Self-Determination is a fundamental principle in international law. It cannot be separated from independence and sovereignty, and the state's essential characteristics can only be exercised on a territorial basis. We have taken note of the Agenda of this Sixty-First Session and look forward to engaging with each other on crucial matters, put therein over the coming days for exchange of views and discussions. We have to shape the instrument that is being developed for the UN Convention on Cybersecurity Law, as developing countries are the most affected by breaches in cybersecurity. It is crucial and important that we play a role in shaping this instrument, so that the world is equalized and we all share the benefits of knowledge that can combat breaches in the cyberspace. A fight against Transnational Organized Crime on the Environment is also very important for our country and Sub-Saharan Africa in particular. Of course, it is the hardest hit, particularly by some of the environmental crimes, including Rhino poaching. It is against this background that we support the text and the release of a document on the environment and sustainable development. We call on all of you and us, the nations, Members and the group, to help in this fight against environmental crimes for a sustainable world order. And we are very particular in sub-Saharan Africa with regards to Rhino poaching and call on the world to join us in this fight.

We also support the document related to Asset Recovery to help us recover some of the assets that are crossed into the group. We will only be able to deal with asset recovery if nations of the world unite and work together because most of the crimes that siphon resources out of countries, in particular some of the African-Asian countries, are transnational and knows no boundaries, no borders. It is only when Member States work together that we will be able to recover the assets. We also wish to express our condolences to all the victims of the Israel and Palestine conflict. The atrocities committed against civilians, populations are a cause of great concern and we urgently call for immediate cessation of violence from all parties involved. Our primary concern is the urgent humanitarian assistance to the victims affected and we implore that all basic life support necessities be provided to alleviate their suffering. The United Nations General Assembly requires for an Advisory Opinion from the

International Court of Justice regarding the Palestinian people's rights is a positive step towards promoting peace in the Middle East, as recognized by the UN.

Supporting Palestinian Nationhood has been a consistent part of South Africa's foreign policy since 1994. South Africa's foreign policy aims to promote a viable and sustainable peace plan for the Middle East, where in Palestinians' sovereignty, territorial integrity, and economic viability are secured and there is sovereign equality between Israel and Palestine. South Africa believes the ongoing delay in resolving the conflict has led to an unending cycle of unspeakable atrocities and human rights violations. As a matter of international law, the principle of Self-Determination for the Palestinian people is widely recognized and enshrined in various international covenants, instruments, and the United Nations Charter.

South Africa's policy position on the Israel-Palestinian conflicts aligns with the Oslo Accord, the Roadmap, and the Arab Plan 2002, recognizing the Two State option as the only viable solution. South Africa urges all members of AALCO to work towards finding a common solution to the conflict in accordance with the relevant United Nations Resolutions, international law, and internationally agreed parameters. We also call for an immediate cessation of hostilities. I thank you, Your Excellencies and Delegates, to the AALCO Conference. If we do not have any further requests for Delegates to take the floor, we will take a break.

**Vice-President:** Oh, okay. I've just been reminded that Russian Federation as an Observer State has requested to make a statement. I now give the floor to the Russian Federation.

**The Head of the Delegation of the Russian Federation:** Thank you very much, Mr. Vice-President. Mr. Vice-President, Excellencies, Distinguished colleagues. First of all, let me thank the Government of the Republic of Indonesia for its hospitality and for this opportunity to speak to colleagues together here at the AALCO. It is an honour for me to share some of the views of the Russian Federation regarding the current situation in international law.

Mr. President, let me stress from the outset that despite political turbulence, the primacy of international law remains at the heart of the Russian legal system and its foreign policy. The renewed foreign policy concept, signed by the President of the Russian Federation in March this year, reaffirms that strengthening the legal basis of international relations is one of Russia's core national interests. According to the concept, the rule of law in international relations is an indispensable foundation of a just and sustainable world order, global stability, as well as peaceful and mutually beneficial cooperation. Dear colleagues, today the system of international law is facing serious challenges. One of them are the persistent attempts by the United States and its Allies to impose the notion of a so-called rule-based international order, essentially as a substitute for international law. Despite the seemingly good intentions, this concept bears serious risks for the world community.

Let me be clear. Of course, Russia is not against rules. No rules means chaos. But rules have to be discussed and accepted by all States concerned and this is precisely what international law is about. The proponents of a rules-based order mean something different. In a neo-colonial manner, they seek to make rules in narrow circles of like-minded states, and then to impose them on the rest of the world. This, dear colleagues, is not something that we can agree to. Mr. Vice-President, another worrying trend in international law is the increased politicization of international judicial mechanisms. Over the past couple of years, this phenomenon has reached the principal judicial organ of the United Nations, the International Court of Justice. One problem are applications filed at the court during acute political crises,

with the only aim to secure the indication of provisional measures, in order to help the state concerned with its immediate political problems. Another issue are applications under *erga omnes* norms and brought by States that had nothing to do with the underlying factual situation. Yet another new invention, tested for the first time in the *Ukraine vs. Russia* proceedings under the Genocide Convention, is the mass intervention in support of one of the parties. In the case at hand, thirty-two States have intervened, directly declaring the aim of helping the applicant win. This, Mr. Vice-President, has nothing to do with assisting the court in interpreting and applying the Convention. Rather, the Interveners seek to put pressure on the court, in other words, to bully the court into treating the case from a political, rather than a legal, perspective. We invite all responsible States to take note of these practices and to join forces in order to protect the court from pressure. An important juncture in this regard would be the election of five judges of the court three weeks from now, an essential element necessary to preserve the independence and the inherently legal nature of the court. It is the respect for the principle of representation of the main forms of civilization and of the principle legal systems of the world.

Dear colleagues, one of the reasons why we care for the integrity of the International Court of Justice is our wish to prevent it from becoming a political tool, or better, political toy, something that has happened to another judicial institution, the International Criminal Court. From decade to decade, from one region to another, the ICC puts the interests of its selective so-called justice above the resolution of conflicts and reconciliation. Time and again, it violates its own Statute and the customary international norms regarding immunities of State Officials. It persists in its flawed and arrogant concept of somehow being an organ of the world community, rather than a treaty-based body. And to even more regret, it allows itself to engage in practices that in any national judicial system would be seen as corruption of court. A vivid example is the story of the so-called arrest warrants issued by the ICC against top Russian officials. As the events unfolded, we witnessed a replacement of a Member of the court's full trial chamber, an early release from prison of a brother of the Prosecutor, as well as a donor conference, held with the direct aim to fund the Ukraine investigation so as to ensure it goes into the so-called right direction. Dear colleagues, we appreciate the efforts of the African Union aimed at countering the destructive activities of the ICC.

Let me also draw your attention to the recent Political Declaration of the Fourth Ministerial Meeting of the Group of Friends in Defence of the Charter of the United Nations, where the participating countries spoke against these international criminal injustices for political purposes. Most recently, the same message has been made by leaders of the Commonwealth of Independent States, in their Declaration on International Relations in a Multipolar World, adopted at the CIS Summit on 13 October.

Mr. Vice-President, one more topic on which cooperation among Non-Western States is called for are sanctions or unilateral coercive measures. We are glad that more and more countries come to the understanding that such measures are not only harmful for international cooperation, but also unlawful. We are looking forward to further discussions on how to translate this understanding into practical steps. To finish on a positive note, let me reiterate once again that we are happy to join efforts with all those who stand for international law as the cornerstone of equal, respectful and mutually beneficial partnership between nations. We trust that our co-countries are our natural allies in these endeavours. Let me wish this session every success, and I am looking forward to fruitful contacts with Delegations on the margins. Thank you very much, Mr. Vice-President. Thank you.

**Vice-President:** Thank you. Now, I give the opportunity for an Observer State of Burkina

Faso.

**The Head of the Delegation of Burkina Faso:** Thank you, Mr. President. Mr. President, it's with great honour that I take the floor on behalf of the Government of Burkina Faso to express my greetings to the Republic of Indonesia, also country of this Sixty-First Annual Session of AALCO. And also thank and congratulate AALCO as well as all its Member countries for inviting Burkina Faso to this session as an Observer Member, as such I am mandated to participate in this session. Allow me also to address my gratitude for all the facilities that have been offered to me since my arrival in Bali. All of this, Ladies and Gentlemen, the creation of AALCO by the States of Asia and Africa stems from major concern, which are the codification of International Law, the Law of the Sea, Violation of International Law, Rights to Self-Determination, the Environmental Protection, Sustainable Development, International Trade practice and Fair Investment achievements. These questions are of crucial legitimacy, not only for the two continents but for all of humanity as evidenced by the commitments made by the G20 leaders during the summit held in Delhi from September 9 to 10, 2023, with the promise to help accelerate growth to make it strong, sustainable, balanced and inclusive. As part of the measures taken by and decision for the future of people and the entire planet, they commit to carrying out reform aimed at making the Multilateral Development Banks stronger and more effective in order to meet global challenges. In addition, they promised to fight against climate change, to contribute to environmental protection, to implement well calibrated macroeconomic policies, to prioritize target budgetary measures, to protect the poorest, to support measures that enable trade to be a driver of prosperity for all and to address skill gaps and promote decent employment for all. Within this AALCO organization where my country hopes to be fully admitted as a full member, the question of environmental protection is considered with determination because it deals with the essential of life, Man and Environment. It is together that nation will be able to build a better future for a life in harmony for our people with actions that secure a global environment. As one of the parts of the world where the challenge of sustainable development is one of the most difficult, Africa's voice must be heard on this type of platform. Certainly this challenge is formidable, but Africa offers itself and the world the recognized potential for world progress.

However, it must be taken in account in terms of value of its people and its natural resources from which our civilization has benefited and we will be able to take better advantage of them but at the right price. Burkina Faso, as a Sahelian country, is located in this reality common to African countries with a particular pain that it has experienced in recent years: The terrorism which, since 2015, wants to subject it to disappearance before the eyes of a world from which it always expects realistic and appropriate support. This terrorism which each of you present here knows is an atrocity, attempts to put a free and independent State under the eyes of your brothers and friends. The government of Burkina Faso is in a fierce fight against this phenomenon that reduced the existence of human beings and that of nations. Therefore, we consider that our problem, if it is not yet, must also be yours. Support us in this fight against terrorism and help us also with humanitarian support for more than two million people condemned to homelessness without any rights across the country and in neighbouring countries.

Burkina Faso to conclude, Burkina Faso attaches great importance to the work of this AALCO Session, which will contribute to enriching the fundamental principles of international law based on the United Nations Charter. Being convinced that the AALCO would further synergize the strengths of different partners to make an important contribution

to the codification of international law, the protection of healthy environment, security, peace, issues related to sharing of experience in the field of agriculture, health, professional training, technological development, and healthy eating and on all aspects essential to the joint construction of a better world. And I can reassure you that soon the Burkina Faso will submit its request to be the full member of this organization. Thank you.

**Vice-President:** Thank you very much. This now brings us to the end of the statements. We will now take a thirty minutes tea break and then we will proceed with the next speaker. Thank you.

**Master of Ceremony:** Thank you, your Honourable. Excellencies, Distinguished Guests, Ladies and Gentlemen, next we will take a short break. You may enjoy your coffee and tea served in the Pecatu lobby. Please return to this ballroom at 11:45am to continue the series of activities of Second General Meeting of the Sixty First AALCO. Once again, please be back on time at 11:45am. Thank you and enjoy your well-deserved break.

**The meeting was thereafter adjourned.**



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





## **IX. VERBATIM RECORD OF THE THIRD GENERAL MEETING HELD ON TUESDAY, 17 OCTOBER 2023, AT 12:00 PM**

**Her Excellency Mr. Ronald Ozzy Lamola, Minister of Justice and Correctional Services, the Republic of South Africa, the Vice-President of the Sixty-First Annual Session in the Chair.**

### **AGENDA ITEM: SELECTED ITEMS ON THE AGENDA OF THE INTERNATIONAL LAW COMMISSION (ILC)**

**Master of Ceremony:** Excellencies, Ladies and Gentlemen, welcome back. And now we will continue our agenda with substantive agenda items for deliberation in the Third General Meeting. Therefore, we are honoured to give the floor to His Excellency, the Vice-President of the Sixty-First Session of AALCO.

**Vice-President:** Your Excellencies, thank you for the general statements. We shall now take up the topic report on matters related to the work of the International Law Commission at its Seventy Fourth session. I wish to place it on record that on our invitation, we have a guest presence of Professor Bimal N. Patel from the International Law Commission. He is from India, and also Professor Masahiko Asada is also from the International Law Commission. He is from Japan and will be enriching us with their insights. I thank both of them for accepting our invitation. Member States, observers wishing to raise or ask questions can do the same towards the end of the session when the floor is open for questions and answers. I now invite the AALCO Secretariat to deliver the introductory remarks on the agenda item. And AALCO Secretariat, the floor is yours.

**Secretary-General of AALCO:** Vice-President, thank you. Welcome to the dedicated segment of our session focusing on “Selected Items from the Agenda of the International Law Commission”. The bond between AALCO and the ILC is not just historic but also deeply symbiotic. AALCO, in its capacity as a consultative body for its Member States, not only examines subjects that come under the purview of the ILC but also communicates its observations to the Member States. Moreover, it offers recommendations to the ILC, drawing from the collective insights and feedback of the Member States concerning the Commission’s agenda items. This collaborative approach has only cemented the relationship between our two organizations over the years. Our time-honoured practice of mutual representation during each other’s sessions is a testament to this cooperation. We recognise and applaud the significant contributions made by the Asian and African members of the Commission, without whom the ILC’s representation would be incomplete.

I am privileged to extend a special welcome to the distinguished Members of the International Law Commission, Professor Asada Masahiko and Professor Bimal Patel who are both from the Member States of AALCO.

Excellencies, the document AALCO/61/BALI/2023/SD/S1 highlights the commendable work of the ILC on crucial subjects introduced during its Seventy-Fourth Session (2023). The areas of focus include the following six items: (1) Succession of States in respect of State responsibility; (2) General principles of law; (3) Sea-level rise in relation to International Law; (4) Settlement of disputes to which international organizations are parties; (5) Prevention and repression of piracy and armed robbery at sea; and (6) Subsidiary means for the determination of rules of International Law. The Secretariat earnestly encourages all Delegations present to immerse themselves in our discussions on these agenda items. Your

active participation will undoubtedly enrich our understanding and aid in the codification and advancement of international law, keeping the Afro-Asian context at its core. Thank you very much.

**Vice-President:** Thank you. I now invite Professor Bimal N. Patel, a member of the International Law Commission, to deliver his statement. You can proceed.

**Dr. Bimal N. Patel, Member, International Law Commission:** Good morning, President of the Sixty-First and Sixtieth Annual Session of the AALCO, Secretary-General Esteemed Colleague Ambassador Pinitpuvadol, Excellencies, Legal Advisers, my colleague from the ILC and participants. Distinguished colleagues, a document containing detailed statement on the work of the ILC during its 74<sup>th</sup> session and the specific advocacy efforts to ensure equitable representation of Asia and Africa constitutes part of the same document and is circulated today.

The 74<sup>th</sup> Session of the International Law Commission marked a unique session in that, there was a 50% turn over in the membership with 18 new members joining the Commission for the 2023-27 quinquennium. Further, half of the ILC is now represented by States from Asia and Africa, with 17 members off 34. The new quinquennium also saw 3 new topics namely, Repression and Prevention of Piracy and Armed Robbery at Sea, Settlement of Disputes to which International Organizations are Parties, and Subsidiary Means to the Determination of Rules of International Law being deliberated for the first time, and a new topic on Non-legally Binding International Agreements being elevated to the active agenda of the UN ILC. Other agenda items which saw continuing discussion were Sea-level Rise in Relation to International Law, with a First and Second Reading for Immunities of State Officials from Foreign Criminal Jurisdiction and General Principle of Law respectively.

The session also saw the constitution of the Working Group on the Long-Term Programme of Work and the Methods of Work, while the Commission Bureau also decided to create an Open-Ended Working Group on Piracy, to support the Special Rapporteur in the development of Commentaries. As far as the composition across special rapporteurs and working groups was concerned, the numbers showed that much remains to be worked upon to ensure regional parity and representation. There were 2 Chairs from WEOG for the 74<sup>th</sup> ILC (split-chair for the first time in the ILC history); 2 Special Rapporteurs from Africa, 2 from Latin America and 2 from Western Europe. Besides, 1 Chair of Working Group from WEOG, 1 Chair of Open-Ended Working Group from WEOG. By objective standards, the regional representation within the Commission remains with much to be worked for considering little representation for Asia.

From the perspective of Asia and Africa, some of the agenda items do not have a consolidated study on the practices of Asian and/ or African States, as was identified by the Special Rapporteur August Reinisch of Austria in his First Report on Settlement of Disputes to which International Organisations are Parties. In that, he states in para 10, ‘[...] *the question of disputes involving international organizations has not been addressed in a similar way by the Asian-African Legal Consultative Organization, the African Union Commission on International Law or other comparable bodies.*’ Although, the reality remains that there is significant volume of State practice which exists on this exact subject matter, and ILC members from Asia and Africa have been attempting to bring such practice to the Commission through their submissions, statements and contributions to multi-lingual bibliography. Perhaps a reflection within at the present AALCO Annual Session would be

useful to project Asian-African practice on the same plane as Western European or Latin American practices.

A similar such phenomena was observed in the freshly elevated topic of Non-Legally Binding International Agreements now being headed by Matthias Forteau of France. The topic has seen wider study since 2021 by the Committee of Legal Advisers on Public International Law of the Council of Europe (CAHDI) and since 2020 by the Inter-American Juridical Committee. Albeit, no such similar collection of practices' study exists for the Asian or African States, or no such guidelines/ recommendations have been crafted considering the collective practice of Asian and African States despite wide proliferation of use of non-legally binding instruments by States in Asia and Africa. It is imperative that a project, exclusively focussing on Asia and Africa being undertaken for its utility within the regions and secondly, as the ICJ has been examining and is called upon to pronounce on the international legal aspects of such instruments, such study will bring correct and contextual perspectives before the international courts and tribunals including ICJ.

Considering the expanse of the State practice on the matter, the Special Rapporteur had rightly identified the modality for the topic, and stated, '*[...] preliminary examination of the topic could also lead, if necessary, to the use of a study group, provided that its work is fully transparent.*' Although, the process of elevation of the topic to the active agenda did not grant any reasons for ruling out a study group over the appointment of a special rapporteur, which could have been certainly a more inclusive process.

Further, the tradition of regional diversification has been a long-standing tradition of the ILC and has been re-iterated through the decades most prominently on the 50th Anniversary of the ILC in 1998 where the Commission in para 186 stated, '*In practice special rapporteurships tend to be distributed among members from different regions. This system, provided that it is applied with some flexibility, has many advantages, in particular in that it helps to ensure that different approaches and different legal cultures are brought to bear in the formulation of reports and proposals.*' Although, such diversity has remained to be much to work for – As far as SRs are concerned, out of 84 SRs over the 15 quinquenniums - 46 (55%) have been from WEOG; GRULAC, Africa and East Europe have had 11 each (13%) and Asia has seen the least SRs with only 5 or 6% of the total. If the same information is seen from one quinquennium to the other, over the 15 quinquenniums, WEOG has been in the lead in the determination and shaping of the international law on various issues, followed by GRULAC, EEG, Africa and lastly Asia. Considering the repeated allegations of the Euro-centrism of international law, the underlying need remains that Asia-Africa need to take a more proactive approach in becoming special rapporteurs, and/ or Chairs of working groups to contribute towards the progressive development of international law and its codification. Africa and Asia cannot be remained in the periphery under one or other reasons.

Further, the representation within the Chairs for the Long-term Programme of Work of the Commission has also seen sharp regional variations, the chairs since the 1990s have been occupied by WEOG – 4 times; GRULAC – 3 times; Africa Group – none; and Asia Group – 1 time. The spread of the chairs, even on this matter, has been far from equitable indicating the need for Asia and Africa to take a proactive and affirmative role without much prolongation.

The Open-ended Working Groups at the ILC have been constituted on 8 occasions for the topics of Fragmentation of International Law, Most-favoured Nation, Obligation to prosecute and extradite (Twice), Sea-level rise in relation to International Law, Succession of States to

State Responsibility and Prevention and Repression of Piracy and Armed Robbery at Sea. In this regard as well, the data is quite skewed with 7 (64%) chairs held by WEOG; and 1 each (9%) by other groups, respectively.

It is, therefore, imperative for us to reflect on the nature of our engagement, and involvement in the process of international law-making. Such engagement can be enhanced through several initiatives, some of which I will discuss below.

Such challenges require a whole of the 'AALCO Membership' effort and beyond the AALCO membership, including all states of Asia and Africa, and concerted work on the various agenda items of the UN ILC, including sustained advocacy during the debates in the 6<sup>th</sup> Committee. For instance, on the previously mentioned topics of Settlement of Disputes to which International Organisations are Parties and Non-Legally Binding International Agreements, the AALCO membership could explore the possibility of creating a sub-committee or working group etc. vide Rule 14 of the AALCO Statute, to undertake studies in parallel to the ILC albeit with a mandate defined by AALCO Member States. Such a working group could be developed along the lines of the proposal developed to enhance cooperation in combating cybercrimes through an AALCO-based study on the topic of "International Law in Cyberspace" as an agenda item to be deliberated at the 53<sup>rd</sup> Annual Session of AALCO held in Tehran in 2014 and it was accepted by consensus. AALCO may, therefore consider the formation of an Open-Ended Working Group (OEWG) focused on select ILC topics to generate valuable inputs to the ILC, thereby incorporating and promoting Asian-African legal practices and ensuring universal content and approaches to the work of the Commission to make the Commission output more credible and acceptable to the entire international community.

In the spirit of promoting inclusivity and regional representation within the United Nations, it is essential to draw parallels between the current state of engagement in international law and a historical precedent. Much like the situation in the 1970s at the International Court of Justice (ICJ), where the World Court faced a limited caseload, we now find a similar issue of unrepresentativeness in the arena of international law.

To address this challenge, it is worth considering a proactive approach, inspired by the General Assembly's call for a 'Review of the Role of the ICJ' back then. Similarly, today, Asian and African States could initiate a study, either at the level of the Asian-African Legal Consultative Organization (AALCO) or through collaboration among Member States. This study would aim to evaluate and recommend a review at the Sixth Committee level, focusing on enhancing the utility of the products of the UN International Law Commission (ILC).

The overarching theme of this exercise would be to identify priority areas for States from Asia and Africa in the realm of international law. It would also seek to bolster the role of the ILC in contributing to the international legal order and advancing the progressive development and codification of international law. Given the ILC status as a technical legal organ of the General Assembly, there is widespread trust in its ability to play a pivotal role.

One of the key outcomes of these endeavours would be to solicit recommendations from States, emphasizing the areas where their views can have the most significant impact in strengthening the Commission's role. This approach ensures that the voices of Asian and African States are listened and integrated into the international legal framework.

Furthermore, Member States should consider developing a coordinated strategy to work in harmony. This could involve devising clearer and more organized approaches to selecting topics for the ILC work or submitting best practices to the Sixth Committee. By working together cohesively, Asian and African States can amplify their influence, contribute meaningfully to the development of international law, and create a more balanced and representative global legal landscape.

Another area of engagement perhaps at the level of the UN ILC that may be considered is defining the Methods of Work of the Commission more precisely covering a comprehensive array of areas to enhance transparency and accountability to the primary clients of the Commission i.e. the Member States. In my time at the Commission, I am working upon filling these gaps, for instance, an area identified currently at the Commission is the lack of availability of a defined process for the elevation of a topic to the active agenda of the Commission. As per practice and previous decisions, the Commission had developed a four-fold criteria comprising of [i] the topic reflects the needs of States in respect of the progressive development of international law and its codification; [ii] topic is sufficiently advanced in terms of State practice to permit progressive development and codification; [iii] the topic is “concrete and feasible”; and [iv] reflect new developments in international law and pressing concerns of the international community. Should any topic meet the above-mentioned criteria, the same could be brought into the Long-Term Programme of Work of the Commission, albeit with consensus of the ILC Members. Although, what the Commission is yet to develop is a defined criteria for the elevation of a topic from the long-term programme to the active agenda and the requirements it must fulfil.

Further, considering the emerging practice within the Commission on developing topics through Study Group, Agenda items such as ‘Fragmentation of International Law’ (2002–2006) in recognition of the uniqueness of the topic which lent itself more to the undertaking of a research study, as opposed to the formulation of draft articles. Study groups have since also been established for the topics ‘Most-favoured-nation clause’ (2009–2015), ‘Treaties over time’ (2009–2012) and ‘Sea-level rise in relation to International Law’ (2019-present). Instances of such practice has witnessed a more inclusive process of development of international law, with a more concerted efforts towards the inclusion of regional practices as evidenced in the latest study group on Sea-Level Rise which my colleague Mr. Masahiko Asada is deliberating. In this regard, and as a matter of suggestion the AALCO Member States may consider recommending for replication of such best practices on a consistent basis to the various upcoming agenda items of the Commission to ensure that the views of Asian and African States find appropriate reflection in the work of the Commission.

As far as long-term program of work is concerned, 2 members from Asia, one member from Africa, one member from Eastern Europe, two members from Western Europe have suggested new topics for the consideration. These include – Accountability for Crimes committed against UN Peacekeepers, a topic which requires urgent and dedicated focus of all troop-contributing, troop-hosting countries and the UN system as a whole proposed by me. Resolution 2589 (2021), co-sponsored by over eighty (80) Member States and unanimously adopted by the Security Council, prioritizes promoting accountability for crimes committed against peacekeepers to enhance the safety and security of peacekeepers, which is linked with overall mission performance. May I request that AALCO Sixty-First Annual Session positively considers in informing the 6th Committee next week to refer this topic to the ILC for its consideration as it meets all 4 criteria and importantly it is one of the pressing concerns of all Member States of the UN and the UN as a whole?

Secondly, a topic on the protection of foreign investment in international law by Ms. Mangklatanakul from Thailand. Mr. Mingashang from the Democratic Republic of Congo proposed topic on the Principle of Non-Intervention in International Law. Due diligence in international law and artificial intelligence in international law topics have been proposed by Ms. Ridings from New Zealand and Mr. Einar from Norway, respectively. And, compensation for damages caused by wrongful acts has been proposed by Mr. Paparinskis from Latvia.

The Commission regularly calls for submissions from States on specific questions and calls for State practice to inform its work. Although, submissions from States are variable in nature and have depended on various factors such as timeline, complexity of issues, relevance, needs of States, capacities etc. For instance, the Commission has requested submission of practices on the following agenda:

- Prevention and repression of piracy and armed robbery at sea – 1 December 2023
- Subsidiary means for the determination of rules of international law – 1 February 2024
- Sea-level rise in relation to international law – 1 December 2023
- Immunity of State Officials from Foreign Criminal Jurisdiction – 1 December 2023

In this regard, perhaps an AALCO-wide process where topics are reflected and deliberated on in a working group could be reflective of common minimum Asian and African practices or be made available as a repository of Asian and African practices.

Finally, the Commission has decided to hold 75th-anniversary commemorative event during first-part of its 75<sup>th</sup> session in Geneva to be held from 15 April to 31 May 2024, which will include a solemn meeting of the Commission to which dignitaries including the Secretary-General, the President of the General Assembly, the President of the International Court of Justice, the United Nations High Commissioner for Human Rights, and representatives of the host Government and one-and-a-halfday of meetings with legal advisers of Ministries of Foreign Affairs dedicated to the work of the Commission. The Commission is also encouraging Member States, in association with regional organizations, professional associations, academic institutions, and members of the Commission, to convene national or regional meetings, which would be dedicated to the work of the Commission. In this regard, the participation of Delegations based in Geneva of Asian and African states would be very useful. I also request President of the Sixty-First Session of AALCO and the AALCO Secretary-General to consider organising a solemn event marking AALCO contribution to the work of the Commission but also international law in general. Indeed, it would be very useful if the Member States of AALCO, in particular and African and Asian states in general, could also organise events at the national level. A concerted, coordinated and focused attention can indeed be generated.

With these remarks and suggestions, I would like to close my statement. My intention in this statement was to sufficiently provide an insight in the challenges being faced by the Commission with regard to the issues of representativeness, diversity and inclusivity. I hope more reflection would be possible on the suggestions proffered in this statement, and I remain committed to taking proactive action on all these suggestions.

A copy of my statement is made available at the registration desk for more specific references that you might appreciate. Thank you for your kind attention, and I look forward to learn your

views on the needs, concerns and interests on the functioning and contribution of the Commission in fulfilment of its mandate under the UN Charter.

**Vice-President:** Thank you very much, Dr. Patel for the presentation. We now give the floor to Professor Masahiko Asada.

**Prof. Masahiko Asada, Member, International Law Commission:** Thank you, Mr. Vice-President. First of all, I'd like to thank the organizer and AALCO, Mr. Secretary-General and his staff and also the Government of Indonesia for inviting me to this important gathering and giving me the opportunity to address this honourable audience. I would like to discuss the topic of "Sea-level Rise in Relation to International Law" as the ILC has completed its deliberation on this topic this year, as far as its law of the sea aspects are concerned. I would like to share with you some of the main discussion points.

## **1. Regression of coastlines**

On the question of sea level rise in relation to the law of the sea, we can distinguish between two kinds of issues. One is the regression of coastlines of States, and the other is the submergence of maritime features. While they produce different kinds of problems, they are both related to the international law of the sea in one way or another.

The regression of the coastlines may lead to the landward shift of the "baselines" from which the breadth of the territorial sea, contiguous zones, Exclusive Economic Zones (EEZ) and continental shelves are measured<sup>7</sup>. A landward shift of baselines means that former internal waters may become the territorial sea, the former territorial sea may become EEZ, and the former EEZ and continental shelf may become the high seas and deep seabed.

These changes may not look very serious, because the size of each water zone may well be almost the same before and after sea-level rise occurs, and the difference may only be in terms of their locations, generally moving toward the land. However, if you look at the land territory, seabed, and its subsoil, sea-level rise will undoubtedly cause losses of landmass for the coastal States.

In addition, such shift of locations might also result in a huge loss in investment, for instance, if the coastal State invested in the development of the continental shelf for extracting natural resources.

## **2. Submergence of maritime features**

However, a much more drastic change for the coastal States would arise in cases where the maritime features are inundated and ultimately submerged and disappear.

According to the UNCLOS, there are three different kinds of maritime features: islands, rocks and low-tide elevations. Each of these categories of features has different maritime zones around them.

Islands have a full range of maritime zones just like the mainland – that is, territorial sea, contiguous zone, EEZ, and continental shelf<sup>8</sup>. Rocks have territorial sea and contiguous zone

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<sup>7</sup> Article 5 of the UN Convention on the Law of the Sea provides that "the normal baseline is ... the low-water line along the coast."

<sup>8</sup> Concerning islands, Article 121, para. 2, provides that:

but do not generate EEZ or continental shelf<sup>9</sup>. Low-tide elevations may have its own territorial sea<sup>10</sup>, on condition that it is located in the territorial sea of the coastal State<sup>11</sup>. However, low-tide elevations not meeting such a condition do not have any maritime zones.

Now, what would happen if sea-level rise causes inundation or submergence of maritime features? If inundation of an island makes it uninhabitable, that island will no longer be regarded as an island but a rock, whereby it will lose its EEZ and continental shelf, which may, depending on its location and size, amount to a loss of sovereign rights over more than 400,000 square km in space. If the island becomes a low-tide elevation located outside the territorial sea of the mainland or completely submerged, it will lose all the maritime zones around it, including some 1,500 square km territorial sea, again depending on its size and location.

This is not an abstract possibility or a simple calculation. For instance, it is said that by spontaneously changing the legal status of Rockall from an island to a rock, Britain lost some 60,000 square miles of fishery zone. Also, Indonesia's National Research and Innovation Agency has projected that at least 115 of the State's islands will be under water by the year 2100.

A further drastic change that could take place due to sea-level rise is that if one of the basepoints to draw the archipelagic baseline is submerged, that may result in a situation where two of the archipelagic baselines which had used that point would have to be re-drawn and, as a result and in extreme cases, the newly re-drawn baselines might not satisfy all the requirements for the archipelagic baselines (particularly the requirement for the ratio of water v. land to be between 1 to 1 and 9 to 1 as provided for in Article 47, para. 1), meaning that the State would lose the whole archipelagic waters.

In the most extreme cases, if a small island country loses all its inhabitable islands, a question may even arise if the country satisfies the requirements of statehood. As this is one of the questions that the ILC will discuss next year, I will not go into this question further, but this is again not an abstract question, considering that the average height of the Maldives' 1,300 islands is 1 to 1.5 meters above sea level.

### **3. Question of cut-off date**

According to the recent IPCC (Intergovernmental Panel On Climate Change) report, global sea level rise may reach a maximum of 2m by the year 2100. These are all pessimistic outlooks of sea-level rise in relation to international law of the sea. On the other hand,

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"Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory."

<sup>9</sup> For rocks, paragraph 3 provides that:

"Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf."

<sup>10</sup> It also generates contiguous zone.

<sup>11</sup> For low tide elevations, Article 13 provides that:

"1. ... Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea."

"2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own."



concerning the regression of baselines, there is a tendency that more and more States support the fixed baseline approach, which considers that despite sea-level rise and the consequent change of coastlines, the impacted States will maintain their original maritime zones and entitlements without any diminishing effects. This fact is a welcome development for the ultimate solution to the problem posed by sea-level rise.

Still, a difficult question remains concerning *as of when the baselines should be fixed*. On this question, a proposal was made and support is growing that the charts or a list of geographical coordinates deposited with the United Nations should be utilized. The UNCLOS in Article 16 obligates States Parties to deposit the charts and a list of coordinates with the UN. The idea is to fix the baselines as of the date of that deposit, as the UNCLOS does not require States Parties to regularly update the charts.

However, another question remains as to why such a procedural system as the deposit with the UN can constitute the legal basis for the substantive rights to maritime zones or even to maintaining sovereignty. Furthermore, it may be asked whether using the deposit date as the cut-off date is logical, because the date on which a State deposited is in a sense accidental, as no deadline is stipulated in the Convention.

It is important to note further that the mandatory deposit is formally required only in relation to straight baselines<sup>12</sup> (Art. 16), as well as archipelagic baselines (Art. 47), exclusive economic zones (Art. 75), and continental shelves (Art. 84), but significantly not for *normal baselines*. This fact, incidentally, indicates that the deposit system is not introduced for the depiction of baselines. For if that were the purpose, normal baselines should have been part of it. With the normal baselines not being covered by the deposit system, the significant part of the question posed by sea-level rise regarding the regression of coastlines may not be resolved through this procedure.

What should we do then? One way of addressing this question would be to adopt a resolution at the Meeting of States Parties of the UNCLOS and subsequently at the UN General Assembly, to the effect that States are encouraged to or even required to deposit charts indicating their normal baselines as well as other baselines as part of the overall resolution of the issue.

This is an idea put forward at the ILC by myself. The legal value of such a *non-legally binding* instrument may be questioned. My idea is that a meeting of States Parties of the UNCLOS could agree and adopt a resolution as a subsequent agreement under Article 31(3)(a) of the VCLT, embodying the concept of fixed baselines as an “interpretation” of the UNCLOS, which may be seen as *de facto* amending it. However, there are precedents of resolutions that *de facto* amended some provisions of the UNCLOS, such as those concerning the deferment of the deadline for the submission of information on the limits of the continental shelf beyond 200 miles to the Commission on the Limits of the Continental Shelf.

Moreover, it is also advisable, in order to cover the non-States Parties to the UNCLOS, to adopt a UN General Assembly resolution to the same effect as a declaration of rules of customary international law or its interpretation.

I think it is time for States to act within the framework of the meeting of States Parties of the UNCLOS as well as the Sixth Committee of the UN General Assembly. At the same time, I

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<sup>12</sup> Plus river mouths and bays.

hope that AALCO will play a leading role in this respect, as was the case with the proposal for the archipelagic State concept by Indonesia at the Colombo session of the AALCO in 1971. This concludes my statement. I thank you very much, Mr. Vice-President.

**Vice-President:** Professor Asada, thank you so much for your presentation. We will now give the floor to Member States who have registered their interest to make an intervention. We will start with India.

**The Delegate of the Republic of India:** Mr. Vice-President, at the outset, our Delegation would like to express our gratitude and appreciation for the comprehensive report prepared by the AALCO Secretariat on Matters related to the Work of the International Law Commission at its 74<sup>th</sup> session. My Delegation would also like to thank the distinguished members of the International Law Commission, Prof. Bimal Patel and Prof. Asada for their valuable thoughts shared in this body. We seriously take note of the statements made by these distinguished members and my Delegation reiterated at several platforms that there is a need to increase participation by Asian and African countries in the work of ILC to reflect the concerns and aspirations of the developing world in the progressive development of international law. We feel AALCO is an appropriate body to generate discussions and the debates on topics of ILC and act as a bridge between the Commission and the Asian African states. With respect to the work of the Commission at its 74<sup>th</sup> session, Mr. Vice-President, allow me to highlight India's views.

India attaches great importance to the topic of 'succession of States in respect of State responsibility'. The topic is complex and challenging, but it is also one of great practical importance. The world has seen a number of instances of succession of States in recent decades, and it is important to have clear and fair rules in place to govern the consequences of such succession, including in relation to State responsibility.

India acknowledges the work of the International Law Commission on this topic and commends the contribution of former Special Rapporteur Mr. Pavel Stuurman, who submitted five reports from 2017 to 2022 on the said topic. India also welcomes the establishment of the Working Group on the topic, and we are confident that the Working Group will make significant progress towards the development of a comprehensive set of rules on succession of States in respect of State responsibility under the chairmanship of Mr. August Reinisch.

Although it may be more prudent to carry forward the discussions, which have already taken place under the Commission, India feels that the decision may be taken on consensus as far as possible. India reiterates its position that the Drafting Committee needs to examine further the issues related to shared responsibility when a predecessor State continued to exist and also when the obligation of cessation applied in case of a composite act or a continuing act that occurred during the succession process. The draft Guidelines mention agreement between the states in many instances. However, it would be desirable to provide a way out in case such agreements could not be reached between the two States.

Mr. Vice-President, as to the topic of 'General Principles of Law' we take note of the draft Articles that focus on the scope of the general principles, their identification and functions and their relationship with other sources of international law. We reiterate the importance of the topic and believe that the comments on the draft Articles would help in understanding the relevance of the topic and form a basis for future discussions. We take note of the draft Article 2 that uses the term "community of nations" as found in article 15, paragraph 2, of the

International Covenant on Civil and Political Rights, which is widely accepted, as a substitute for the term “civilized nations” found in Article 38, paragraph 1 (c), of the Statute of the International Court of Justice.

We appreciate the approach adopted in identifying the general principles derived from the national legal system, which is inclusive and broad. We also take note of the draft Article 5, which suggests that the transposition of the principles from the national legal system should not be incompatible with the basic elements of international law. The draft Article, therefore, provides for systematic transposition of only those principles that are compatible with basic principles of international law.

Mr. Vice-President, we welcome the draft Article 7 that addresses the identification of the general principles of law formed within the international legal system. We also re-iterate that caution should be exercised that the draft Articles should not give room for confusion with the other sources of international law.

With regard to the topic of ‘Sea-Level Rise in relation to International Law’, Mr. Vice-President, as a country having one of the longest coastal lines, India is aware of the impact of sea-level rise and the immense challenge of understanding complex legal and technical issues associated, in particular, law of the sea and international law, in general.

The Study Group had before it the additional paper to the first issues paper, prepared by two of the Co-Chairs of the Study Group, Mr. Bogdan Aurescu and Ms. Nilüfer Oral, which addressed the issues of “legal stability” in relation to sea-level rise, with a focus on baselines and maritime zones; immutability and intangibility of boundaries; fundamental change of circumstances (*rebus sic stantibus*); effects of the potential situation whereby overlapping areas of the exclusive economic zones of opposite coastal States, delimited by bilateral agreement, no longer overlap; effects of the situation whereby an agreed land boundary terminus ends up being located out at sea; the principle that “the land dominates the sea”; historic waters, title and rights; equity; permanent sovereignty over natural resources; possible loss or gain of benefits by third States; nautical charts and their relationship to baselines, maritime boundaries and the safety of navigation; and relevance of other sources of law.

India notes that the additional notes to the first issues paper (2020), as the study group deliberated on the preparations by co-chairs in the last session. In this regard, we appreciate the in-depth analysis of the topic and the views expressed by members of the Study Group as well as the Member States sharing their practices. While there have not been any cases yet where the land territory of a State has been completely covered by the sea due to sea-level rise, India notes that some States, in particular small island developing States (SIDS), are currently facing the impact of sea-level rise. We are in alignment with the view of co-chairs that all States, regardless of whether they are currently facing the impact of sea-level rise or otherwise, should commence deliberations on finding the solution to this issue.

On the issue of statehood, we are of the view that greater caution needs to be exercised in considering the presumption of continuing statehood in favour of the States directly affected by sea-level rise, in particular from the perspective of criteria stipulated in the Montevideo Convention, 1933. We hope that the Commission’s deliberations on the issues related to statehood and the protection of affected persons due to Sea level rise will provide valuable input for ongoing efforts of the international community to assist the SIDS to tackle challenges due to sea-level rise.

We are of the considered view that any possible recommendations could only be considered by the ILC at a later stage, i.e. when both issue papers, including the additional ones, have been presented and analysed and when necessary, further studies on the relevant sources of law and principles and rules of international law, as well as on state practice and *opinio juris*, should be conducted.

Mr. Vice-President, as to the topic “Prevention and Repression of Piracy and Armed Robbery at Sea”, we take note of the ILC Report A/78/10. Chapter 6 of the Report discusses “Prevention and repression of piracy and armed robbery at sea”. At its 74th Session, the Commission provisionally adopted three draft Articles and also provisionally adopted commentaries to the draft article. Draft Article 1 limits the scope of the present draft articles to the crime of piracy and armed robbery at sea, defined under draft Articles 2 and 3, respectively.

We take note that the definition of ‘Piracy’ in draft ILC Article 2 is based on Article 101 of the United Nations Convention on the Law of the Sea. The essential elements of piracy under UNCLOS are that it comprises any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft. We welcome the Commission’s approach that the integrity of the definition of ‘piracy’ contained in Article 101 of the UNCLOS should be preserved.

We also take note that the present draft articles include “armed robbery at sea”, a crime that is not as such referred to in the UNCLOS. Inspired by the IMO Assembly Resolution on Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships, the draft Article 3 defines “armed robbery at sea”. However, unlike the IMO’s nomenclature that mentions “armed robbery against ships”, the Commission has preferred the nomenclature “armed robbery at sea” that applies within a State’s internal waters, archipelagic waters and territorial sea. We believe that the Commission’s future work on this topic will be fruitful in addressing the challenges that affect the safety and security of international navigation.

Mr. Vice-President, we welcome the Commission’s decision to include the topic “Subsidiary means for the determination of rules of international law” in its programme of work. The function of subsidiary means is to assist in the determination of rules of international law. As such, it is important for the Commission to elaborate on Draft Conclusion 3, which mentions the criteria for the assessment of subsidiary means for the determination of rules of international law. We hope the Commentaries of the Commission will be helpful in this regard. We further welcome the decision of the Commission to include the topic “Settlement of International Disputes to which International Organizations are Parties” in its programme of work and congratulate Mr. August Reinisch for assuming the position of Special Rapporteur in this regard. We look forward to future work on this topic. Thank You, Mr. President.

**Vice-President:** Thank you for the statement. I now give the floor to Iran.

**The Delegate of the Islamic Republic of Iran:** Thank you, Mr. Vice-President. Mr. Vice-President, my Delegation would like to thank the Secretariat for its comprehensive reports on “Matters related to the work of the International Law Commission at its seventy-fourth Session”. We also appreciate the valuable presence of prominent members of the International Law Commission, Prof. Asada and Dr. Bimal Patel, and appreciate their fruitful presentation in this forum. , I would like to appreciate the Secretariat of the AALCO for

preparing the report of the matters related to ILC in document AALCO/61/BALI/2023/SD/S1.

As from the topic on the agenda of the Commission during its seventy-fourth session, we may elaborate some of our key points on “*Settlement of disputes to which international organizations are parties*”, “*Expulsion of aliens*”, “*Subsidiary means for the determination of rules of International Law*” and “*Protection of persons in the event of disasters*”. We thanked the special rapporteur for the preparation of his report, and in this regard, I may arise some general remarks and some on draft conclusions.

Mr. Vice-President, regarding the first issue, the Settlement of disputes to which international organizations are parties, it is axiomatic that the topic should deal only with intergovernmental organizations. We agree with the Special Rapporteur that any dispute to which international organizations are parties should be addressed. However, the topic should focus on legal disputes rather than political and policy disagreements which are legally irrelevant and are outside of the realm of international law. Any argument to the contrary to encompass non-legal disputes, *i.e.*, disagreements concerning a point of policy, raises serious questions as to the applicability of principles and rules of international law in cases involving non-legal disputes that are susceptible for consideration through diplomatic channels and daily processes of international diplomacy.

My Delegation firmly believes that in addition to international disputes, disputes of a private law character are also susceptible for consideration by the Commission. The reason is that many disputes in practice arise between individuals and entities on the one hand and international organizations on the other arising out of contracts or torts which itself give rise to several issues *inter alia* jurisdictional immunities.

Mr. Vice-President, regarding the second issue, we believe that “*Expulsion of aliens*” is an important topic of international law that is simultaneously concerned with the sovereign prerogative of States and the human rights obligations of States towards non-nationals in their territories. My Delegation also considers it premature to convene a diplomatic conference on the elaboration of a convention and for that we express the following:

First, the sensitivity and significance of the matter under consideration requires that the provisions of the draft Convention be based on *lex lata* rather than *lex ferenda*. However, the Commission has gone beyond customary and treaty law in codifying the draft articles and has engaged in progressive development of international law in which State practice remains limited.

Second, legally speaking, a state not only has the right to expel aliens on its territory who pose a threat to its national security or public order but also the right to determine the components of those two concepts in its national laws or regulations. It is, therefore, unnecessary to draw up an exhaustive list of grounds that may be invoked to justify the expulsion of aliens, as states do not always have an obligation to specify the grounds for expulsion. This is certainly without prejudice to the legal fact that expulsion must be conducted with due respect for the fundamental human rights of the person being expelled. The property rights of all persons subject to expulsion must also be respected and guaranteed by the authorities of the expelling State.

Third, with respect to appeal against expulsion, it is noteworthy that many national laws make no provision for such appeals, and that there is serious doubt on the existence of

customary rules in that area. The right of return to the expelling State cannot be recognized in the case of aliens who were unlawfully on its territory prior to the expulsion. Granting such a right would imply recognition of an acquired right of residence in the territory of a foreign State, something which is supported in State practice. The International Law Commission, by granting unlawful aliens the right to challenge an expulsion decision, has also gone beyond existing treaty and customary law. Accordingly, equal treatment towards lawful and unlawful aliens present in a State's territory could create an incentive for illegal immigration.

Mr. Vice-President, regarding the third issue, we believe subsidiary means for the determination of rules of international law, the first report of the Special Rapporteur is a progressive development of the topic rather than a codification. It is clear that Article 38 of the ICJ Statute reflects customary international law. It is axiomatic that the "subsidiary means" are supplementary, ancillary, auxiliary and secondary sources of law.

We would like to address the content of the report of the Special Rapporteur. Pertaining to the nature and scope of subsidiary means, three issues merit further consideration: 1. the argument concerning the non-exhaustive nature of Article 38(1) (d) of the Statute of the International Court of Justice is not persuasive and lacks sufficient reasoning. 2. It is not clear how "the practice of international courts and tribunals" would differ from "judicial decisions". 3. The "practice of States" could constitute a rule of customary international law if it is consistent and widespread based on *opinio juris*. In such situations, the subsidiary means would also overlap with international custom.

With regard to unilateral acts/declarations of States and resolutions and decisions of international organizations that could be considered as sources of obligations as additional subsidiary means, the study and analysis of these additional means would be inevitable in light of developments in State practice and international jurisprudence. While resolutions of international organizations would better fall within the ambit of Article 38(1)(d) of the ICJ Statute, one may argue that they could also fall within the ambit of Article 38(1)(a). One reasoning for the latter argument is that even though resolutions are not *per se* treaties, they nonetheless derive their legal authority from general international conventions, *i.e.*, constituent treaties. Apart from the argument concerning the formal source, some resolutions are source of obligations for States with legal effects.

Pleadings before international courts and tribunals, oral pleadings of counsel and legal adviser, agent speech, written pleadings, etc., do not necessarily reflect state practice and are used to establish certain claims. Some pleadings may, however, establish a certain claim or reflect a legal position of a State, which is a Party to a contentious case and makes its best efforts through legal reasoning by legal advisers and Counsel simply to guarantee that it wins the case in a particular inter-State dispute with its own relevant legal and factual background.

At first look, "judicial decisions" and "teachings" appear to be on the same footing. As a matter of principle and practice, however, "judicial decisions" should be given more weight than "teachings and legal writings". The Commission itself makes more use of "judicial decisions" rather than "teachings." Thus, a normative difference appears to exist between these two subsidiary means.

Mr. Vice-President, I would like to wrap up our statement by presenting our observations regarding the topic of "Protection of persons in the event of disasters". We believe that some of the provisions of the draft articles fail to strike a balance between the rights and obligations

of the affected state vis-à-vis those of the assisting states and other relevant assisting actors providing humanitarian assistance in the event of disasters.

The draft Articles also do not address the role, rights and obligations of transit States to facilitate the transfer of humanitarian assistance as well as the obligations of the relevant actors to fully respect the domestic laws and regulations of transit States.

The draft articles also cannot be considered an action-oriented instrument, as some practical situations that negatively affect humanitarian assistance and narrow humanitarian space have not been addressed adequately. While the draft Articles identify a “duty to cooperate” on the basis of the principles of humanity, neutrality, impartiality, and non-discrimination, however, they fail to recognize the adverse effects of Unilateral Coercive Measures (UCMs) that not only erodes cooperation among States but also hinder effective responses to alleviate the human suffering and damages caused by disasters at all levels.

We believe that in providing assistance to those affected by disasters, all principles enshrined the UN Charter, especially sovereign equality of States and non-interference in their internal affairs should be strictly observed. Based on the principle of national sovereignty, the affected State has the exclusive right to determine the severity of the disaster and to assess its response capacities. Therefore, all assistance must be provided in response to a request from that State.

Regarding the final form of the draft articles, my Delegation is of a view that the time is not ripe for adopting these provisions in the form of a treaty as the content of several provisions contained in the draft Articles are not supported by sufficient, uniform and consistent State practice. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much. We may now break for lunch.

**Vice-President:** I hope you have enjoyed your lunch. We are now going to proceed with the member statements and the interventions on ILC matters. We concluded before lunch with Iran. We now proceed to Malaysia.

**The Delegate of Malaysia:** Thank you, Mr. Vice-President. Malaysia wishes to express its gratitude to the AALCO Secretariat for the Report on the matters related to the work of the International Law Commission (ILC) at its 74<sup>th</sup> Session. Malaysia attaches great importance to the ILC agenda and its mandate on the development and codification of international law, and will present brief comments on the selected topics in the Report.

On the topic of “General Principles of Law”, Malaysia notes the inclusion of this topic in the ILC’s long-term programme of work since 2018 is crucial in the progressive development of international law as it will carry a substantive effect as one of the sources of international law. This crucial process has led Malaysia to provide concrete comments and, to some extent, highlight concerns on several of the adopted draft conclusions at the deliberation of the topic at the ILC’s sessions. Malaysia’s dedication to active engagement in this topic remains steadfast as we are determined to provide substantive insights into the substance of the adopted draft conclusions through our written comments and observations on the adopted draft conclusions on Agenda Item 79 Chapter IV to the Secretary-General of United Nations by 1 December 2024.

With regard to “Sea-level rise in relation to international law”, Malaysia would like to record her appreciation to the co-chairs of the Study Group for the first issues paper as well as its additional paper focusing on issues relating to the law of the sea. Malaysia appreciates the in-depth analysis and constructive discussions of the topic as well as the views expressed by members of the Study Group and Member States. Malaysia shares the view of several Member States that the United Nations Convention on the Law of the Sea 1982 (UNCLOS) makes no provision to impose Member States to update their baselines or prohibit the freezing of baselines to address sea-level rise.

However, since the question of whether baselines are permanent or ambulatory is still debatable, Malaysia recommends that the Study Group explore the possibility of coordinates or charts which had been deposited with the Secretary-General by the Member States directly affected by sea level rise to be regarded as one of the practical solutions for those Member States to freeze their baselines.

In this context, Malaysia views that analysis of the legal or practical implications of Member States wishing to rely on the coordinates or charts deposited with the Secretary-General as well as pre-existing coastlines to ensure legal stability of the maritime zones should also be further addressed by the Study Group. The analysis may include the question on whether Member States would be entitled to rely on the continuity of its baselines or justify any measures undertaken to address sea-level rise without any action being taken, such as to publish its coordinates or charts with the Secretary-General or conclude boundary agreements.

Malaysia does not underestimate the challenges posed by climate change against the coastlines of Member States directly affected by sea-level rise. However, Malaysia believes that climate change cannot be used to legitimise measures to preserve maritime space without credible scientific assessment that justifies the sea-level risks faced by Member States.

In such instances where the scientific evidence with regard to the risks posed by sea-level are lacking, the question of the legality of the measures undertaken by Member States to address sea-level risks should also be a concern, considering its potential impacts towards the continuity of maritime zones. Malaysia views that measures undertaken by such Member States to preserve its coastlines must be proportionate and seek to address urgent climate change risks. In this respect, any measures designed to enlarge the coastlines under the pretext of sea-level rise also poses risks to the legal stability of the maritime zones and therefore create conflict, particularly for areas which are yet to be delimited.

In this regard, Malaysia wishes to impress that consideration on the legality of the measures undertaken for the preservation of coastlines should be addressed by the Study Group in the interest of the legal stability of the maritime zones. For this purpose, Malaysia supports the need for the Study Group to prepare concrete solutions to practical problems for States directly affected by sea-level rise instead of any consideration being given to interpreting the UNCLOS or proposal for amendments to it as such approach is not mandated by the ILC.

Mr. Vice-President, on the topic of “Settlement of disputes to which international organizations are parties”, Malaysia observes that the peaceful settlement of disputes is an essential principle of international law, as echoed in Article 2(3) of the Charter of the United Nations. On this note, Malaysia welcomes the study of this topic and the 1<sup>st</sup> report by the Special Rapporteur. Malaysia also notes the proposed two draft guidelines, which set out the “*Scope of the draft Guidelines*” and the “*Use of Terms*”.



Malaysia opines that the ILC's draft Guidelines are commendable as it offers a step towards clarity in providing clear sufficient guidance and definitions of what constitutes an "*International Organization*", a "*dispute*" and "*means of settlement of disputes*". Moreover, clear definitions are pivotal in assisting and providing clarity to Member States in addressing disputes where international organisations are parties.

Malaysia shares the same view as the AALCO Secretariat, in which the law relating to the settlement of disputes to which international organisation are parties is contained in a myriad of sources not amenable to a single uniform approach. Be that as it may, this topic is a work in progress and further guidance is welcomed.

Malaysia also wishes to highlight the challenge with regard to enforcing decisions against an international organisation. This is evident when an international organisation enjoys immunity from legal processes in the countries it operates. Therefore, a balance must be struck between the need for immunity protecting international organisations and the need for accountability and justice.

There are instances in which international organizations in Malaysia have encountered disputes with private parties such as corporations, under Malaysian domestic law in the course of their work or business of provision of dispute resolution services. Nevertheless, all these cases invoked the immunity of the international organizations which is embodied in the national legislations namely the Diplomatic Privileges (Vienna Convention) Act 1996 and International Organizations (Privileges and Immunities) Act 1992.

Malaysia in making provision for appropriate modes of settlement of disputes arising out of contracts or other disputes of a private law character under the 1946 Convention on the Privileges and Immunities of the United Nations (1946 Convention) and the 1947 Convention on the Privileges and Immunities of the Specialised Agencies (1947 Convention) had interpreted and applied the relevant provisions into Act 485.

This can be seen in the chapter on the Settlement of Disputes in Act 485, which retained the original language used in the 1946 and 1947 conventions. The chapter outlined among others, that the duty to make provisions for appropriate modes of settlement arising out of contracts or other disputes of a private law character is imposed on the United Nations and specialised agencies.

In practice, even though the duty to make provisions for appropriate modes of settlement is imposed on the United Nations and specialised agencies, Malaysia, through the Attorney General's Chambers of Malaysia, will ensure that the clause on settlement of disputes be incorporated in the agreement between the Government of Malaysia and the United Nations or specialised agencies.

Notwithstanding the above, Malaysia believes that in-depth analysis is required to provide a clearer understanding of the scope of this topic. Malaysia welcomes the sharing of State practice in the form of judicial decisions and other State acts that shed light on disputes of a private law character involving international organisations as encouraged by the AALCO Secretariat. Further, it is hoped that the subsequent reports of the Special Rapporteur and the further guidelines will provide clarity and thus allow Member States to make more informed decisions.

Mr. Vice-President, Malaysia supports the inclusion of the topic “Prevention and repression of piracy and armed robbery at sea” and welcomes the study of this topic and the 1<sup>st</sup> report by the Special Rapporteur, Mr. Yacouba Cisse, which was presented during the 74<sup>th</sup> Session of the ILC in 2023. Malaysia notes the proposed three draft articles (Articles 1, 2 and 3) on the definition of piracy and armed robbery at sea. Malaysia delivered its statements regarding items (a) and (b) of the matters concerning the ILC during the session, sharing information and views on the domestic legal framework and state practice with reference to regional cooperation with the Commission.

While the Drafting Committee has already adopted the three proposed articles, Malaysia is still unclear as to the direction of the draft articles. Malaysia views that the core aspects of the topic of piracy and armed robbery at sea have already been codified, notably by the UNCLOS, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and other treaties. As such, the need to have another convention on piracy and armed robbery remains to be carefully studied.

However, Malaysia is amenable to the draft articles to be regarded as guidelines as reference for States to further develop their legal frameworks and national legislation in relation to piracy and armed robbery at sea. Malaysia remains confident that the ILC's ongoing efforts in this domain will contribute significantly to the global legal framework and foster a shared commitment among states to address the challenges posed by piracy and armed robbery at sea effectively.

Referring to the topic of “Subsidiary means for the determination of rules of international law”, Malaysia notes draft conclusions 1, 2 and 3, together with its commentaries proposed by the Special Rapporteur in his First Report, were provisionally adopted by the ILC. Malaysia further notes that ILC took note of the draft conclusions 4 and 5 that were provisionally adopted by the Drafting Committee.

Accordingly, Malaysia would like to share similar views and concerns on the draft conclusions 1 to 5, which will be presented before the upcoming session of the Sixth Committee Meeting of the 78<sup>th</sup> Session of the United Nations General Assembly:

#### Draft conclusion 1: Scope

Malaysia notes draft conclusion 1 reflects the scope of the present draft conclusion, viz. “concern the use of subsidiary means for the determination of rules of international law”. However, the present draft conclusion is silent on the meaning of the phrase “subsidiary means” and its effect. On this note, Malaysia observes that ILC agreed with the Special Rapporteur that “subsidiary means” are not sources of international law and the main function of subsidiary means was to assist in the determination of rules of international law. Taking into consideration that the purpose of the present draft conclusion is to contribute greater clarity on the use of subsidiary means, it is Malaysia’s view that the meaning of the phrase “subsidiary means” and its effect need to be reflected in the present draft conclusion.

#### Draft conclusion 2: Categories of subsidiary means for the determination of rules of international law

Regarding the category of subsidiary means in subparagraph (b), Malaysia notes that ILC decided to use the term “teaching” instead of the phrase “teachings of the most highly qualified publicists of the various nations” as contained in Article 38, paragraph 1(d). This is

following ILC's views that the original phrase focused too heavily on the status of the individual as an author as opposed to the scientific quality of the individual's work, which ought to be the primary consideration.

In this regard, Malaysia observes that the original phrase is used in the various draft conclusions by the ILC, for example, the draft conclusions on the identification of customary international law that was adopted by the ILC at its 70<sup>th</sup> session and the draft conclusions on general principles of law adopted by the ILC on first reading at its 74<sup>th</sup> session. As such, Malaysia underscores that "teachings" under Article 38, paragraph 1(d) are not reflected in subparagraph (b).

Further, in Malaysia's view, the formulation of subparagraph (b) which refers to teachings in their general form may cause uncertainty on the threshold that would need to be met in considering whether the teachings can be considered as one of the categories of subsidiary means.

Concerning the category of subsidiary means in subparagraph (c), Malaysia notes that the ILC has left the category open in order not to foreclose the possibility of other subsidiary means. However, this non-exhaustive formulation seems to be an over-emphasis on the broad scope of categories of subsidiary means. The only qualifier that has been reflected in the broad catch-all provision is the term "generally used to assist in determining rules of international law". Malaysia believes that it remains unclear as to the level and significance of assistance of such means that is required in order to fulfil the qualifier under subparagraph (c). As such, Malaysia is of the view that it is prudent to include additional qualifiers for clarity purposes.

Finally, although the category of subsidiary means in subparagraph (c) is left open, the word "include" in the chapeau of draft conclusion 2 indicates that there will be other categories of subsidiary means. Hence, Malaysia seeks clarification as to the other category of subsidiary means apart from those in subparagraphs (a), (b) and (c).

#### Draft conclusion 3: Criteria for the assessment of subsidiary means for the determination of rules of international law

Malaysia notes six (6) criteria are to be used as general factors to determine the relative weight to be given to subsidiary materials under draft conclusion 2, but they are not intended to determine whether a particular material is to be considered a subsidiary means. In this regard, Malaysia wishes to highlight that since ILC agreed with the Special Rapporteur that "subsidiary means" are not sources of international law but merely to assist in the determination of rules of international law, it is not clear as to the purpose of weighing the subsidiary materials.

On another note, Malaysia takes note of the subjective nature of the criteria since not all criteria would be applicable to all the categories of subsidiary means. Malaysia believes that subjectivity may introduce inconsistency in interpretations, potentially undermining the reliability of the assessment in practice. This subjectivity may also lead to varying interpretations of the weight and authority of subsidiary materials weight in different cases.

#### Draft conclusion 4: Decisions of courts and tribunals

In light of the fact that no commentary is provided for draft conclusions 4 and 5, Malaysia's comments and observations for both draft conclusions are preliminary in nature. At the outset, Malaysia observes that Draft Conclusion 2 overlaps with Draft Conclusion 4 since both reflect the decision of international courts and tribunals as well as national courts as the category of subsidiary means.

The only difference between draft conclusions 2 and 4 is that the former makes reference to the "subsidiary means for the determination of rules of international law" whilst the latter refers to the "subsidiary means for the determination of the existence and content of rules of international law". As such, Malaysia is of the view that further clarity is needed on the differences between "rules of international law" under Draft Conclusion 2 and "existence and content of rules of international law" under Draft Conclusion 4.

#### Draft conclusion 5: Teachings

Similarly, for Draft Conclusion 5, Malaysia is of the view that further clarity is needed on the differences between "rules of international law" under Draft Conclusion 2 and "existence and content of rules of international law" under Draft Conclusion 5. Additionally, based on the First Report, Malaysia observes that apart from the criteria of "coinciding views of persons with competence in international law from the various legal systems and regions of the world" in Draft Conclusion 5, some members of ILC proposed to include criteria that are similar to the criteria in Draft Conclusion 3 i.e. quality of the reasoning and the reception by other entities. In this regard, Malaysia seeks clarification as to whether draft conclusions 3 and 5 overlap. Mr. Vice-President, Distinguished Delegates, Thank you.

**Vice-President:** Thank you for that intervention. We now move to the intervention of Indonesia.

**The Delegate of Republic of Indonesia:** Thank you, Mr. Vice-President. First of all, I welcome the presence of Professor Asada and Professor Patel, both members of the ILC and the reports provided by the AALCO Secretariat. My Delegation appreciates the work of the International Law Commission and attaches great importance to its work. On this agenda item, my Delegation wishes to comment on a particular issue of ILC's work on the sea-level rise.

Vice-President, Distinguished Delegates, scientific evidence is clear: climate change continues to take place at an alarming rate, the extent and magnitude of its impacts are beyond imagination.

As the largest archipelagic country, Indonesia believes that while the ocean holds an overarching role in sustaining numerous facets of life, it could also pose risks due to climatic changes, particularly sea level rise.

As a country with more than 17,000 small islands, my Delegation fully understand how sea level rise poses an existential threat, even more too many small islands and coastal communities. IPCC reports have indicated, among others, that sea level rise is unavoidable for centuries to millennia due to continuing deep ocean warming and ice sheet melt. Global temperature level has risen faster since 1900 than any preceding century in at least the last three thousand years. That even under moderate scenario, the global sea level will likely rise.

This, in effect, causes many concerns, one of which is the impact of sea-level rise towards small island developing states and low-lying state. This is because it potentially affects the state's outer limit of the maritime zone, which is measured from the baselines of the coastal state. Furthermore, it may also impact the status of islands, including rocks and maritime entitlements of coastal states that have fringing islands.

In addition, this global issue presents diverse and comprehensive challenges which touch not only maritime zone entitlements and territorial loss but also issues such as statehood, migration, marine environments, and the distribution of marine resources. In this regard, we find that it is crucial that AALCO also give its attention to this topic and for the ILC to continue working on this issue.

Indonesia is also of the view that it is essential for the ILC to conduct exhaustive studies which focus on the legal aspects of this topic to progressively develop and codify international law, and avoid speculative scenarios to distinguish matters of policy from matters of international law.

Excellencies, back in the 1970s and 1980s, climate change was not considered within the UNCLOS negotiation. As a result, climate change issues are rather "climate silent". However, in the current 21<sup>st</sup> century, the realities and impacts of climate change occur. Hence, my Delegation now urges certain considerations. My Delegation highlights the need to identify the nexus between the law of the sea and sea level rise issues but, at the same time, to strike a balance between the need for stability and security in the law of the sea with the objective of promoting equity in responding to climate change.

In support of the need for stability, we need to explore ways to advocate keeping the existing boundary delimitation agreements with respective neighbours, which is why stability in boundary agreements should be maintained, although they are also affected by sea-level rise.

Excellencies, Distinguished Delegates, my Delegation would like to reiterate that sea-level rise be approached with caution due to its sensitivity, in particular on the topic of border or delimitation matters. It is worth stressing, too, that such deliberation must not undermine the existing regime of the law of the sea under UNCLOS and relevant international law. My Delegation encourages the ILC to study further the sea-level rise and statehood, as well as the protection of persons affected by sea-level rise. My Delegation views the pertinence of these topics to be deliberated among Member States of AALCO, as well as of the United Nations, as a contribution to the development of international law. To conclude, when considering the topic of sea-level rise in relation to international law, my Delegation concurs that the principles of certainty, security, predictability and the preservation of the balance of rights and obligations should be maintained. Thank you, Mr. Vice-President.

**Vice-President:** Thank you for your intervention. We are now going to the People's Republic of China.

**The Delegate of the People's Republic of China:** Thank you, Mr. Vice-President. Mr. Vice-President, the International Law Commission remains committed to the codification and progressive development of international law for many years. At the beginning year of the new quinquennium, the Chinese Delegation is glad to see that there are 12 ILC members from Member States of AALCO. Taking advantage of this opportunity, we would like to share our opinions with colleagues from the region on the following topics:

With respect to “General Principles of Law”, it is our view that research into the sources of international law is of great significance while often more difficult. The topic of General Principles of Law is highly theoretical, and some issues have triggered controversy in the UN Sixth Committee. China hopes that the Committee would not rush to complete its review, but instead actively respond to comments from governments and continue to improve the present draft. During this process, other topics of the Commission, which are also related to the sources of international law, such as the identification of customary international law that has been completed and subsidiary means for the determination of rules of international law that have just been launched this year, should also be considered comprehensively for consistency of the Commission’s work results.

According to Article 38 1(c) of the ICJ Statute, it can be drawn that the “recognition of nations” is the most important component of general principles of law. China is of the opinion that the draft conclusions have generally reflected the importance attached to the “recognition of nations”. For example, it is emphasized in Draft Conclusion 2 that “For a general principle of law to exist, it must be recognized by the community of nations”, and Draft Conclusion 5 provides that “To determine the existence of a principle common to the various legal systems of the world, a comparative analysis of national legal systems is required”, “the comparative analysis must be wide and representative”. China wishes to emphasize that general principles of law shall fully reflect the recognition of the international community, including the recognition of Asia-Africa developing countries, instead of the mere recognition by a small number of countries.

With respect to draft conclusion 7, as for the existence of “general principles of law formed within the international legal system”, it seems that, at present, its existence lacks sufficient theoretical and practical support. In fact, such a category of general principles of law might be confused with customary international law.

With respect to draft conclusion 9, that is, “teachings of the most highly qualified publicists of the various nations may serve as a subsidiary means for the determination of general principles of law”. Considering that the wording “teachings of the most highly qualified publicists” was historically featured with Western dominance and elitism, China would suggest replacing it with the word “teaching”, which can be referred to from another topic “Subsidiary means for the determination of rules of international law”.

With respect to “Subsidiary means for the determination of rules of international law”, in general, China believes that the subsidiary means in Article 38 of the ICJ Statute are different from treaties or customary international law, which can directly serve as the basis for rights and obligations. In addition, China wishes to stress that judicial decisions and doctrines discussed under this topic are characterized by inconsistency and instability, which make it difficult to reflect universal acceptance in international law. So, it is necessary for us to have extensive and careful comparative studies on them before reaching conclusions.

With respect to “Settlement of disputes to which international organizations are parties”. China believes that the scope of this topic should be restricted to intergovernmental international organizations, excluding NGOs or commercial entities. There are fundamental differences between the latter two types of organizations and intergovernmental organizations in terms of their international legal status and applicable law.

Besides, it would not be appropriate to include disputes of private law nature into the scope of disputes in this topic. The infringement disputes of a private law nature between an

international organization and private persons are not international disputes in strict sense. The inclusion of such disputes might deviate from the original purpose of the topic, which is to focus on international dispute resolution to which international organizations are parties.

With respect to “Succession of States in respect of State responsibility”, China is of the view that the study of this topic is rather difficult mainly due to the scarcity of State practice. In addition, the existing State practice has been based on its own particular political and geographic context, which lacks universality. Besides, the *opinio juris* of states is also difficult to examine. Many countries, including China, have expressed their concern in this respect during the review of the ILC report at the UN Sixth Committee. China will continue to follow the next steps on this topic.

Finally, with respect to the working methods of the Commission, China believes that the Commission should have full consideration of the comments and practice of States, as well as regional and linguistic balance. In particular, the outcome of their work should adequately reflect the judicial practice and scholarship in multiple languages from different regions, including Asia and Africa. and it must not be limited to Western regions or English-dominated materials. We hope the members from Asian and African countries play an active role in the Commission, and contribute to reflecting the practice of and concerns on international law from Asian and African countries. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much for the intervention. I now give the floor to Thailand.

**The Delegation of Kingdom of Thailand:** Mr. Vice-President, Mr. Secretary-General, Excellencies, Distinguished Delegates, on behalf of the Delegation of Thailand, I wish to extend our sincere gratitude to the Secretariat for their comprehensive report on this agenda item, along with their insightful observations and suggestions for AALCO members.

We also wish to convey our appreciation to all members of the International Law Commission (ILC) for their valuable contributions during the 74<sup>th</sup> Session, which culminated in fruitful outcomes. Additionally, we would like to take this opportunity to recognize the Chairs of the 74<sup>th</sup> Session, who are both accomplished female lawyers, one of whom from an AALCO member country.

Thailand places great importance on the ILC as an institution that brings together highly qualified international lawyers from diverse backgrounds to work towards the progressive development and codification of international law. We are pleased to see the re-establishment of the Planning Group, which will deliberate on the programme, procedures, and working methods of the Commission. In this connection, Thailand wishes to reiterate its belief that the Commission's work should focus on practical topics that directly benefit Member States. Consequently, we are delighted to see the inclusion of the topic "non-legally binding international instruments" in the Commission's programme of work, as in today's world, we have witnessed many countries increasingly utilize such instruments in international relations, and we are keen to follow the ILC's work on this matter, especially with regard to the differentiation of such instrument from a binding agreement, its possible legal effects and general practices surrounding it.

Similarly, we recommend that AALCO consider initiating a study on this topic. A possible focus of the study could be on the application of the Vienna Convention on the Law of Treaties to the contemporary use of legally and non-legally binding international instruments, drawing from experience and expertise from Asian and African regions. This study would

help complement the work of ILC and enable AALCO member countries to present a unified voice on the matter.

Mr. Vice-President, Distinguished Delegates, please allow me now to address some substantive issues that are of particular interest to our Delegation.

The Delegation of Thailand takes note of the adoption of the full set of draft conclusions on General Principles of Law, along with their commentaries. However, we wish to emphasize the need for clear and distinct criteria for identifying general principles of law, differentiating them from the required elements for customary law rules. We believe that caution should be exercised in interpreting draft conclusion 3(b), as an overly expansive interpretation could extend beyond the confines of the concept of general principles of law as intended in Article 38, paragraph (1)(c) of the ICJ Statute. We also believe that any determination of the existence of a general principle of law must involve a comparative analysis of various legal systems in a representative and inclusive manner.

Let us now turn to the topic of Sea-level Rise in relation to International Law. Thailand notes with great interest the Additional Paper to the First Issues Paper, which explores the concept of “legal stability”. We firmly believe that maritime boundaries, once determined by treaties or international court decisions, should remain final, regardless of sea-level changes. Regarding the work of co-chairs of the Study Group on the Second Issues Paper on issues related to statehood and the protection of persons affected by sea-level rise, as there is currently no legally binding international instrument specifically addressing the protection of individuals affected by sea-level rise, we look forward to future discussions in the Study Group on this matter with great enthusiasm.

Regarding the topic of Settlement of Disputes to which International Organizations are Parties, given the early stage of consideration, we find that it is imperative to establish a well-defined scope of study. Additionally, to advance the discussion on this topic, we believe that it is crucial to identify the practical concerns shared by States, international organizations, and the global community. In this connection, Thailand welcomes the alteration in the title of the topic, removing the term “international” from the word “disputes.” This adjustment underscores the study’s broader scope, encompassing not only international disputes but also disputes of a private law character, which accurately reflects the contemporary landscape.

On the use of term “international organization”, Thailand believes that it may be best if the definition is flexible and based on State practice. We also wish to emphasize that legal personality of international organizations can be granted in varying degrees by the host country, as recognised by Thailand’s Act on Privileges and Immunities of International Organizations and International Conferences. Some international organizations may operate based on the collective will of Member States and may not necessarily initially be established by an international legally binding instrument governed by international law such as ASEAN, which has just been conferred its own legal personality in 2007, 40 years after its establishment by Bangkok Declaration.

Thailand is particularly interested in the discussion on the topic of the Prevention and Repression of Piracy and Armed Robbery at Sea. At the national level, our legislative framework to combat piracy has been in effect since 1991. In this connection, for the future of the work of the Commission, Thailand wishes to see a study on the identification of new and emerging issues of common concern to States as well as practical solutions to address them. Additionally, in furthering the discussion on this topic in our view, it is of utmost



importance that we remain attentive to the issue of humanitarian assistance to victims of piracy and armed robbery at sea, particularly those who have endured hostage situations. We firmly believe that discussions on prevention and repression must encompass the comprehensive treatment and support of victims.

Shifting our focus to the topic of Subsidiary Means for the Determination of Rules of International Law, we take note with great interest the discussion on the term "Judicial Decision" as articulated in Article 38, paragraph (1)(d) of the ICJ Statute. While prior work by the ILC has concluded that this encompasses decisions by national courts and tribunals, it is imperative to acknowledge the difference between dualist and monist legal systems. In dualist States, such as Thailand, international law necessitates transposition into national law before it can be enforced by national courts. Thus, most of the decisions from national courts in dualist States may not directly pertain to the application and interpretation of international law. This means that, in practice, the decisions of national courts of dualist States often do not lend themselves to easy usage as subsidiary means.

Mr. Vice-President, Thailand maintains a strong belief that the work of the ILC should be the outcome of an inclusive and representative process, designed to cater to the diverse needs and voices of all countries. We earnestly call upon our esteemed fellow AALCO members to actively engage in the discussions within the Sixth Committee concerning this agenda item, as your participation will significantly contribute to the advancement of the progressive development and codification of international law. Thank you very much.

**Vice-President of AALCO:** Thank you for the intervention from Thailand. We give the floor to Japan for the intervention.

**The Delegate of Japan:** Thank you, Mr. Vice-President. At the outset, I would like to express my sincere appreciation for the support of Mr. Asada for the very important conceptual presentation. I would also like to thank the Secretariat for inviting Mr. Masahiko Asada to this Session.

Japan believes that more and more Asian and African States should be involved in the work of the ILC. In order to achieve this goal, today, Japan would like to make a couple of points. First, we believe that state practice is a very basis for the progressive development and codification of international law. Japan is convinced that it might be a good idea to start exchanging information on state practice in relation to some selected important subjects in either of the Sessions of our work and to submit reports of compiled state practices. Japan would like to request the Secretariat to consider taking complete steps to achieve this goal if other Member States believe in this idea.

My Delegation is therefore delighted and highly appreciative that the distinguished representative of Thailand also addressed this point in a general statement yesterday. In this connection, my Delegation attentively listened to Professor Patel's suggestion to establish a working group to discuss items on the agenda of the ILC. My Delegation is grateful to Professor Patel for sharing this idea with us. We would like to consider this proposal closely and in detail. My humble, very initial reaction, rather a personal reaction, is that it is important to consider how to structure the discussion if we will establish such a working group. Given that state practice is a very foundational international law, it seems to me that we would also consider another option that my Delegation will be working on, that is, to start an exchange of information on state practice as a position rather than establishing a new working group.

Anyway, we would like to consider all the options in the future to identify the best ways and means to reflect Asian and African perspectives in the work of the ILC. So, in order to facilitate our consideration, with the permission of Mr. Vice-President, I would like to ask Professor Patel and Professor Asada the following questions. First, to Professor Patel, how does a working group that you propose could work? Do you intend that both the AALCO working group and the ILC deal with the same items, in parallel? How can we structure a discussion under the working group?

To Professor Asada, what do you think of the idea of exchanging information on state practices at the Annual Sessions of AALCO? State practices related to what subject matter are the most relevant to future discussions in the ILC? How best can AALCO start discussions on state practice? Japan would be very grateful if Professor Patel and Professor Asada could provide us with any advice and suggestions on these points, and not necessarily at today's meeting but at some later appropriate stage.

Second, Japan would also like to encourage AALCO Member States to submit their views on the draft documents produced by the ILC. As we discussed, Draft Conclusions of General Principles of Law and Draft Articles of Immunities of State Officials from Foreign Criminal Jurisdiction have been adapted on the first reading and transmitted to Member States for comments and observations. Submission of comments and observations on the later item i.e. Immunity, is due by 1st December this year. Japan is preparing to submit written comments on these items.

Now let me pick up a concrete topic to which Japan puts a high priority, that is, sea-level rise. Japan commends the progress of ILCs continued and dedicated work on this very important topic. Since many countries, including island states, are exposed to imminent threats and various uncertainties due to sea-level rise, this topic is a pressing issue for the international community as a whole and has a direct relevance to the question of peace and security around the world. Legal stability and predictability, based on international law, are the necessary foundations for states to tackle the challenges posed by the sea-level rise. For this reason, the primacy of UNCLOS, which sets out the legal framework within which all activities in the oceans and seas must be carried out, needs to be maintained. In this connection, Japan especially welcomes the progress made by the ILC on the discussion of the issue of legal stability in relation to the sea-level rise.

In this regard, taking fully into account the ILC's views and state practices, such as the PIF declaration, Japan officially adopted the position that it is permissible to preserve existing baselines and maritime zones established in accordance with UNCLOS, notwithstanding the regression of the coastlines caused by climate change.

Japan reiterates true support for the work of the ILC and commits to working and discussing with other States toward the goal of maintaining and developing a maritime order based on international law, in particular UNCLOS. Last but not least, Japan positively notes that the ILC added a new topic—non-legally binding international agreements, to its programme of work. Japan looks forward to the deliberation on this topic. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much for the intervention. We now give the floor to Kenya for the intervention.

**The Delegate of the Republic of Kenya:** Thank you, Mr. Vice-President. And we also recognize the insights given by the two professors. Mr. Vice-President, thank you for this

opportunity to make this statement on behalf of my Delegation. Distinguished Delegates, the Republic of Kenya commends the important work of the International Law Commission and the continuous collaboration with AALCO. We particularly applaud the Secretariat for their facilitation of the contribution of the Asian and African Member States to the work of the ILC. The Asian-African States continue to play an important role in the work of the Sixth Committee of the UN General Assembly, which is central to ILC's work. We do take note of the ongoing work of the ILC, bearing in mind the agenda of its seventy-fourth session discussion.

Distinguished Delegates, Article 38(1) (c) of the Statute of the International Court of Justice provides that one of the sources of international law is the general principles of law. It is on the foregoing that the ILC work on general principles of law, revolves around the two categories of principles that have been identified. Namely, those stemming from domestic legal systems and those stemming from the international legal systems.

To determine the existence and content of a general principle of law formed within the international legal system, it is necessary to ascertain that the principle is widely recognized in treaties and other international instruments and the principle underlies general rules of conventional or customary international law; or a principle is inherent in the basic features and fundamental requirements of the international legal system.

The category of general principles of law derived from domestic legal systems has received wide acceptance with it being uncontroversial. However, there have been much disagreements in regard to the general principles stemming from international legal systems. We therefore look forward to the conclusion of this agenda by the ILC.

Mr. Vice-President, with regard to the sea-level rise, we note that Africa is unique owing to its geographical location and the ripple effect of climatic change through global warming, which is equally felt along our coastlines. A discussion is fast approaching on the possible legal effects of sea-level rise on islands, maritime entitlements of coastal States, maritime delimitations, and on the exercise of sovereign rights and jurisdiction of the coastal State and its nationals, as well as the rights of third States.

Kenya is particularly concerned that these legal issues may soon crystallize into disputes if urgent action is not taken to address global warming. Legal disputes can be avoided if each Member States adheres to its commitments made under various international law instruments while individually working to enhance the protection of the ecosystem at all times. Kenya pursues positive use and maximum protection of its natural resources towards restoring its ecosystem and calls upon every Member State to address global warming for the sake of present and future generations and ultimately save the planet. I thank you, Mr. Vice-President.

**Vice-President:** Thank you very much, Kenya, for your intervention. We now give the floor to Viet Nam.

**The Delegate of the Socialist Republic of Viet Nam:** Thank you, Mr. Vice-President, Distinguished Delegates, Ladies and Gentlemen. First and foremost, our Delegation wishes to express sincere gratitude and appreciation for the comprehensive report prepared by the AALCO Secretariat concerning the selected items on the agenda of International Law Commission during the seventy-fourth session. We also extend our heartfelt thanks to the valuable work carried out by the International Law Commission members as a whole, as well

as Professor Dr. Bimal Patel, Professor Dr. Masahiko Asada, the Indian and Japanese members of the ILC, in particular for their briefings today.

Mr. Vice-President, Regarding the topic on “General principles of law,” Vietnam firmly upholds the perspective that any general principle derived from domestic legal systems must align with the core principles of international law as articulated in the United Nations Charter. We believe in the strictly complementary nature of general principles in relation to other sources of international law and the primacy of treaty rules. Therefore, it is our wish that the Special Rapporteur revisit his draft Conclusion 11 which refuses to recognize a hierarchy among sources of international law. In addition, the Special Rapporteur may also expand draft Conclusion 7 and propose a systematic approach to address the origin and development of general principles intrinsic to the international legal system and how the community of states recognizes or refuses to recognize or acquiesce to the existence of certain general principles. The approach should concentrate on the quality and the practical application of such principles.

Mr. Vice-President, turning to the topic “Sea-level rise in relation to international law”, we welcome the Additional Paper to the First Issues Paper prepared by the Co-Chairs of the the Study Group during the 74th Session of the ILC. As a country especially affected by sea-level rise, Vietnam places paramount attention on the legal examination of the sea-level rise phenomenon and its far-reaching consequences for the development of states and the overall stability and security of international relations.

Above all, we wish to reaffirm the overarching importance of the United Nations Convention on the Law of the Sea (UNCLOS) in addressing maritime concerns, encompassing those stemming from sea-level rise. We emphasize the need for legal stability and agree that this concept is encapsulated in the UNCLOS. Therefore maritime boundaries, once established in accordance with UNCLOS, should remain unchanged despite the effects of sea-level rise. In order to comprehensively investigate the establishment of baselines and maritime zones, the Study Group should deliberate on the choice of basepoints for drawing these baselines and consider areas submerged due to sea-level rise. This can serve as an initial step for coastal states in determining a suitable approach to addressing this phenomenon.

Vietnam also places utmost importance on the principles of sovereignty over natural resources and equity in the examination and resolution of the legal consequences of sea-level rise. These principles are closely linked with the principle of common but differentiated responsibilities in addressing climate change. Regarding the future direction of the Study Group, we note that the Co-Chairs are considering different options, such as draft conclusions, an interpretative declaration, or a draft framework convention. In the light of recent requests for advisory opinions addressed first to the International Tribunal for the Law of the Sea and then to the International Court of Justice, we are of the view that the Study Group should exercise caution in considering issues addressed by other bodies. It is crucial to ensure that addressing the legal implications of sea-level rise at the ILC does not result in the creation of parallel mechanisms or any amendments or interpretations of UNCLOS.

Mr. Vice-President, turning to the topic of “Prevention and repression of piracy and armed robbery at sea,” our Delegation would like to express our appreciation for the first report of the Special Rapporteur Mr. Yacouba Cissé, which demonstrates the concerns of the Commission on the issue and the need to codify relevant rules of international law. We greatly value the inclusion of this subject in the Commission's agenda, as it lays the

groundwork for codifying regulations concerning the prevention and suppression of piracy in the high seas and maritime regions beyond national jurisdiction.

We note that the report has conducted a comprehensive survey of state practices regarding piracy and armed robbery in different regions of the world, including Africa and Asia. Regarding the three proposed draft Articles, It is our firm belief that the definition of piracy or armed robbery, as well as rules and measures aimed at addressing the prevention and suppression of piracy and armed robbery at sea, should be firmly rooted in the United Nations Convention on the Law of the Sea (UNCLOS), often referred to as "the Constitution of the Oceans". It is our view that UNCLOS provides the comprehensive legal framework that governs all activities in the world's oceans and seas, making it an ideal foundation for such regulations; therefore, any deviation from such an instrument should only proceed with extreme caution. I thank you for your kind attention, Mr. Vice-President.

**Vice-President:** Thank you for your intervention. We will now go to the Republic of Korea for their intervention.

**The Delegate of the Republic of Korea:** Thank you, Mr. Vice-President. At the outset, my Delegation would like to thank the AALCO Secretariat for preparing a report that contains insightful and informative comments on this agenda item. They did a commendable job. First, with regard to "General Principles of Law", my Delegation takes note of the eleven draft conclusions and commentaries the ILC adopted. One of the draft conclusions is that general principles of law may be formed within the international legal system.

My Delegation has doubts about this particular portion of the draft conclusions. Can general principles of law truly be formulated within the international legal system? The proposition seems to push the boundaries of our understanding. If we accept the proposition, general principles of law might be difficult to distinguish from other sources of international law, particularly customary international law. We are of the view that general principles of law may not be formed within the international legal system. We, therefore, suggest that this matter should be further examined by the ILC.

The second item we would like to touch upon is "Sea-Level Rise in Relation to international law." Sea-level rise is certainly a global issue that affects various aspects of society and the economy in some parts of the world. There have been numerous discussions and reviews on its legal implications within academic circles and international organizations.

This issue is directly linked to the livelihoods of millions of individuals. That is why, at the Republic of Korea - Pacific Islands Summit, held earlier this year, my government expressed its support for the Pacific Island Forum Declaration adopted in 2021 in consideration of the special circumstances of Pacific island countries. My Delegation wishes to see productive discussions in this Annual Session on this matter.

Third and lastly, we would like to turn to the topic of "Subsidiary Means for the Determination of Rules of international law." My Delegation thanks the ILC's Special Rapporteur for his first report and to the ILC for the adoption of commentaries to certain draft conclusions.

The Republic of Korea certainly acknowledges and duly respects the subsidiary role that decisions of international courts can play in the determination of rules of international law. However, the weight of each decision must be carefully assessed in light of relevant criteria,

including (1) the quality of the reasoning, (2) the reception of the decision by states and other entities, and (3) the mandate conferred on the body, as mentioned in draft conclusion 3.

In some cases, different ways of reasoning have been adopted for the same legal issue by different courts and tribunals, such as the ICJ and the ITLOS. At times, reasoning in dissenting opinions and separate opinions sounds much more persuasive than that in the majority opinion. It would be difficult to give meaningful weight to a decision of an international court if the reasoning is questionable, particularly when the decision is accompanied by numerous dissenting opinions and external criticism. A recent decision by the ICJ on the delimitation of the extended continental shelf serves as an example of such problematic reasoning, which relates to the interpretation of the UNCLOS and the methodology of establishing customary international law.

The decision has been subject to scholarly criticisms for its reasoning. Dissenting opinions in the case also strongly criticized the decision's methodology for establishing customary international law. We believe that this kind of decision should be given little weight as a subsidiary means for the determination of the rules of international law. This should be particularly so for states that were not parties to the relevant case. This concludes our intervention. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much for your intervention. That was the last intervention from Member States. We will now call for the observer intervention from the Russian Federation. I now give the floor.

**The Delegate of the Russian Federation:** Thank you, Mr. Vice-President. We also thank the distinguished members of the International Law Commission for their presentations and let me share some views of the Russian Federation concerning the current work of the ILC.

First, on the current topics. We are following closely the progress of ILC on “General principles of law” and “Subsidiary means for the determination of norms of international law”. These two topics are the final ones in the series of topics on the sources of international law and are thus of particular importance. On both of these topics, the primary concern of Russia is to avoid a situation where the “general principles” or “subsidiary means” would be used in order to impose on states legal obligations that they have not assumed under a treaty or a customary rule of international law. Norms of international law are a product of the will of states, and no obligation can arise for a state without its consent.

On the “General Principles of Law”, we are studying the draft articles as they have been adopted on first reading. What is striking when one looks at the draft as a whole is the absence of a definition of “general principles”, or even of a clear understanding of what we are talking about. Are “general principles” a type of norms of international law, a direct source of legal rights and obligations, the violation of which entails international responsibility? Or are they some overarching legal and political ideas, principles of a higher rank compared to other norms? Or are they, rather, technical and procedural tools of interpretation and application of other norms? The answers to these questions are yet to be found, and without them, it is difficult to assess the draft. We call upon the Commission not to hurry and to continue to study the matter from different perspectives, taking account of the doctrine of various regions.

On “Subsidiary means”, we welcome the moderate approach of the Commission that treats those means as precisely subsidiary, auxiliary, supplementary to norms of international law.

We agree that they should not be elevated to the rank of a “secondary source” of international law. We also support the Commission when it states that international judicial decisions, strictly speaking, do not have the status of precedent. In its future work on the topic, the Commission will face two major tasks. The first one is to address the historical imbalance whereby English-language jurisprudence and doctrine have a disproportionate weight over the jurisprudence and doctrine of the rest of the world. The second task is to study the problem of the possible existence of other subsidiary means not mentioned in Article 38 of the Statute of the ICJ. Here, we call for extreme caution, and again, we would expect the Commission to take its time, to study all aspects carefully without imposing on itself artificial time-frames and deadlines.

Mr. Vice-President, by 1 December this year, states have been invited to present their comments to the draft articles on “Immunities of State officials from foreign criminal jurisdiction”. We invite all states to use this opportunity. The draft articles contain a number of dangerous provisions that may open the way for powerful states to disregard the immunities of representatives of other countries, in violation of the principle of sovereign equality and to the detriment of smooth international cooperation.

Turning now to topics related to the law of the sea, we are following discussions closely. Views that have been expressed during this AALCO session have been particularly useful. Both the topic of “Sea-level rise” and “Piracy” raise complex questions and require careful examination. On “Sea-level rise”, we find it important, first, to preserve the legal regime of the UNCLOS, and second, to find a proper balance between the interests of states that may be affected by this natural phenomenon in different ways.

As regards other topics, we welcome the inclusion of “Non-legally binding international agreements” into the programme of work of the Commission. As regards “Succession of States in respect of State responsibility”, we believe that the deadlock in which the Commission finds itself is caused by the objective lack of a required amount of state practice. It would probably be wise to discontinue the topic.

We are looking forward to discussions on “Settlement of disputes to which international organizations are parties”. Over the past years, Russia has faced a number of situations that may be characterized as disputes or potential disputes involving international organizations. This topic is, by the way, a logical continuation of the topic of “Responsibility of international organizations”, and this brings me to my next point.

Dear colleagues, we are concerned at the impasse within the General Assembly regarding products of the ILC. While some matters, such as “Crimes against humanity”, are artificially sped up, others remain without action for years. Draft articles of the responsibility of states and of international organizations are particularly striking examples. These two topics undoubtedly deserve being regulated by international conventions that might become cornerstones of international law compared to the Vienna Conventions on the Law of Treaties and on Diplomatic Relations. We call for result-oriented discussions in the Sixth Committee in this regard. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much. That concludes the business of the day. We now give you an opportunity to explore the beauty of Bali. We will meet tomorrow morning at 10 AM. Thank you very much.

**The meeting was thereafter adjourned.**



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## **X. VERBATIM RECORD OF THE FOURTH GENERAL MEETING**

## **X. VERBATIM RECORD OF THE FOURTH GENERAL MEETING OF AALCO HELD ON WEDNESDAY 18 OCTOBER 2023, AT 10:00 AM**

**H.E. Prof. Dr. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia, the President of the Sixty-First 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:** Good morning, Excellences, Distinguished Delegates. Now, we resume our meeting today. I hope you had a fruitful discussion yesterday. Before I start, let me thank the Vice-President, His Excellency, Ronald Lamola, for chairing the plenary session on Tuesday. Now, we take up the next topic on the agenda. I think it is one of the important ones. “Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine.” Now, I invite the AALCO Secretariat to make the introductory remarks.

**Dr. Ali Garshasbi, Deputy Secretary-General of AALCO:** Thank you. Thank you, Mr. President. Mr. President, Excellences, Distinguished Guests, Delegates, Ladies and Gentlemen, The topic Violations of International Law in Palestine and other Occupied Territories by Israel and other Legal Issues Related to the Question of Palestine was included in the agenda of the organization in the year 1988 on the recommendation of the Islamic Republic of Iran. Over the span of the Past 30 years, the Asian African Legal Consultative Organization has closely reported and reflected on numerous legal issues surrounding the issue of Palestine, including but not limited to the deportation of Palestinians in violation of international law, particularly the Fourth Geneva Convention of 1949 and the massive immigration and settlement of Jews in occupied territories in 1988.

AALCO has steadily committed itself to every possible aspect of international law relating to Palestine and her people during the period of the ensuing 30 years. Member States have been highly appreciative of a number of special studies which outline the Secretariat’s perspective on key issues. Our consistent efforts have not been in vain and the Afro-Asian position on the rights of the Palestinian people and AALCO’s work in this area have been warmly acknowledged by the international community. Over the years, we have maintained the stance that Palestinians have not received the basic rights and protections guaranteed to them under international law. The occupying power has continued to violate even the most fundamental rights of the Palestinian people out of complete disdain for international law. At the Sixtieth Annual Session held in New Delhi Headquarters, the Republic of India, in September 2022, the deliberation cantered on the increased violation of the rights of the Palestinian population. Some of the actions condemned were the expansion of illegal settlements, wide-scale settler violence, illegal application of racist and discriminatory legislation, and executive orders, large-scale violations of international human rights law and international humanitarian law, particularly obligations concerning occupation in the occupied Palestinian territories and the Golan Heights. Member States generally expressed their full support for the Palestinian people in the quest for the realization of the right to self-determination and national aspirations, while some emphasized their consistent position on the need for negotiations towards the two-state solution.

This year, the report containing document number AALCO/61/BALI/2023/SD/S4 focuses on the report presented by the UN Special Rapporteur on the situation of human rights in the

Palestinian territories occupied since 1967 to the UN General Assembly relating to the denial of the right to self-determination of the Palestinian people. Further, the brief examines and notes the conclusions of the report of the Independent International Commission of Inquiry of the Palestinian People's Territory, including East Jerusalem and Israel, which examines attacks, restrictions, and harassment of civil society actors. Finally, the brief reports on the key recent developments of the request for an advisory opinion from the International Court of Justice under Article 96 of the UN Charter 1945, by the United Nations General Assembly pursuant to Resolution 77/247 of 9 January 2023, entered into the docket of the ICJ as legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem. The recent escalation of tension in the Gaza Strip is especially a cause of serious concern.

I invite all the Delegations to actively participate in the deliberations that follow and share their respective positions on this highly significant topic for the people of Palestine and the international community at large. Thank you, Mr. President.

**President:** Thank you, Deputy Secretary-General, Dr. Ali Garshasbi. Now I invite the Delegates, Member States, to make their statements on the topic. The first statement is to be made by the Distinguished Delegate from Palestine, His Excellency, and the Minister of Justice of Palestine. Now you have the floor. Thank you.

**The Delegate of the State of Palestine**<sup>13</sup> His Excellency the Secretary-General of the Asian-African Legal Consultative Organization (AALCO). His Excellency the President, Professor Yasonna Laoly, Minister of Law and Human Rights, Ladies and Gentlemen.

Between the Sixtieth Annual Session of AALCO, which was held in New Delhi on September 26-28, 2022, and the Sixty-First Session being held today in Bali, another year of pain and suffering has passed for the people who have been under occupation since June 5, 1967, and the Israeli occupation forces are still carrying out their military attacks on the Gaza Strip against the civilian population and civilian objects. According to the Palestinian Ministry of Health, the military attacks have led to the killing of (3,600) martyrs and the wounding of (14) thousand wounded.

Mr. President, Ladies and Gentlemen, the war and aggression led by the occupying authority against the Gaza Strip, has taken on a brutal nature, by eliminating the largest possible number of defenceless and innocent civilians, and by demolishing their facilities and homes.

Israel has committed serious violations of international humanitarian law and human rights in Gaza, and has violated its legal obligations to distinguish between military targets and civilian objects, and the application of the principle of proportionality.

Ladies and Gentlemen, the Gaza Strip and the Occupied Palestinian Territory is witnessing a bloody scene resulting from the crimes of the occupation, where war crimes, crimes against humanity and genocide are committed against innocent civilians and civilian objects without any moral or legal deterrent. These crimes and grave violations require a legal and judicial mechanism to allow the perpetrators are prosecuted and punished.

Israel, as an occupying power, due its aggression against Gaza, must bear their full responsibility of its actions that are harmful and illegal. Israel's responsibility is established

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<sup>13</sup> The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

through the availability of the elements of responsibility for the illegal act, the damage, and the connection and cause between the illegal act and the damage element.

Therefore, I hold Israel responsible for its illegal actions in Gaza. The policy of using excessive and lethal force by the occupation army in Gaza constitutes a new form of apartheid system and therefore it must bear international criminal responsibility.

Ladies and Gentlemen, and Member States, the policy of demolishing homes in Gaza falls within the practices of collective punishment, and the policy of demolition falls within the system of war crimes and a crime against humanity, and represents a violation of property rights.

The policy of forced displacement is part of a systematic policy used by Israel in order to change the demographic conditions in Gaza. Humanitarian law strictly prohibits individual and collective forced displacement of populations under occupation.

Article 49 of the Fourth Geneva Convention prohibits the collective or individual forced movement of people or their exile from their areas of residence to other lands.

Article No. 147 of the Fourth Geneva Convention states that deportation or unlawful transfer is considered a grave violation of the Convention. Forced transfers are part of the apartheid mechanism and aim to strengthen Jewish ownership and racial domination.

Ladies and Gentlemen and Member States in committing crimes in Gaza, Israel uses the legitimate right of self-defence as an excuse. This right is a natural and legitimate right approved by Article 51 of the Charter, but the Charter limits the right to relations between States, meaning that no State has the right to invoke it against resistance movements that do not constitute a State.

This means that the actions undertaken by the Palestinian resistance movements do not provide the required condition for exercising the right of legitimate defence. Mr. President, Ladies and Gentlemen. The Israeli occupying State and the settler militias would not have continued in violating the provisions and principles of the United Nations Charter, the decisions of international legitimacy, and the provisions of international norms and agreements of International Humanitarian Law, had it not been for the silence of the international community and its failure to bear its legal responsibilities arising from its obligations resulting from the provisions of the United Nations Charter and other international agreements of public international law and international humanitarian law.

Not only that, but the negativity of the international position and the lack of serious intervention in confronting Israeli violations had a clear impact in strengthening the sense of impunity among the leaders of the occupying State and its settlers, which encouraged them to persist in their violations.

This is why we see the importance and necessity of the international community, including the States Parties in your organization, moving from denouncing and condemning the practices of the occupier and its settlers to effectively confronting these practices through:

1. Effective application of the principle of non-impunity for perpetrators of grave violations, war crimes and crimes against humanity in the occupied Palestinian territory, through strengthening legal accountability by the international community and States Parties to the Asian-African Legal Consultative Organization (AALCO). Perhaps one of the steps that we hope and wish to be achieved is the issuance of a

recommendation or decision by your esteemed organization requesting your countries to adopt universal criminal jurisdiction, so that your national courts become competent to consider serious violations of international human rights law and international humanitarian law.

2. Forming a specialized legal committee to study ways to hold accountable and prosecute perpetrators of Israeli grave violations before national courts and before international mechanisms that may be available and possible to hold Israelis accountable
3. Adopting of a blacklist that includes the names of natural and legal persons who advocate hatred, discrimination, and apartheid and who are responsible for planning or implementing serious violations of the provisions of international humanitarian law. We see the importance of forming a legal committee by the States Parties to the Asian-African Legal Consultative Organization (AALCO) to set standards to be adopted regarding the requirements for including persons and companies on this list, similar to what has been adopted in the Human Rights Council, the United Nations, and the United Nations Office against Crime and Terrorism.
4. The importance of your organization's call and affirmation of the legal status of the City of Jerusalem as an integral part of the Occupied Palestinian Territory and the necessity and obligation of the States Parties to the Charter of the United Nations and the Four Geneva Conventions to the legal status of the City of Jerusalem and prohibiting the relocation of their embassies to this city or recognizing any change in its legal character, based on the rules of international law which prohibits the annexation and acquisition of third party territories by force, and also the resolutions issued by the UN Security Council, including Resolution 20334 of 2016, Resolution 605 of 2987, Resolution 592 of 1986, Resolution 478 of 1980, Resolution 465, Resolution 456 and other resolutions.
5. Issuing a decision to adopt the holding of your organization's annual meeting in the State of Palestine according to the date you deem appropriate, to enhance the recognition of our Palestinian state and to affirm your organization and your countries' rejection and illegitimacy of the Israeli occupation.
6. Issuing a decision to hold the Israeli occupying state legally accountable for the actions of its three authorities that violate the provisions and rules of public international law and international humanitarian law, and to confirm the illegality of these actions and not recognizing any impact that may arise from them.

There is no doubt that such measures, even if they do not fulfil our ambitions for freedom and independence, nevertheless they may contribute to decreasing the number of the Israeli violations in the Palestinian land and the occupied Syrian Golan. Not only that, but they may also restore due regard to the Palestinian just cause and the trust of our people in the international community, which sees its work and its functions as clear duplication and double standards. At a time this community stands together, collaborates and acts firmly with countries violating the rules of international law and human rights, it ignores the simplest forms of intervention and pressure in confronting the Israeli occupation state.

Perhaps what I have to conclude with is that it is time to strengthen and develop actual mechanisms to hold the occupier accountable.

**President:** Thank you. Thank you for your statement, Excellency. Now I move to the Delegation of the Republic of India. You have the floor, sir. Thank you.

**The Delegate of the Republic of India:** Thank you, Mr. President. Distinguished Delegates, Ladies and Gentlemen. A very good morning and first of all my apologies for being late this morning. We thank the Deputy Secretary-General for his introductory remarks on this topic. Mr. President, India has reiterated time and again our commitment to establish a sovereign, independent and vital State of Palestine side by side at peace with Israel, taking into account the legitimate security concerns of parties. This, we emphasize, can deliver lasting peace. In this regard, India continues to believe the need for an early resumption of direct peace negotiations between the parties towards a boosted solution, taking into account the legitimate aspirations of Palestinian people. Mr. President, we are deeply concerned by the escalation of violence. We condemn all acts of violence and attacks against civilians, including acts of terror, provocation and incitement. All parties must protect civilians, especially women and children. On our part, India has always supported the Palestinian people in their pursuit of economic and social development with dignity and self-reliance and continues to remain a committed development partner of Palestine. I thank you, Mr. President.

**President:** I thank the Distinguished Delegate from the Republic of India for the statement. Thank you very much. The next statement is from the Distinguished Delegate of the Islamic Republic of Iran. Please, you have the floor, Sir.

**The Delegate of the Islamic Republic of Iran:** *Bismillahirrahmanirrahim.* Mr. President, in the beginning, my delegation would like to welcome the holistic 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". We also thank the Secretariat for inclusion of this crucial topic on the agenda.

Mr. President, Palestine remains an ever-shrinking occupied land struggling for its rights to self-determination, while Palestinians continue to be subjected to the longest systematic gross violation of human rights and humanitarian law under a military apartheid system. We are facing unprecedented and ongoing and grave breach of a wide range of human rights, humanitarian law and fundamental principles of international law in occupied Palestine by Israel Regime which through disregarding international community demands for ceasing such wrongful acts not only follow its unlawful desires but also threatens international peace and security, rule of law and undeniable right of Palestinian people in occupied territories.

In this regard, some prominent documents released which unanimously condemns the activities of Israel Regime and request the termination of such behaviours and illegal policies. For instance, Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories to the Human Rights Council in 2022 which mostly focused on the fundamental right of Palestinian namely Self-determination and inviolability of the right to self-determination stems from its *erga omnes* and *jus cogens*, announce that the right to self-determination continues to be denied.

Additionally, this report clearly announces that nature of the Israeli occupation that of an intentionally acquisitive and repressive regime designed to prevent the realization of the Palestinian people's right to self-determination and realizing the undisputable right of the Palestinian people to self-determination requires dismantling once and for all the Israeli settler-colonial occupation and its apartheid practices. It is on Israel entity complies with its obligations under international law and ceases to impede the realization of the right to self-

determination of the Palestinian people, ending its settler-colonial occupation of the Palestinian territory immediately and unconditionally and making reparations for its wrongful acts.

Mr. President, in this regard we welcome the adoption of Resolution A/77/247 on 9 January 2023 titled “Israeli Practices Affecting the Human Rights of the Palestinian People in the Occupied Palestinian Territory, Including East Jerusalem” which highlight the wide range of violation of the people of Palestine rights by Israeli Regime, as occupying power, in particular right to self-determination, request the advisory opinion from International Court of Justice regarding the legal consequences of this gross violations of these rights.

Mr. President, the recent decisions and measures taken by Palestinian’s resistance are firmly rooted in the fundamental principle of self-determination, representing a completely legitimate response to seven decades of oppressive occupation and the various atrocities committed by the Israeli regime.

The Israeli regime, on the other hand, is currently engaged in an indefinite and belligerent occupation, driven by annexationist intentions, which obviously violates the Palestinian people’s right to self-determination. This gross violation of international law carries significant outcomes and necessities that international community and United Nations Member States assume responsibility and act decisively to terminate this illegal occupation. Thank you, Mr. President.

**President:** Thank you. Thank you very much. The Distinguished Delegate from Islamic Republic of Iran for your statement. Now I invite the Distinguished Delegate from Malaysia to make their statement to have the floor. Thank you.

**The Delegate of Malaysia:** Mr. President, Excellences, Distinguished Delegates, *Assalamualaikum* and a very good morning. First of all, allow me to express our deep gratitude to the esteemed AALCO Secretariat for its report on an agenda of utmost global significance.

Malaysia acknowledges the invaluable work conducted by the Special Rapporteur on Human Rights in the Palestinian territories, occupied since 1967, and the Independent International Commission of Inquiry on the Occupied Palestinian Territory, which encompasses East Jerusalem and Israel.

In applauding the findings and recommendations contained within these reports, Malaysia underscores our unwavering dedication to the defence and advancement of the rights and dignity of the Palestinian people. Malaysia remains steadfast in its condemnation of Israel’s unlawful actions in the Occupied Palestinian Territories, which not only violate international law but also obstruct the Palestinians’ inherent and inalienable right to self-determination.

Malaysia is deeply concerned with the recent events and over the loss of so many civilian lives due to the latest escalation of clashes in and around the Gaza Strip. At this critical time, further loss of life, suffering and destruction should stop and parties must exercise utmost restraint and de-escalate hostilities. The root cause must be acknowledged. The Palestinians have been subjected to the prolonged illegal occupation, blockade and sufferings, desecration of Al-Aqsa, as well as the politics of dispossession at the hands of Israel as the occupier in contravention of international law.

For nearly two decades, the Gaza Strip has been transformed by Israel’s apartheid regime into a large concentration camp for millions of Palestinians who are deprived of their most basic



rights to a decent life. Now more than ever, the situation in Gaza warrants immediate actions and attention and a meaningful response from the international community. Further delay in enforcing international laws and orders is nothing but blatant hypocrisy.

Mr. President, turning our attention to the call for an Advisory Opinion from the International Court of Justice on the question of “the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory including East Jerusalem,” Malaysia stands at the forefront alongside many AALCO Member States advocating for this critical inquiry. Here, the ICJ represents the beacon of justice and impartiality that must shed light on the illegal settlements in the Occupied Palestinian Territories and contribute to the broader process in seeking a just, comprehensive, and enduring resolution to the Middle East conflict.

Unfortunately, despite the ICJ’s Advisory Opinion on the Question of the Wall in 2004, Israel continues to ignore it by expanding its reach in the Occupied Palestinian Territory. This blatant disregard for international law is accompanied by acts of violence, the use of force against Palestinians, resulting in injuries, loss of life, and widespread destruction. Coercive migration and deportation also persist, in clear violation of the Fourth Geneva Convention of 1949 and established human rights and humanitarian law.

Malaysia has submitted its written statement to the ICJ in the 2023 question “Request for an advisory opinion on legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory including East Jerusalem”, aligning with General Assembly Resolution 77/247. Our fervent belief in the ICJ’s ability to deliver an impartial and independent opinion on the illegal settlements in the occupied Palestinian territories underscores our unwavering commitment to justice.

It is worth noting that many AALCO Member States have joined us in submitting written statements before the ICJ, including Turkey, Bangladesh, Jordan, Lebanon, Syria, Palestine, Egypt, Japan, Saudi Arabia, Qatar, Yemen, Oman, Pakistan, South Africa, Kuwait, China, Gambia, Mauritius, and Indonesia. This collective effort underscores the paramount importance of this issue for our region and the international community, aligning with the unwavering commitment to compliance with the rule of law and principles of international humanitarian law and human rights, including those enshrined in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Malaysia proudly continues to engage in key United Nations committees such as the UN Special Committee to Investigate Israeli Practices (SCIIP) and the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP). Our participation in these important partnerships reflects our steadfast dedication to the Palestinian cause and the pursuit of justice. Again, Malaysia reiterates that the recent attacks by Israel must be condemned by all the international community and ensuring this kind of inhumanity must be stopped immediately.

In conclusion, Malaysia remains resolute in its principled position that the Palestinian people deserve an independent and sovereign State, based on pre-1967 borders, with East Jerusalem as its capital. We look forward with hope and anticipation to the ICJ’s forthcoming conclusions on this matter. We place our trust in the rule of law within the international community, and we firmly hope, and will continue to strive so that justice will prevail for our Palestinian brothers and sisters. I thank you Mr. President.

**President:** I thank for the Distinguished Delegation of Malaysia for the statement. The next statement is from the Distinguished Delegate from Indonesia.

**The Delegate of the Republic of Indonesia:** Thank you Mr. President. Mr. President, Excellences, ladies, and gentlemen let me begin by thanking AALCO Secretariat for their relentless efforts to prepare a comprehensive report of this agenda item and on the inclusion of this agenda on annual basis.

My Delegation wishes to share our views on the three proposed issues for discussion as indicated by the Secretariat in their report.

Mr. President, Excellences, ladies, and gentlemen the reports of the Special Rapporteur and the Independent Commission had brought to light the idea of a structural approach to Palestine – Israel conflict. My Delegation appreciates such finding.

In fact, my Delegation views that the totality of Israel's policies of settlement, annexation, and continuous violation of the right of the Palestinian people to self-determination, have the sole and ultimate aim of disfranchising the Palestinian people from their lands, from their rights, and from their future. With days gone, Palestinian lands are receding, their rights are violated, and their future is imperilled.

Hence, my delegation encourages AALCO as well as the Special Rapporteur to continue investigating how international law can contribute to end Palestinian people's enduring subordinate status, to end the starkly unequal power status.

Excellences, Ladies and Gentlemen on the topic of the Request of Advisory Opinion, my Delegation is pleased to have contributed written statement to the International Court of Justice.

The request provides a fresh opportunity to look into how the findings of the International Court of Justice in its 2004 Wall Advisory Opinion have been sanctioned on the ground.

On the other hand, the present request differs in many ways from the Wall. In 2004, the question focused narrowly on the legal consequences arising from one aspect of the occupation that is the construction of the Wall.

In the current request, the questions presented essentially have a more expansive scope in which the Court is asked to determine the legal consequences arising from the aggregate of Israel's conduct and policies altogether.

For the first time ever, the Court will opine on the totality of Israel's policies. In this regard, it is important that AALCO also plays an important role to rally international community in endorsing and pushing through this advisory opinion.

Excellences, Ladies and Gentlemen, the present request for Advisory Opinion provides a watershed moment where the ICJ is in the position to establish that Israel has committed a series of systematic violations of international law in the OPT, including East Jerusalem.

Violations committed by Israel are manifested through the following policies and practices, including but not limited to: prolonged occupation, settlement and annexation policies of the OPT since 1967; measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem; adoption of related discriminatory legislation and measures contrary to its obligation based on international human rights law, particularly ICERD; breach of its obligations to respect the right of the Palestinian people to self-determination, and breach of its obligations as Occupying Power under the Fourth Geneva Convention.

My delegation also views that Israel's continued illegal policies and practices, cannot alter the legal status of the OPT, including the status of East Jerusalem.

Excellences, Ladies and Gentlemen, in light of the recent events in Palestine, my Delegation would like to reiterate the urgency for an immediate end of war and violence to avoid further human casualties and damages of properties.

Most importantly, the root causes of the conflict, that is the occupation of Palestinian territory by Israel, must be resolved in accordance with the parameters agreed upon by the United Nations. I thank you.

**President:** Thank you, Distinguished Delegate of Indonesia, for your statement. Now I then implore Distinguished Delegate of the People's Republic of Bangladesh. You have the floor. Thank you.

**The Delegate of the People's Republic of Bangladesh:** Mr President, Distinguished Delegates we thank AALCO Secretariat for including the issue of Palestine in the agenda for discussion. We also thank the Deputy Secretary-General for his introductory remarks.

Mr. President, the situation is dire on the ground with the news of unprecedented damage and destruction of infrastructure in Gaza, untold sufferings and massive loss of lives of innocent Palestinian civilians. Yesterday, Israeli military bombarded a hospital in Gaza killing more than a thousand people. We are discussing here about violation of international law. These are blatant examples of the violation of international humanitarian law as well as human rights law. Many commentators are saying that these are clear signs of genocide, war crime and crimes against humanity perpetrated by the Israeli regime. Bangladesh denounces the ongoing armed attack and deplores the resultant loss of innocent civilian lives and injury of victims, many of whom are women and children.

We underline that escalation of conflicts and violence benefits no party. We call upon Israeli to exercise maximum restraint and to refrain from excessive and indiscriminate use of force so as to avoid further loss of lives. The Palestinians in seized Gaza need urgent humanitarian assistance. We request the international community to use their leverage on Israel to allow humanitarian corridor to avoid mounting humanitarian disaster.

Mr. President, the root cause of the Middle-East Crisis is the illegal Israeli occupation and continued expansion of Israeli settlements in Palestinian territory in total disregard of the views of the international community and international law. The International Court of Justice advisory opinion declared this illegal. It must stop forthwith and for ever if peace to be given a chance in this longstanding humanitarian crisis and inalienable right to self-determination of the Palestinian people are realized. No nation has suffered so much and for so long as the Palestinians have. We have full sympathy and solidarity with our Palestinian brothers and sisters at this trying time.

We remain steadfast in our support to the people of Palestine to achieve an independent State, with East Jerusalem as its capital, living side by side with Israel in accordance with the desire of the international community and following relevant UN resolutions, which we believe could bring lasting peace and stability in the region. I thank you.

**President:** Thank you. Thank you, Distinguished Delegates from the Republic of Bangladesh. Now I turn the floor to Distinguished Delegates from the Arab Republic of Egypt. Please, you have the floor, Sir.

**The Delegate of the Arab Republic of Egypt<sup>14</sup>:** Ladies and Gentlemen, Excellences, Heads of Delegations, Distinguished Delegates at the outset, allow me to express my sincere thanks to the Republic of Indonesia for the generous hospitality and warm welcome that Indonesia has always given us and for hosting us on this beautiful island. I am also pleased to extend my congratulations to His Excellency Mr. Yasonna Laoly, Minister of Law and Human Rights of Indonesia, on his selection as President of the Sixty-First Session of the Organization and also to His Excellency Ronald Lamola, Minister of Justice and Correctional Services of the Republic of South Africa, on his selection as Vice-President. I cannot fail to extend my sincere thanks to Dr. Kamalinne Pinitpuvadol, Secretary-General of the Organization, for the continuous support he provides to the work of the Organization.

Distinguished Delegates, the Palestinian issue has entered a new curve over the past few days, and the Palestinian-Israeli conflict is witnessing a dangerous turning point that will have an impact on the Palestinian and Israeli people alike. The unprecedented escalation that we have witnessed recently, which resulted in the fall of thousands of victims and injured, will have its impact on all parties, and numbers of victims are still increasing to this day as the bombing on defenceless civilians in Gaza continues. I would like to stress my rejection of targeting any civilians, anywhere, regardless of who they are, to this level of violence, and stress the importance of living in peace and reassurance for everyone. I also stress the utmost importance of the priority of stopping this bleeding of innocent blood, the necessity of providing protection for civilians, refusing to expose them to targeting under any pretext, and providing safe access to humanitarian aid, not only in accordance with international principles and laws, but also in accordance with the most basic humanitarian values. There are huge numbers of children, women and civilians dying every day, and even larger numbers of injured people cannot find treatment, in addition to a severe food and services crisis that the Gaza Strip is suffering from, which even before this crisis did not have the capabilities and freedom for a decent life.

The cruelty of the scenes that we have all seen in recent days does not need explanation. It is a result that should have been expected due to the negligence of fair and serious dealing with the Palestinian issue, the continued political stagnation, and the decline in international interest in trying to provide the most basic human rights to the Palestinian people and alleviate their daily suffering in many ways. Today, the Gaza Strip is experiencing a real tragedy as a result of bombing, starvation, preventing medical services, and even seeking to displace people from their land and force them to flee and leave their homes.

In fact, the bombing is developing into attacks on hospitals without the slightest regard for humanity, which are completely contrary to international humanitarian law and human rights law, which are the highest principles for all, regardless of religion, race, and gender. The policy of collective punishment that we are witnessing now represents a clear violation of humanitarian law, international law, and the Geneva Conventions.

What is required is to emphasize the rights of civilians in accordance with international law and work to ensure that international laws are effective and capable of achieving their goals, and then move to prevent further aggravation of the current humanitarian crisis, which is already worsening, and work to take the necessary measures that guarantee the protection of defenceless Palestinian families and humanitarian access to them to provide humanitarian aid necessary for their lives.

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<sup>14</sup> The statement was delivered in Arabic. An unofficial translation was made by the Secretariat.

Ladies and Gentlemen, implementing international legitimate United Nations resolutions regarding the Palestinian issue has become more urgent than before, and it is important to emphasize on the foundations of international law and the mechanisms that guarantee this through the two-state solution that the international community has approved many times without the ability to implement.

Human responsibility, human conscience, and universal moral values require people of free conscience all over the world to take the initiative to provide humanitarian support to the Palestinian people, who are suffering from great dangers at the present time.

It is very important to achieve comprehensive peace for all the people of the Middle East and to reach agreements that allow all the peoples of the region to live and coexist in peace forever and to focus on economic development priorities.

In conclusion, I hope that the outcomes of our meeting will reflect the reaffirmation of these principles and the continued adherence of all of us to international and humanitarian law and the Palestinian issue, and that these outcomes will be our contribution to stirring the global conscience. Thank you very much

**President:** Thank you, Your Excellency, Distinguished Delegates from Arab Republic of Egypt. Now I turn the floor to the Distinguished Delegate from China. You have the floor, please.

**The Delegate of the People's Republic of China:** Thank you, Mr. President. Mr. President, China is closely following the current tensions between Palestine and Israel. China condemns all violence and attacks against civilians and opposes all acts in violation of international law. China calls on relevant parties to cease fire and restore peace as soon as possible, so as to protect civilians and avert greater humanitarian disaster.

The question of Palestine is at the core of the Middle East issue. The historical, ethnic, religious, and geopolitical backgrounds of this question are complex. For more than half a century, the Palestinian people has been on an arduous struggle for their legitimate rights and drawn widely attention from the international community. Since 1988, AALCO has discussed international legal issues related to the question of Palestine. In 2004, the International Court of Justice delivered an advisory opinion, finding that Israel's construction of the wall and its associated regime were contrary to international law. Nevertheless, the illegal situation has not been cured to this day.

In the context of the recent escalation of the Palestinian-Israeli conflict, at the end of December 2022, the United Nations General Assembly made a second request to the International Court of Justice to deliver an advisory opinion on the question of Palestine. China always attaches great importance to a comprehensive, just and lasting solution to the question. China voted in favour of the General Assembly resolution and submitted a written statement to the International Court of Justice.

Mr. President, in the written statement, China stated its consistent stand on the question of Palestine and elaborated its opinions on important legal issues involved in this proceeding, based on relevant UN resolutions and recognized principles and rules of international law.

China believes that the rules of international humanitarian law, international human rights law and the principle of self-determination of peoples are applicable in the Occupied Palestinian Territory. The policies and practices of Israeli prolonged occupation have violated international humanitarian law and international human rights law, and have been suspected

of constituting annexation, and have severely impeded the realization of the right to self-determination of the Palestinian people. Israel therefore bears State responsibility for those violations. The United Nations and other States also shoulder certain obligations and responsibilities, such as not to aid or assist internationally wrongful acts as third parties. China hopes that the advisory opinion of the International Court of Justice could provide legal guidance to the United Nations in handling the question of Palestine.

Mr. President, the comprehensive, just and lasting settlement of the question of Palestine bears on regional peace and stability, international fairness and justice, the uniform interpretation and equal application of international law, and the common security and development of Palestine and Israel. On June 2023, during his talks with Palestinian President Mahmoud Abbas, the Chinese President Xi Jinping put forward a three-point proposal for the settlement of the question of Palestine, emphasizing the need to establish an independent State of Palestine that enjoys full sovereignty, to step up development assistance and humanitarian aid to Palestine, and to keep to the right direction of peace talks.

China is willing to join other members of the international community to actively contribute to the early settlement of the question of Palestine and the realization of lasting peace and stability in the Middle East. Thank you, Mr. President.

**President:** Thank you for the statement, Distinguished Delegate of China. Now I give the floor to the Distinguished Delegate of Türkiye. Please, you have the floor.

**The Delegate of the Republic of Türkiye:** Mr. President, Distinguished Delegates. Let me thank Government of Indonesia for hosting the session here in Bali, for the hospitality. And I also would like to thank the Secretariat for preparing a timely report and including this item on the agenda.

Mr. President, Türkiye strongly believes that a lasting peace in the Middle East can't be possible without a just solution to the Israeli-Palestinian conflict. The unfolding events, unfortunately, are alarming for all sides. On the 7th of October, we all woke up to a new crisis in our region. We hoped that the escalation wouldn't lead to permanent damage in the region.

Mr. President, loss of civilians is not acceptable at all. However, it is increasing by day. Yesterday, Israel bombed a hospital, killing 1,000 people. Our Foreign Ministry immediately released a statement strongly condemning the loss of civilian lives in Gaza. It is important that the civilian population and the civil infrastructure in Gaza should not be targeted. And it seems that the Israeli reaction turned to be a collective punishment. Food, electricity, and water supply were cut off. These are the basic human needs. We believe that these punishments should end. Gazans should enjoy their daily life, and they should not be forced out of their homes, out of their lands, because that would cause a permanent demographic change and transition in the region. As we know, acts of violence and escalation will not benefit anyone. In this context, our authorities have been in contact with all the parties, and President Erdogan has been talking to more than 20 leaders both in the region and outside the region to find a solution to this issue.

Mr. President, Türkiye also would like to remind that the spill over of this conflict in the region would bring chaos and will lead to severe consequences. We have been witnessing in the Middle East the consequences of wars and conflicts for a number of years. The conflicts lead to the displacement of millions of people who become refugees in their own land. It also leads to the rise of armed non-state actors, who sometimes cannot be controlled and act as

proxies. Therefore, it is important that Israel should show restraints and also avoid irreversible actions. The ongoing situation once again shows the importance of the two-state solution. East Jerusalem being its capital. We call on the international community to support two-state solutions more actively today. If it is not today, when will the international community act to protect the rights of Palestinians? Türkiye is also prepared, Mr. President, to provide humanitarian help to the people of Gaza. Already, a number of cargo ships and planes are on the way, and cargo planes flew to Egypt, actually, to distribute food and medicine once the government authorities provide the ground for that. We believe that the lives of Palestinians matter. That's why the international community should be more active in stopping this conflict. Thank you.

**President:** Thank you, Distinguished Delegate of Türkiye. Now I turn the floor to the delegation of Pakistan. Please you have the floor.

**The Delegate of the Islamic Republic of Pakistan:** *Bismillahirrahmanirrahim.* Honourable President of AALCO, Distinguished Delegates, Ladies and Gentlemen, *Assalamualaikum* and very good morning. The Islamic Republic of Pakistan especially thank Mr. President and AALCO Secretariat for the inclusion of this very important and critical international issue for the discussion today. The Islamic Republic of Pakistan is deeply concerned on the ongoing violence and loss of innocent lives in Gaza. We stand in solidarity with the people of Palestine and call for an immediate ceasefire and lifting of the blockade in Gaza.

Escalating aggression by the Israelis and targeting civilians in Gaza is not only against the principle of international law, but also a manifest violation of international humanitarian law. An independent and sovereign state of Palestine with Al-Quds Al-Sharif as its capital must be established on the basis of pre-1967 orders and UN resolutions. The United Nations, OIC and international community must immediately act to open safe and unrestricted humanitarian corridors for the transportation of urgently needed relief supplies for the people of Gaza. The international community also needs to intervene to bring an end to this conflict. Protect civilians and work towards a lasting peace in the Middle East keeping in view the advice and opinion of the International Court of Justice. Thank you, sir.

**President:** Thank you very much the distinguished delegate of Pakistan. I extend the floor to the Distinguished Delegate of Tanzania. Please, you have the floor.

**The Delegate of the United Republic of Tanzania:** Mr. President, the United Republic of Tanzania takes note of the brief by the Secretariat on the topic "Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine." The United Republic of Tanzania is saddened by the loss of innocent lives through violence carried out in Israel-Palestine conflict. We move with the families of the deceased and pray for the quick recovery for the injured. We also condemn all forms of violence. Violence has never been as successive as an instrument of dispute settlement. We therefore call for restraint to stem further loss of humanity. We urge all parties to pursue durable peace through a genuine dialogue guaranteed by the goodwill of the entire family of nations rooted in an imperative of two States, equally viable States living side by side in peace and harmony. I thank you for the opportunity.

**President:** Thank you. Thank you very much for the statement, Distinguished Delegate from Tanzania. Now the floor is for the Distinguished Delegate from Viet Nam. You have the floor.

**The Delegate of the Socialist Republic of Viet Nam:** Thank you Mr. President. Our Delegation wishes to express deep concern regarding the recent surge in violence in the Middle East, resulting in tragic casualties among innocent civilian population.

We urge the involved parties to abstain from actions that exacerbate the situation, to reinstitute negotiations for the peaceful resolution of differences. These discussions should be grounded in international law and pertinent United Nations Security Council resolutions, with a primary focus on an inclusive, just, and sustainable solution that safeguards the lives of civilians, upholds the legitimate interests of all involved parties, and promotes regional peace and stability.

Mr. President, we strongly call upon all parties involved in the conflict to adhere to the resolutions of the United Nations Security Council that safeguard objects indispensable to the survival of the civilian population in conflict areas, as outlined in Resolution 2573. Additionally, we emphasize the strict prohibition on launching attacks against hospitals, medical facilities and personnel in conflict situations, in accordance with Resolution 2286. These resolutions are fundamental to protecting the lives and well-being of innocent civilians, and their implementation is crucial for mitigating the humanitarian impact of the conflict. We urge unwavering commitment to these principles in order to ensure the safety and security of those affected by the conflict.

Mr. President, Viet Nam maintains a consistent policy of endorsing the legitimate aspirations of the Palestinian people and advocating for a two-state solution. In line with this commitment, Vietnam supports international and regional initiatives towards the establishment of an independent, sovereign State of Palestine, coexisting peacefully with the State of Israel within the boundary established before June 1967, with East Jerusalem as its capital.

In this spirit, Viet Nam lends its support to all endeavours by relevant parties, both at the international and regional levels, to pursue peaceful conflict resolution, thereby fostering enduring and sustainable peace in the Middle East. This contributes to the progress and development of nations in the region, ultimately fostering peace on a global scale. I thank you, Mr. President.

**President:** Thank you, Distinguished Delegate of Viet Nam. Now the floor is for Distinguished Delegate of Japan. Please, you have the floor.

**The Delegate of Japan:** Thank you Mr. President. In regard to the Middle East Peace Process, Japan supports a two-state solution. Japan urges the Parties to exert further efforts to build mutual trust, to exert maximum self-restraint avoiding any unilateral action that hinders the resumption of the peace talks, and to advance direct negotiations in order to realize a two-state solution at the earliest possible time.

Regarding the advisory opinion procedure of the ICJ on “Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”, Japan has submitted a written statement. As stated therein, in general terms, Article 2(4) of the Charter of the United Nations is the foundation of the rule of law. In particular, the prohibition on the acquisition of territory resulting from the threat or use of force, reaffirmed in the Friendly Relations Declaration of 1970 and highlighted in the advisory opinion of the ICJ of 2004, provides a safeguard for the international community.



At the Third session of the Ministerial Meeting of the Arab-Japan Political Dialogue held in September, in its Joint Statement, we underscored the importance of the prohibition on the acquisition of territory resulting from the threat or use of force. In the G20 New Delhi Leaders' Declaration, it was affirmed that in line with the UN Charter, all States must refrain from the threat or use of force to seek territorial acquisition against the territorial integrity and sovereignty or political independence of any state.

Japan believes that an attempt to acquire territory through creating a *fait accompli* by acquiring or strengthening control over territory through coercion on the ground, such as sending regular or irregular forces to a territory which is within another State's internationally recognized border, or a territory under another State's peacefully established control, could, even if those acts do not cause death, injury or destruction, be the acquisition of territory by force, prohibited under the Article 2(4) of the UN Charter.

Regarding the clashes between Israel and the Palestinian militants, the Government of Japan believes that it is not appropriate to make a definitive assessment of an ongoing case here, since AALCO is a forum for legal experts to discuss legal issues. Thank you Mr. President.

**President:** Thank you. Thank you very much for the statement Distinguished Delegate of Japan. Now the floor is for the Delegation of Bahrain. Distinguished Delegate of Bahrain, please, you have the floor.

**The Delegate of the Kingdom of Bahrain<sup>15</sup>:** Mr. President, Excellences, Ladies and Gentlemen. May the peace, blessings, and mercy of God be upon you. At the outset, my Delegation, the Kingdom of Bahrain, would like to express its full support for the inclusion of the item on the agenda and for the report on violations of international law in Palestine and other occupied territories by Israel and other international legal issues related to the question of Palestine.

We extend our thanks and appreciation to His Excellency the Secretary-General and the Secretariat of the Organization (AALCO) for preparing the comprehensive report presented before the conference, and the wonderful concluding remarks and legal recommendations it included. I would also like to applaud His Excellency Professor Dr. Muhammad Al-Shalalda, Minister of Justice of the sisterly State of Palestine, and thank him for his additional briefing on the legal and humanitarian conditions in Palestine and the other occupied territories, in light of international law and international humanitarian law, especially in light of the rapid and dangerous developments that the Gaza Strip is going through. In these difficult times, which are witnessing a dangerous and unprecedented escalation of violence and flagrant violations of international humanitarian law.

Mr President, I would like to express, on behalf of my Delegation, its strong condemnation and denunciation of the Israeli bombing that targeted Al-Ahly Baptist Hospital in the Gaza Strip yesterday, Tuesday, which resulted in the death and injury of hundreds of innocent citizens.

My Delegation also expresses its sincere condolences and sympathy to the brothers in Palestine and the brotherly Delegation of Palestine participating in this conference, as well as to the families and relatives of the martyrs and the Palestinian people, and its wishes for a speedy recovery for all those injured.

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<sup>15</sup> The statement was delivered in Arabic. An unofficial translation was made by the Secretariat.

Mr. President, my Delegation renews the Kingdom of Bahrain's call on the international community to intervene urgently to establish a ceasefire in the Gaza Strip, and to ensure respect for international law, international humanitarian law, and international human rights law in securing hospitals, housing, and civilian facilities, providing protection for civilians, and opening urgent humanitarian corridors for the entry of medical and relief aid, food, and water. And electricity and fuel to the Gaza Strip.

Hence, my Delegation reiterates the importance of providing international protection to civilians, refraining from targeting them, and complying with and applying it completely, and then fully adhering to the principles of international humanitarian law, without exception, and rejecting violence and escalation.

Mr. President, my Delegation reiterates the importance of reviving the peace process, just and comprehensive, in the Middle East region, in a way that guarantees the right of the Palestinian people to self-determination and the establishment of their independent state on the borders of June 4, 1967, with East Jerusalem as its capital, in accordance with the two-state solution, the Arab Peace Initiative, and international legitimacy resolutions. Thank you, Mr. President.

**President:** Thank you, thank you very much for your statements, Your Excellency and Distinguished Delegate from Bahrain. I think we have exhausted statements from the Member States. I will now open the floor to the Observer States, followed by Observer Organizations, if any. Now I invite the Distinguished Delegate from Russia to make their statement. Please, you have the floor.

**The Delegate of the Russian Federation:** Thank you very much Mr. President, and dear delegates. We would also like to thank the Secretariat for the report. Currently the world witnesses a sharp and tragic escalation of the situation. Thousands of people have been killed, including Russian nationals, and our prayers are with their beloved ones. Recently we learnt about the appalling attack on the hospital in Gaza that claimed lives of hundreds of civilians. The international community must do everything to ensure their protection as provided by the international humanitarian law.

Mr. President, Russia has been a long-standing advocate of a negotiated solution to the conflict on the basis of the universally recognized international legal framework. That solution must result in the emergence of an independent and viable Palestinian State, along 1967 borders, with East Jerusalem as its capital, living in peace and security with Israel. As a Permanent Member of the UN Security Council and a member of the Quartet, Russia has spared no effort in order to make this aspiration a reality. Unfortunately, over the past several years, the activities of the Quartet have been virtually blocked. The current tragic events show that ill-conceived unilateral efforts by the United States have failed. It is therefore time to resume multilateral diplomacy and, most importantly, direct negotiations between Israel and Palestine. And, as an immediate goal and a necessary condition for any negotiation, the current cycle of violence must stop, a sustainable cease-fire must be established, and humanitarian corridors must be opened. Otherwise, risks are high that violence may spread, leading to catastrophic consequences for the whole region. We deplore that the Russia-sponsored resolution calling for a cease-fire has been blocked by western members of the Security Council, and we applaud those members of AALCO that voted in favour.

Mr. President, the logic of the need for a negotiated solution to the conflict also applies to the request for an advisory opinion of the International Court of Justice regarding the occupation of Palestinian territories by Israel. In its submission to the Court, Russia has given an honest

legal qualification to Israel's policies that hamper the implementation of the right to self-determination of the Palestinian people, and other violations of human rights of the Palestinians. Unlawfulness of Israeli settlements in the occupied territories was stressed.

Russia has called upon the Court to be faithful to its role as one of the Principal Organs of the United Nations. An advisory opinion of the Court should not substitute negotiations, but must contribute to a negotiated settlement of the conflict on the basis of the well-established principles. Other States and international organizations shall cooperate so as to contribute to creating conditions for successful final status negotiations. Russia is convinced that this is the only way to ensure an end to occupation and a full-fledged implementation of the right of Palestinians to self-determination and statehood, at the same time neutralizing security threats to Israel. Thank you, Mr President.

**President:** Thank you. Thank you very much, Your Excellencies, as we have completed the morning sessions, we will now take a coffee break, and after that we will deliberate on the new topics inscribed on our agenda in this session which is the legal issues in outer space around 12 p.m. Please, kindly, be on time. Again, thank you very much. Then this morning's session is adjourned until 12. Thank you.

**The meeting was thereafter adjourned.**



## **XI. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTD.)**



**XI. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTINUED)  
ON WEDNESDAY, 18 SEPTEMBER 2023, AT 12:00 PM**

**H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia, the President of the Sixty-First Annual Session in the Chair.**

**AGENDA ITEM: LEGAL ISSUES IN OUTER SPACE**

**Master of Ceremony:** Excellencies, Distinguished Delegates, Ladies and Gentlemen, welcome back. Now, we will continue our meeting. Therefore, we are honoured to give the floor again to His Excellency, the President of the Sixty-First Session of AALCO. Please.

**President:** Thank you. Excellencies, Distinguished Delegates, thank you. We start our session again. We shall now take the new topic of “legal issues in outer space” into consideration, which is included for the first time on the agenda of this session. The Secretariat will deliver the introductory remarks on the agenda item. Please, Mr. Secretary-General.

**Secretary-General of AALCO:** Thank you, Mr. President. Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is an honour and privilege to introduce the new topic- “Legal Issues in Outer Space”, proposed for inclusion in the agenda of this session by the Government of India. Space law is one issue not discussed in the work programme, as captured in the explanatory note submitted by India. Space activities, which range from civil and scientific to commercial and military, pose unique challenges to security, safety, and environmental protection, all accompanied by unique legal questions and challenges. The vast expanse above us is no longer the sole domain of a handful of economically advanced countries. Space today is a theatre of human ambition and a testament to our technological advance. It is contested, congested, and competitive. It is relevant and timely that at the end of the session, Member States may like to share information and practice on activities related to space law in relation to various aspects of this topic, especially the status and application of the five United Nations treaties on outer space and non-legally binding United Nations instruments on outer space, including national legislation and legal mechanisms related to these issues. I have the pleasure of inviting Member States to share, reflect, and cooperate so that together, we craft a vision for space that is in the best interest of all. Thank you very much.

**President:** Thank you, Mr. Secretary-General, for your remarks. Now I invite the Distinguished Delegate of India to make their statements.

**The Delegate of the Republic of India:** Thank you, Mr. President. I thank the Secretary-General for introducing this topic and the Secretariat as well as the Member States for considering this topic, Legal Issues in Outer Space, as an agenda item for this session, which is quite contemporary and is being discussed at the AALCO Forum for the first time. India believes that space activities and technologies are an essential catalyst for rapid economic and social development.

Mr. President, since the inception of the civilian space programme in India, our focus has been to address societal needs through space. We have a highly successful Space Launch Vehicle programme and an active space application system. During the last decade, we have demonstrated technology for interplanetary missions with our Moon mission, *Chandrayaan*, and Mars Orbiter mission, *Mangalyaan*, and we are working on our first space flight

programme, *Gaganyaan*. Learning from our failures, two months back, for the first time, we made a soft landing on the Moon, *Chandrayaan-3*.

Mr. President, as a major space-faring nation, we consistently support and advocate peaceful uses of outer space, and we do realize the need to preserve outer space for posterity. All countries must carry out activities in space in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international cooperation. Countries must bear international responsibility for their national activities in outer space, whether such activities are carried out by government agencies or non-governmental entities. In this regard, we believe countries must ensure the equitable, rational, and efficient use of the radio frequency spectrum and various orbital regions used by satellites. All countries should further enhance the practice of registering space objects and provide timely information that contributes to the transparency and sustainability of outer space activities.

Mr. President, India does not support any activity in outer space which is likely to jeopardize international peace and security. We are opposed to the weaponization of outer space. India is party to the major international treaties and conventions related to outer space activities, such as the Outer Space Treaty, Rescue Agreement, Liability Convention, and Registration Convention. India also voluntarily implements a number of Transparency and Confidence Building Measures (TCBMs), including the 21 guidelines of Long-Term Sustainability of Outer Space Activities; registration of space objects with the UN Register; pre-launch notifications; measures in harmony with the UN Space Mitigation Guidelines, participation in the Inter-Agency Space Debris Coordination Committee (IADC) activities with regard to space debris management, Space Object Proximity Awareness and Collision Avoidance Analysis.

Mr. President, India has also been actively engaged in capacity building in space largely through hosting several national and international workshops and seminars on these issues. The Government of India has announced reforms in the space sector in the recent past with the intention of bringing more private participation in space activities. In line with this, an Indian National Space Promotion and Authorization Centre (INSPACe) was created with the mandate to promote, hand-hold, permit, monitor, and supervise space activities of non-governmental private entities and accord necessary permissions as per the regulations. We are also in the process of enacting legislation for the regulation of activities of non-governmental entities in outer space.

Mr. President, we believe whether it relates to addressing the problem of the increasing population of man-made objects in outer space or to addressing parking problems of these space objects or addressing the problem of debris or economic opportunities in outer space, including sustainability issues as well as issues related to piecemeal users of outer space, the solution lies in effective dialogue and discussion.

Mr. President, given the new challenges in outer space activities with the entry of more players, my delegation is of the view that it is important to strengthen the international legal framework to ensure that outer space is conducive for peaceful uses and also to enhance the safety and security of all space assets. We believe that AALCO is a forum that can effectively contribute towards addressing these new challenges in outer space. In this regard, we recommend that the AALCO Secretariat explore the possibility of conducting capacity-building and training programmes on the subject, especially on the topics on the work programme of the Legal Subcommittee of UNCOPUOS. I thank you, Mr. President.



**President:** Thank you, Madam Uma Sekhar, for your statement. Now, I give the floor to the Delegation of the Islamic Republic of Iran. Please, you have the floor, Sir.

**The Delegate of the Islamic Republic of Iran:** Thank you, Mr. President. I would also like to thank you for your excellent work so far and we are convinced that under your leadership, this session will be constructive and successful. I would like to take this opportunity to thank the Secretary-General and the Secretariat for the excellent convening of this session.

Mr. President, nowadays, outer space as an undeniable part in making welfare and establishing sustainable development in many aspects of our lives, has unprecedentedly faced several risks and challenges that raised the nations' concerns. Among all, weaponization, arms race and the possibility of space-junk collisions are known as major threats to the future of exploration and exploitation and utilization of this common province.

In fact, despite the great indisputable benefits from space assets, relying on such a delicate and vulnerable environment can be quite risky since any adverse action of a single party may impact all other participants. New technologies create new possibilities and opportunities, but they also cause new problems, and space technology is no exception. In other words, it is too difficult for States to ensure that their critical space assets are operating in a safe, stable and predictable environment.

Hence, the Islamic Republic of Iran strongly reiterates that outer space and other celestial bodies, as a common heritage, must be exclusively used peacefully for the benefit of all mankind. We are also deeply concerned about the increasing threat of weaponizing and aggressive use of outer space by certain States.

The Islamic Republic of Iran is often viewed that, on one hand, the current legal mechanisms leading space activities are unable to deal with emerging issues. On the other hand, the new multilateral initiatives, guidelines and other frameworks are mostly subject to either space power's conflicts, disagreements and vividly rejections or are subjected to other nations' negligence and incompetence. So, it is hard to be hopeful about their achieving a global acceptable framework that is comprehensive enough to make significant shift in approaches and improvement in the current concerned situation.

The notable point is that, as long as a few spacefaring States consider outer space as a new battlefield, establishing space forces and seeking unilateralism and superior dominance, maintaining sustainability and peace in outer space would be a far-reaching goal or even impossible to achieve. That is why we firmly believe that the one who avoids making instability in space, or on earth through space, will indeed be the first beneficiary of this sound circumstance.

Therefore, it is highly essential to maintain space free from deploying any sort of conventional and mass destruction weapons. Besides, misinterpretations due to ambiguity in defining and characterizing important terms including space weapons, dual-use concept, military use and aggressive intentions may lead to other kinds of challenges.

Mr. President, to sort out such problems, AALCO can effectively play its key role in the field of outer space through conducting research and promoting guidelines for regulating the activity of States and making States ready to accept legal obligations and shoulder more responsibility to preserve outer space for peaceful use, exploration and exploitation. Thank you, Mr. President.

**President:** Thank you very much, Excellency and reputed Foreign Minister of Iran. Thank you for the statement. Now I turn the floor to the Distinguished Delegate of Malaysia, please go ahead.

**The Delegate of Malaysia:** Thank you, Mr. President. Mr. President, Malaysia takes note that the Government of the Republic of India has proposed the agenda on the topic legal issue in outer space has been included in the agenda item of the Sixty-First Annual Session of the AALCO by the AALCO Secretariat.

Malaysia would like to share our views on matters concerning space resources, space debris management and space traffic management. Malaysia acknowledges the importance of having a discourse on space resources since technological advances have extended space activities to the exploitation of space resources. In this respect, the principle of non-appropriation of outer space, the moon and other celestial bodies by claim of sovereignty that is based on the rule of customary international law and as embedded in the treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other celestial bodies, and the agreement governing the activities of States on the moon and other celestial bodies shall be of utmost importance in paving the way forward for the discourse on space resources.

On another note, Malaysia shares the same concern about the effect of space activities on environment that has been raised by India. In this respect, Malaysia emphasizes the significance of conducting a scientific and technical study as to whether the exploitation of space resources would adversely affect space and cause harmful contamination and also adverse changes in the environment of the Earth consistent with the very basic of exploration and use of outer space for peaceful purposes. Hence, Malaysia reiterates our statements made at the 62<sup>nd</sup> session of the UNCOPOUS Legal Subcommittee that Malaysia is open to discuss the specific international regime to regulate the exploration, use and exploitation at space resources and its future legal models.

With reference to space debris management (SDM), Malaysia is cognizant that as the population of space debris continues to grow, SDM is significant to avoid any possible damage to the space environment and the new environment of the Earth. Malaysia is of the view that the space debris management guidelines of the UN Committee on the Peaceful Uses of Outer Space which are not legally binding and voluntary in nature is as a good example of a global effort in addressing the SDM. Thus, implementation of the SDM guidelines by state parties to the Outer Space Treaty should be a vital step in tackling issues relating to SDM.

Malaysia stresses that space traffic management is essential to guarantee the safety of space operations, benefiting all users of outer space, specifically with the outer space environment that has increasingly getting complex and congested. Malaysia notes the existence of both the STM guidelines and the guidelines for the long-term sustainability of outer space activities that have been adopted by the UN COPUOS as important tools for the safety of space operations. During the 62<sup>nd</sup> Legal Subcommittee session, Malaysia intervened by stating that agenda items on STM had been placed before the Subcommittee prior to any discussion in the Scientific and Technical Committee of UN COPUOS, which is a primary forum on the technical aspect of space activities. Thus, Malaysia expressed obviously that the STSC should be engaged and referred to for the purpose of identifying the sufficiency of these two guidelines in addressing issues relating to STM. Hence, Malaysia recaps our intervention on this matter. Additionally, Malaysia acknowledges the need to strengthen international cooperation on sharing of information on space situational awareness as among the tools in

preserving the safety of space operations for the purposes of the SDM.

Malaysia enacted the Malaysian Space Board Act 2022, which came into force on 4<sup>th</sup> August 2022. This act encapsulates principles, rules and concepts laid down by the UN treaties on outer space. This act aims at regulating space-related activities and registration of space objects in Malaysia by the Malaysian Space Board, a national space regulator that was established under this act. Malaysia underlines that this act clearly prohibits harmful activities such as the operation of any weapon of mass destruction in space, the conduct of any activity which affects the security and safety of space activities, as well as the conduct of any activity which may cause harmful contamination to space or adverse changes to the environment of the Earth. Therefore, Malaysia is confident that the promulgation of this act, vis-à-vis the establishment of the Board and the prohibition against harmful activities will strengthen our national mechanism relating to peaceful exploration and use of outer space and contribute to the SDM mechanism. Thank you, Mr. President.

**President:** Thank you very much, the Distinguished Delegation from Malaysia. Now, the floor is for the Delegation of Japan. Please, you have the floor. Your Excellency, thank you.

**The Delegate of Japan:** Mr. President, thank you very much. Japan recognizes the importance of upholding the rule of law in outer space to ensure the safety, security, sustainability, and stability of outer space activities. With regards to our domestic legislation on outer space activities, Japan established the Basic Space Act in 2008, with the purpose to comprehensively and systematically promote Japan's space development and use in order to improve the lives of its citizens, and to promote national economic development, international peace and the welfare of humankind. In 2016, Japan enacted two national space acts addressing non-governmental space activities and remote sensing data utilization.

Furthermore, in December 2021, the "Act on the Promotion of Business Activities for the Exploration and Development of Space Resources," commonly known as the "Space Resources Act" of Japan, came into force. Through the implementation of this Act, Japan is committed to pursuing the exploration and utilization of space resources in line with international norms and frameworks. Japan also established the national guidelines for on-orbit servicing in November 2021. We believe that the guidelines will facilitate "end-of-life service" and active debris removal provided by Japanese companies.

Mr. President, Japan acknowledges the importance of international cooperation, including capacity building in space law, in ensuring the safety, security, sustainability, and stability of outer space. In this regard, information sharing and exchanges on national space legislation are important to enhance space activities pursuant to the treaties and other international norms. The "National Space Legislation Initiative (NSLI)" under the activities of Asia-Pacific Regional Space Agency Forum (APRSAF) provides a regional opportunity to contribute to these objectives.

Moreover, the Initiative is open to the national governmental organizations of the Asia-Pacific countries. Under this Initiative, a Study Group consisting of practitioners in space policy and law submitted two reports on the status of national space legislation to the COPUOS framework. Currently, the group consists of 12 countries, namely Australia, India, Indonesia, Japan, Malaysia, the Philippines, the Republic of Korea, Thailand, and Viet Nam, New Zealand, Singapore, and Türkiye.

As the host country of the APRSAF and a participating country of the Initiative, Japan will actively promote the activities of the Initiative to further enhance the development of national space legislation in the Asia-Pacific region. Furthermore, since 2021, Japan has been supporting capacity-building of emerging spacefaring nations in the Asia-Pacific region by assisting in the drafting of national space laws and regulations in line with international space law through UNOOSA's Space Law for the Space Actors. As part of this initiative, Japan and UNOOSA will host a capacity-building support programme in Tokyo with participants from more than 10 countries in the Asia-Pacific region next January. This programme will focus on the authorization, licensing and continuing supervision of space activities.

Regarding international norms for exploration and use of space resources, in October 2020, Japan signed the Artemis Accords as a political commitment to establish a set of principles for the exploration and use of outer space by civil space agencies. The Artemis Accords acknowledge that the utilization of space resources can benefit humankind by providing critical support for safe and sustainable operations, and ensure that they are executed in a manner that complies with the Outer Space Treaty. Furthermore, the Artemis Accords also acknowledge that, consistent with Article IX of the Outer Space Treaty, the Signatories commit to notifying each other of their activities and to coordinate with any relevant actors to avoid harmful interference and ensure the safety of future space exploration activities. In developing an international framework for such activities, it would be advantageous to refer to concepts of the Artemis Accords to secure the sustainability of future space exploration without discouraging innovation.

The increasing amount of space debris poses a serious threat not only to the safety, security and sustainability of outer space activities, but also to the lives of people on Earth. Japan strongly encourages all States to carry out space activities in a cooperative manner to prevent the creation and diffusion of long-lived orbital debris in a manner consistent with international norms.

Specifically, the destruction of a satellite that generates a large amount of space debris indiscriminately increases the risk of collisions of on-orbit space objects. In order to maintain sustainable and stable uses of outer space, in September last year, Japan announced its commitment not to conduct destructive direct-ascent anti-satellite (DA-ASAT) missile testing. Japan also welcomes the adoption, last year, of the UN General Assembly resolution submitted by Japan and other like-minded countries, which calls upon all countries not to conduct such tests for the benefit of all. In order to further develop this initiative, Japan will continue to work with like-minded countries to ensure that the resolution becomes an international norm.

National policy and regulatory frameworks for space activities offer a key solution to limit the generation of space debris. Japan enforced the Space Activities Act in 2018 to efficiently authorize and supervise non-governmental entities' space activities. Under this Act, Japan established space debris mitigation requirements for space objects controlled from Japan. Therefore, Japan Aerospace Exploration Agency (JAXA) has its own space debris mitigation standards. Also, by sharing good practices, Japan hopes to contribute to international cooperation and rulemaking to enhance debris mitigation and remediation measures. Another efficient way to tackle the issue of space debris is to respect and comply with international norms. In this regard, Japan encourages all States to properly implement the UN's Guidelines for the Long-term Sustainability of Outer Space Activities and the Space Debris Mitigation Guidelines. Thank you very much, Mr. President.

**President:** Thank you for Japan's statements in this regard. Now, I turn the floor to the Delegation of the Republic of Indonesia. Please, Sir, you have the floor.

**The Delegate of the Republic of Indonesia:** Thank you, Mr. President, for giving me the floor. Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is an honour for my Delegation to participate in this agenda item, particularly since its addition to the provisional agenda of AALCO. My Delegation believes that discussion by AALCO on this agenda item will spark new lights and perspectives that reflects the objectives of this organization.

Excellencies, my Delegation would like to reaffirm that outer space should be used and explored entirely for peaceful purposes, for the benefit and in the interest of all countries, irrespective of the degree of their economic or scientific development in adherence to the applicable and relevant principles and rules of international law. Indonesia stands ready to uphold this principled position and join hands with other members of the AALCO to that regard. Let me use this opportunity to share our national undertakings as follows. Indonesia has ratified four United Nations treaties on outer space, namely The Outer Space Treaty 1967; The Rescue Agreement 1968; The Space Liability Convention 1972; and The Registration Convention 1975. Indonesia's legislation also governs activities for the peaceful exploration and use of outer space and the developments in space activities are as follows.

First, Indonesia enacted Government Regulation No. 7 year 2023 on Space Technological Mastery. This regulation covers the mastery and protection of space technology, its standard procedures for security, safety, and its public participation.

Second, The Presidential Decree No. 78 year 2021 embedded the mandate for space agency to the Research and Innovation Agency (BRIN). BRIN holds a vital role which includes setting up the Research Organization of Aeronautics and Space (OR PA) and The Secretariat of Indonesian Space Agency (INASA).

Third, Law No. 21 year 2013 provides the legal framework of Indonesia's space activities. This law mandates that international agreements on space activities which Indonesia adheres to must be integral to the defence and integrity of the Republic of Indonesia.

Indonesia has also enacted various implementing regulations such as Government Regulation No. 11 year 2018 on Governance for Remote Sensing Activities; Presidential Regulation No. 45 year 2017 on Space Activities Master Plan; and President Regulation No. 18 year 2020 on National Medium-Term Development Plan 2020 to 2024.

Excellencies, let me now discuss the importance of capacity building and space law and why regional and multilateral organizations play a critical role to facilitate it. Space law is instrumental to ensuring peaceful and beneficial space activities for national development. Furthermore, in order to obtain space safety, security, sustainability and prevent an arms race in outer space, we find the need to maintain increasing practices for transparency and confidence-building measures.

We support capacity-building initiatives organized by other space-faring nations and we are open to exploring the opportunity of sharing our expertise with other nations through bilateral, regional and multilateral mechanisms. Indonesia further highlights the importance of inclusivity in international cooperation for space activities. This means we need to take into account the differing technological levels of development, especially for the non-spacefaring nations as well as increasing the role of developing countries towards

international collaboration. We highly underline the importance of having equal access to space resources. This means the fairness of opportunity to utilize space resources jointly with other countries or through international collaboration.

When discussing our national laws regarding space debris, it is crucial to note that our 2013 Space Law strongly emphasizes protecting the space environment. Indonesia has yet to establish a national mechanism for implementing space debris mitigation guidelines, such as those by UNCOPUOS or IADC. Nevertheless, we endorse initiatives aligned with these guidelines to mitigate space debris effects.

Excellencies, Ladies and Gentlemen, being the world's largest archipelagic nation, Indonesia heavily relies on space technology for remote sensing, telecommunications, and navigation. This underscores our emphasis on small satellites to address our society's infrastructure needs in space technology. Currently, Indonesia has developed numerous small satellites our most recent being the Surya Satellite-1. Furthermore, we have future plans to launch a satellite constellation called “Nusantara” in the future. Nusantara shall provide services which include remote sensing, Internet of Things (IoT) and shall operate as a commercial spaceport.

As there is a growing demand for small satellite operations, we find it is crucial for a new international regulatory approach that addresses the operations of small satellites and the means to ensure rational and equitable use of the low Earth orbit and frequency spectrum. In the sixth topic on space traffic management, we stress the need for a robust framework to monitor and predict space traffic for collision risk assessment and situational awareness. Hence, international cooperation for sharing knowledge and data transparency from spacefaring nations and satellite operators is essential.

Excellencies, my delegation finds it important to define delimitation of outer space. Under Indonesia's Space Activities Law, outer space is defined as follows: *“outer space as the space, including its natural characteristics, beyond the atmosphere of the Earth, as well as the space surrounding and covering airspace”* and through its location being *“outer space is naturally located approximately 100 to 110 km above sea level”*.

Indonesia's definition is based on several comprehensive aspects, which includes the scientific, technical, physical characteristics, the altitude capacity of aircraft, the perigee of spacecraft and the Karman line. The importance of defining and delimiting the boundary between airspace and outer space will clarify the issues of sovereignty and establish legal certainty furthermore, it will also provide certainty on the scope of application of outer space law and air law. Lastly, it will strengthen the implementation of international responsibility of States which shall reduce the possibility of disputes among States.

Excellencies, ladies, and gentlemen, Finally, beyond existing rules, norms, measures and principles governing outer space activities for peaceful purposes, I believe all of us remain seriously concerned over threats to international peace and security by the possible arms races in outer space and placement of weapons of any kind in outer space and turning outer space into a domain for warfare and armed conflicts. Effective monitoring, verification and transparency and confidence-building measures must be continuously pursued, with a view to negotiating a legally binding instrument for multilateral verification. In this regard, Indonesia remains convinced that the establishment of a legally binding and multilateral instrument on the prevention of an arms race in outer space (PAROS) is of utmost important.

The absence of such universal legally binding instrument of prevention of arms race in outer space opens the possibility of the increased risks and threats of weaponization in outer space. It must be noted that voluntary transparency and confidence-building measures could not substitute for a legally binding instrument. Indonesia stands ready to engage constructively with all AALCO members in our concerted efforts to maintain outer space as a peaceful, safe, stable, secure and sustainable environment. Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, I thank you.

**President:** Thank you. Thank you, the delegation from the Republic of Indonesia. Now, I invite the Distinguished Delegation from the Republic of Korea to make their statement. Please, you have the floor.

**The Delegate of the Republic of Korea:** Thank you, Mr. President. My delegation would like to take this opportunity to briefly comment on legal issues in outer space.

My Delegation would like to emphasize the importance of the United Nations treaties on outer space and non-legally binding United Nations instruments for peaceful and sustainable space. Given the rapid advancements in space technology and the surge in space activities, it has become increasingly challenging to regulate all space activities only through existing space agreements. Therefore, my delegation would like to focus on non-legally binding norms that can be adopted relatively quickly compared to legally binding norms. Non-legally binding norms can serve as suitable tools for managing the rapidly evolving space domain. My delegation believes that non-legally binding instruments such as the LTS (Long-term Sustainability) Guideline, the Space Debris Mitigation Guideline, and UN General Assembly resolutions including the DA-ASAT (Destructive Direct-Ascent Anti-Satellite) missile testing ban resolution can strengthen the foundation of space law and contribute to the establishment of a sustainable and peaceful space environment.

Mr. President, the Government of the Republic of Korea has stepped up its efforts to mitigate space debris as a responsible space actor. The Republic of Korea has adopted the Space Debris Mitigation Recommendations for the Development and Operation of Spacecraft in 2020 in line with the Space Debris Mitigation Guideline. The Government hosted a meeting of the IADC (Inter-Agency Space Debris of Coordination Committee) in 2022 to enable various participants to share opinions regarding the necessity of establishing additional guidelines for space environmental protection and active removal of space debris.

My Delegation agrees on the need for international norms for a peaceful and sustainable exploration, development, and use of space resources. The Republic of Korea is planning to develop a launch vehicle for the exploration and use of space resources and recognizes that such activities should be conducted under the principle of peaceful use of outer space. The Republic of Korea is committed to participating in advancement of international norms related to this matter.

Furthermore, information sharing on space activities can contribute to trust-building the enhancement of space law capabilities. This year, the Republic of Korea has supported the development of UNIDIR's Space Security Portal, a platform for sharing each state's space policies.

Mr. President, with the increase in the number of space actors and the expansion of outer space activities, the importance of enhancing space norms and fostering international cooperation to ensure the safety and sustainability of space activities is growing more

significant. The Republic of Korea looks forward to an active exchange of numerous and constructive ideas during this session and in the future. Thank you, Mr. President.

**President:** Thank you, the Distinguished Delegation of the Republic of Korea, for the statement. Now, I invite the Distinguished Delegation from the People's Republic of China.

**The Delegate of the People's Republic of China:** Thank you, Mr. President. Asian and African nations, while recognising the pivotal role of outer space activities in boosting economic and social development, are actively engaging in outer space activities, participating in the discussions on global governance of outer space and related legal issues. The Chinese delegation welcomes the discussion on outer space topics, especially outer space law issues, at the AALCO Annual Session. We look forward to a more extensive engagement in this topic's review. Moreover, we are eager to engage in broad exchanges with all delegations.

Mr. President, currently, the global governance of outer space has encountered with some new impacts and challenges, such as "small circle" rules, the involvement of diverse entities, and national participation affected by technological capability. The United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) is the principal forum for promoting the peaceful use of outer space and international cooperation. To jointly address the impacts and challenges in the outer space's global governance, China looks forward to working with Asian and African countries to maintain the international space order established by the 1967 Outer Space Treaty as its cornerstone, by emphasizing genuine multilateralism and continuing support UNCOPUOS as the principal platform. Currently, the membership of UNCOPUOS has reached 102 countries. As a member, China encourages more Asian and African countries to accede to UNCOPUOS. This will ensure that developing and emerging spacefaring countries have more opportunities for international cooperation, deeply engage in formulating space rules, and jointly voice the concerns of developing countries.

Mr. President, technological advancements and innovations are unveiling new dimensions for humanity's exploration and utilization of outer space, continuously giving rise to new types of space activities, such as space resource development and low-orbit mega-constellations. In response to legal issues surrounding space resource development, UNCOPUOS's Legal Subcommittee established a working group on space resources. China actively participates in the working group's relevant activities, advocating that space resource development should be in conformity with the fundamental principles of international space law stipulated by the Outer Space Treaty, ensuring the principles of exploring and utilizing outer space for the benefit and the interests of all mankind. This is essential to take into account the interests and concerns of a vast majority of developing countries.

Like many countries and international organizations, China closely monitors the challenges brought by low-orbit mega-constellations, including a significant increase in spacecraft proximity events and impacts on spacecraft launches and the astronomical observations. China supports discussions specifically on this topic at platforms such as the United Nations, advocating for strengthening and improving constellation registration to ensure the sustainable use of orbits and frequencies, upholding the equal rights of all countries, especially developing countries, to peacefully use outer space.

Mr. President, while advancing the aerospace industry, China values sharing international cooperation opportunities with other countries. The construction of China Space Station has



been successfully completed and has entered its application and the development phase. China is willing to promote international cooperation concerning space science experiments and astronaut selection and training. China welcomes interested countries, international organizations, and international partners to participate in the International Lunar Research Station (ILRS) project. The Chang'e 8 lunar mission is now soliciting cooperation projects from the international community. China welcomes collaborations with Asian and African countries in joint exploration. China has been devoted to working collectively with all stakeholders to make more significant contributions to advancing the peaceful utilization of outer space. Thank you very much, Mr. President.

**President:** thank you very much, Distinguished Delegate from the People's Republic of China. Now, the floor is turned to the Distinguished Delegation of Vietnam. Please, you have the floor.

**The Delegate of the Socialist Republic of Viet Nam:** Mr. President, Distinguished Delegates, Ladies and Gentlemen, the global space industry is witnessing the most fundamental and rapid changes that raise a number of governance issues in areas including national security, environmental protection, and the rule of law in outer space. Viet Nam would like to highlight the role of the five founding United Nations space conventions, which together form the legal framework for international space governance. Those include the prohibition of placement of nuclear weapons and other weapons of mass destruction in space, the requirement that States be internationally responsible for public and private space activities, and the applicability of international law, including the United Nations Charter in outer space. Vietnam underscores that activities in the outer space must adhere to the United Nations Charter and relevant international law, including principles of sovereignty, equality, territorial integrity, refrain from the threat of use of force, settlement of international disputes by peaceful means, and non-intervention in the internal affairs of other states.

Mr. President, the new pace of technological development and commercialization in the space sector requires the international community to get together and strengthen the governance framework of outer space activities in an inclusive manner. In this regard, Viet Nam strongly supports strengthening the role of the United Nations and specialized committees to promote the peaceful use of outer space. It is important to reaffirm that the United Nations Committee on the Peaceful Use of Outer Space, (UNCOPUOS), and its subcommittees and the United Nations Office on Outer Space Affairs play essential roles as a prime intergovernmental platform for the discussion of issues related to outer space activities, including promoting international space cooperation and space governance. Vietnam welcomes the establishment of the Working Group on Legal Aspects of Space Resource Activities under the Legal Subcommittee of COPUOS, particularly in promoting the participation of developing countries. This group can play a vital role in clarifying the existing legal framework relating to the exploration, exploitation, and utilization of space resources.

Mr. President, my delegation would like to highlight the importance of cooperation among relevant parties, especially those with major space capabilities and developing countries, in sharing and promoting science and technology to ensure safety and security in the exploration and use of outer space for sustainable and peaceful purposes. In conclusion, I would like to reiterate Viet Nam's commitment to collaborating within the United Nations framework and its dedication to addressing legal issues of outer space. I thank you, Mr. President.

**President:** Thank you, Distinguished Delegate from Viet Nam. Now, this is the last statement. I turn now to the Distinguished Delegate of Kenya. Please, you have the floor.

**The Delegate of the Republic of Kenya:** Thank you, Mr. President. On behalf of my delegation, I wish to make the following statement: Distinguished Delegates, space exploration continues to grow in leaps and bounds, since the early years in 1950s where the growth was driven by the space race. Over the years, space-related technology has become embedded into our daily lives, from how we communicate (satellite communication), to how we travel (navigation), to addressing societal needs such as in crop monitoring, disaster management amongst other applications. Developing and emerging space-faring nations are becoming more active by engaging in meaningful international collaboration and cooperation to grow their space sectors.

As a developing country, the Space economy is critical as it offers Kenya opportunities for technology development, economic growth, international cooperation and addressing our societal needs. Establishing and nurturing a nascent space industry, like in Kenya, will require significant investment, technical expertise, and infrastructure. Concomitant with the growth of the space sector is the need for policy and regulation through an enabling and progressive institutional and legal framework.

Kenya has been a leading light in Africa in the uptake of novel and emerging technologies, especially those that address the needs of the society. The advent of new and cutting-edge technologies has drastically cut down the costs of development of satellites and spacecraft, resulting in wider access to and exploitation of space services and applications.

Mr. President, the Kenya Space Policy 2015 has been a guiding light for the Kenya Space Agency and for the industry as a whole, providing the necessary framework for the achievements so far realized. Since the implementation of the policy in 2016, various aspects of the space sector, including satellite development, space science, and technology transfer, have been enhanced. The Policy also outlines Kenya's space ambitions, such as the development of a space launch capability and the establishment of space research and development centres.

Mr. President, Kenya's participation into the space industry and space economy requires reimagining our business model and commitment at the national level to invest in skills development that form the foundation for a sound scientific and technological base as well as our engagement with the numerous stakeholders involved in the sector. More importantly, it lays the foundation to guide the Kenya Space Agency in the delivery of its mandate in nurturing and supporting the growth of an indigenous Space Industry.

Distinguished Delegates, Kenya notes that the five United Nations treaties and principles on space-related activities form the primary legal framework towards creating a safe, secure and sustainable environment for the development and implementation of space-related activities.

Mr. President, I reaffirm Kenya's commitment to meaningful partnerships with the international space community for the promotion of space science and technology for sustainable socio-economic development at national, regional and international levels. In this regard, therefore, Kenya looks forward to concrete proposals from interested global space agencies that wish to partner with us in capacity building for the peaceful use of outer space. I thank you, Mr. President.

**President:** Thank you very much, Madam. So, with the statement of Delegation of Kenya, we come to the end of the session today. As we have all exhausted statements from Distinguished Delegates, we will now take a lunch break.

**The meeting was thereafter adjourned.**

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## **XII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTD.)**



## **XII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTINUED) HELD ON WEDNESDAY, 18 OCTOBER 2023, AT 03:00 PM**

**His Excellency, Dr Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia and the President of the Sixty-first Annual Session of AALCO in the Chair**

### **AGENDA ITEM: ASSET RECOVERY EXPERT FORUM**

**Master of Ceremony:** Distinguished guests, Ladies and Gentlemen, welcome back. Now we will continue our agenda on Fourth General Meeting. For that, we are now honoured to give back the floor to His Excellency President of the Sixty-first of AALCO. Please.

**President:** Thank you. Thank you very much. Excellencies, Distinguished Delegates, Ladies and Gentlemen, welcome back. After lunch, I hope you have a good lunch. We shall now take up for consideration the new topic on the establishment of Asset Recovery Expert Forum. Included for the first time the agenda of this session, I invite the AALCO Secretariat to deliver the introductory remarks on the Agenda. Please, Mr. Secretary-General.

**His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO:** Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is an honour and privilege to introduce the new topic, Asset Recovery Expert Forum, proposed for inclusion by the Government of the Republic of Indonesia in the agenda of this session. The introductory memorandum highlights the significance and pressing need to deliberate on the issue of Asset Recovery. Legal aspect of Asset Recovery holds great significance for Afro-Asian countries. The theft of public assets from low and middle-income countries stands as a huge impediment to development. The issue has economic and as well as societal implications. There is a substantial amount of money which is stolen from the countries and hidden in foreign jurisdiction. The societal consequences in form of corruption far outweigh the value of such stolen assets. Financial crimes associated with stolen assets undermine public trust in institutions, harm the environment of private investment, and obstruct the provision of public service like health, education, others aimed at reducing poverty. The issue has also been recognized globally in other international fora. It is one of the key targets in the United Nations Sustainable Development Goals 16, Peace, Justice, and Strong Institution. Countries both in Asia as well as Africa have taken steps to deal with this predicament by engaging in focused multilateral, regional, and bilateral co-operation. However, despite these steps, Asset Recovery happens to be an extremely complex and challenging process which requires strong coordination and collaboration with various domestic agencies in multiple jurisdictions with different legal systems and procedures. This calls for creation of a common technical and Expert Forum between Asia and Africa to discuss the threat to consult the real and legal challenges in recovering stolen assets and also to share best practices. I am honoured to invite Member States to exchange ideas to take this proposal to a logical conclusion. The issue of asset recovery needs a collaborative approach between Asia and Africa States. Thank you.

**President:** Thank you, Mr. Secretary-General. Now, I invite Distinguished Delegate from the Republic of Indonesia to deliver their statement. Please, you have the floor.

**The Delegate of the Republic of Indonesia:** Excellency Mr. President, Excellencies, Heads of Delegations, Distinguished Delegates, Ladies and Gentlemen, let me begin by expressing my delegation's gratitude for the support given to Indonesia's proposal for this new Agenda item on the Asset Recovery Expert Forum. The proposal has been agreed by the Heads of

Delegations at their meeting in accordance with the Statutory Rules of the AALCO. I will therefore use this opportunity to provide further explanation to the General Plenary in order to elicit thoughts and responses about the forum. To that end, let me share three points.

First, my delegation submits this proposal with the full cognizance that recovery of stolen assets continues to be an important development agenda for a majority of Asian and African countries. According to the statistics of global financial integrity, globally the value of stolen assets is estimated to be in the total of USD 5.8 trillion. An estimated USD 1 trillion is paid each year in bribes. Hence, it is only natural that the urgency for international cooperation on Asset Recovery is widely attested in the Agenda and works of various regional and global organizations. Just to name a few, in AALCO itself there have been myriad of engagements with Asset Recovery topics under the ambit of combatting and addressing corruption. On various occasions, dignitaries of AALCO Secretariat have been invited to speak on the perspectives and work of the organization in countering corruption. Under Indonesia's presidency of AALCO in 2005, several resolutions on corruption were adopted. In Southeast Asia, the Association of Southeast Asian Nations through its Political Security Community Blueprint in 2025 recognized that international co-operation in Asset Recovery as among the important characteristics of a rule-based, people-oriented, and people-cantered community of ASEAN. In Africa, the 24th and 29th Ordinary Session of the Assembly on Heads of State of the African Union specifically spotlighted the importance of fight against corruption. Additionally, the 36th Ordinary Session of African Union in 2020 adopted a decision on common African Union position on asset recovery. Globally, the United Nations Sustainable Development Goals expended its peace, justice, and strong institutions registers an ambitious target of significantly reduced illicit financial and arms flows to combat all forms of organized crimes and strengthen recovery and return of stolen assets by 2030. And just very recently in August 2023, the G20 under India's Presidency adopted G20 High-Level Principles on Strengthening Asset Recovery Mechanisms for Combating Corruption. This iteration is certainly not exhausted yet. Hence, this testifies to the relentless and persistence of international community to continue giving spotlights and efforts to enhance international co-operation in Asset Recovery.

Mr. President, Excellencies, Ladies and Gentlemen, let me now turn to my second point. Legally speaking, under Article 51 of the UN Convention Against Corruption (UNCAC), return of assets is a fundamental principle of the Convention. In fact, States Parties to the Convention are determined to prevent, detect, and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international co-operation in asset recovery. Under the UNCAC, as well as under many other international or regional forums, there have been mechanisms and processes dealing with Asset Recovery. The AALCO's Asset Recovery Expert Forum will neither supplement nor replace the existing ones, rather it will complement and in fact aim to provide a platform for AALCO to solicit perspectives of the Asian and African countries within the goals and objectives of AALCO and the Bandung spirit. My delegation believes that legal dialogue and consultation among Asian and African countries under the AALCO's purview could offer fresh insights and nuances international efforts in Asset Recovery cooperation. Hence, what is to be anticipated from this Asset Recovery Expert Forum? The process of asset recovery is complex and lengthy since it involves many jurisdictions with multiple legal systems. Such process includes identifying, tracing, freezing, confiscating, repatriating, and managing the stolen assets, including Asset Sharing in some cases. Furthermore, Asset Recovery efforts become more complex from lawsuits filed by third parties or convicts in multiple jurisdictions as well. My delegation believes that countries can share, exchange their views, and learn from



one another best practices and success stories by experts which have carried out that process. Even AALCO Member States whose assets have never been stolen away to foreign jurisdictions could certainly benefit from the deliberation and contribute thoughtfully to the expert forum. Many of Asian and African countries, including Indonesia, have gone through the perils of recovering stolen assets. On many occasions, even the cost of recovery process surpasses the value of the targeted assets. Nevertheless, justice must be sought and served.

For Indonesia, we have two notable cases from our experiences in recovering stolen assets. The first one was the Bank Century case, a corruption case which claimed the loss of 7.4 trillion rupiah or USD 493 million from the state coffers. It took 15 complex and lengthy years before the stolen assets can be returned to Indonesia with the assistance of Hong Kong Special Administrative Region and the Government of Jersey. Just for your information, during the break we had a discussion, a side event discussion, whereby the Attorney General of Jersey and Hong Kong spoke on their experience in assisting Indonesia to recover the stolen assets from the Bank Century case.

The second case was the National Biometric Identity Card case, in which claimed almost USD164 million from the state coffers. To date, the Indonesian Government has successfully recovered USD 5.9 million with the assistance of the Government of the United States. Certainly, other countries have their share of experiences which could be of pertinent resource to AALCO members that can be shared through this Asset Recovery Expert Forum.

The silver lining should be that no countries must be deterred from the Asset Recovery efforts. In fact, this forum can contribute the ways and manner to ensure that from happening. Mr. President, Excellencies, Ladies and Gentlemen, this brings me to my third and last point, the proposed modalities of the forum. This forum should comprise of experts of AALCO's membership. It could be senior officials, investigators, prosecutors, scholars and other relevant officials who have experiences and/or expertise or whose line of work dealing with international cooperation in recovering stolen assets from foreign jurisdictions. The first step that we propose is establishing a contact group between the experts of Asset Recovery from AALCO Member States. This contact group may conduct informal meetings both in person or virtually to discuss their common concerns related to asset recovery.

My delegation proposes that the following matters to be among the key areas of work. Sharing best practices of asset recovery, consulting challenges in recovering stolen assets, role of international cooperation, how it can be enhanced, how to best address and bridge gaps between practitioners of Asset Recovery and to explore ways to ensure that asset recovery process involves multiple jurisdictions can be carried out effectively and successfully. Other details of the forum's mechanism are provided on Indonesia's concept paper. I thank you and I look forward to your enriching comments on this proposal from Indonesia. Thank you very much, Mr. Chairman.

**President:** Thank you, Distinguished Delegates of Indonesia. Now I invite the delegate from Republic of India. Thank you, you have the floor, Madam.

**The Delegate of the Republic of India:** Thank you, Mr. President. First of all, Mr. President, Distinguished Delegates, Ladies and Gentlemen, a very good afternoon. We thank the Secretary-General of AALCO for his introductory remarks on the topic. Mr. President, India welcomes the initiative of Indonesia to establish the AALCO Asset Recovery Expert Forum, inter-alia for sharing best practices of Asset Recovery and bridging the knowledge gaps.

While we would like to see more clarification about the modalities just now mentioned by the Distinguished Delegation from Indonesia about how this Expert Forum and the experts would be a part of these conversations and discussions, nevertheless we very much welcome the initiative. Mr. President, as a country which is committed towards global fight against corruption and considers that Asset Recovery is a fundamental principle of international anti-corruption regime, we fully support the proposal made by Indonesia and ready to share India's experience and best practices of Asset Recovery. We are confident that the expert forum will be in a position to deliberate and provide relevant guidance for Member States to trace, identify, restrain, confiscate and repatriate the stolen assets. Thank you, Mr. President.

**President:** Thank you, Madam Uma Sekhar for your statement. Now, I invite the Distinguished Delegate from Islamic Republic of Iran to deliver for the statement. Please, you have the floor.

**The Delegate of the Islamic Republic of Iran:** *Bismillah-ir-rahman-ir-rahim.* Mr. President, it is with great pleasure that I address this important and high-level meeting. At the outset, allow me to join other speakers in congratulating you Mr. President upon your deserving election as a chair. I thank the Secretariat for leading role in managing and organizing of the meeting as well as preparing the documents in a timely and efficient manner. My delegation would like to take this opportunity to commend the Government of Indonesia for hosting the meeting and for its excellent hospitality and also appreciate for suggesting this important issue at the Agenda.

Mr. President, twenty years after the implementation of the Convention against Corruption, corruption still remains one of the biggest global challenges of our time. It is well known that corruption is a phenomenon which is difficult to tackle and at the same time, a problem we cannot afford to ignore. Corruption is still a threat to the national interests of every country and no country is immune from corruption. For this reason, we are of the view that tackling corruption requires a coordinated and strengthened international co-operation also by the political will of all the States Parties, especially as at this juncture as multilateralism is at stake due to politicized and ill-advised approach of certain states. The United Nations Convention on Corruption is the only universally legally binding anti-corruption instrument with 189 State Parties that only provides concrete action to certain international co-operation but also to a broad approach to the problem of corruption through addressing criminalization and prevention. It encompassed Chapter 5 as a fundamental principle and indeed as a major breakthrough of the Convention to provide a comprehensive legal framework for Asset Recovery. The Convention also established among others a specific rules and mechanism for international co-operation that debuted facilitating the recovery of process of corruption offenses and the return to the requesting State Party. I would like to emphasize that the full, balanced, and effective implementation of the Convention against Corruption in particular its provision on Asset Recovery which regrettably has been under-utilized. In the absence of applicable bilateral agreement, Member States are strongly urged to use UNCAC as a legal basis for cooperation in this regard.

In this sphere, recognisability causes apparent barriers and collective coordinated response to this crime is crucial for removing and resolving the impediment in process of Return of Assets of illicit origin derived from the act of corruption. Furthermore, denying safe haven to the process of crime returning assets to the requesting State Parties, returning such property to its prior legitimate owners or compensating the victims of the crime within the framework of the Convention considered as a practical and probable solution for combating and tackling corruption.

Mr. President, the Islamic Republic of Iran faces certain challenges in prevention and combating corruption. As a case in point, the unilateral coercive measures that embrace the fundamental principle of international law and principles set forth within the Charter of the United Nations has impaired allocation of sufficient resources to fight against corruption in international arena and has further hampered co-operation of Member States in this stage, in particular in recovering proceeds of crime. The unilateral coercive measures and non-compliance of certain states in effective co-operation of recovery of assets acquired illegally indicate the double standards, dubious and dishonest approaches in eradicating corruption and with only involving corrupted criminals in continuing their malicious activities. I thank you.

**President:** Thank you, Sir. Thank you for your statement. Now, I invite the Distinguished Delegates from Malaysia to deliver their statement. Please, you have the floor, Sir.

**The Delegate of Malaysia:** Mr. President, Malaysia would like to extend our sincere gratitude to Indonesia for putting forward the proposal to establish an Asset Recovery Expert Forum within AALCO. This is a commendable initiative, one which we greatly appreciate for addressing the critical issue of Asset Recovery. We would also like to express our gratitude to the Government of the Republic of Indonesia for their efforts in organizing the Sharing of best practices in Asset Recovery as one of the side events at this year's AALCO Session. Malaysia sees this side event as an invaluable platform to engage with invited speakers and participants.

In Malaysia, we have established a robust legal framework for Asset Recovery, equipped with laws like the Malaysia Anti-Corruption Commission Act 2009, Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 and the Mutual Assistance in Criminal Matters Act 2002. These laws provide the foundation for our Asset Recovery efforts. Malaysia, like many other countries, relies on the MLA Treaty Framework to facilitate effective cooperation in Asset Recovery. These treaties are indispensable in our collaborative efforts with foreign counterparts to locate, freeze and recover assets linked to criminal activities. They underscore the importance of international collaboration in tackling transnational crimes.

Once again, Malaysia is pleased to support Indonesia's proposal to establish an Asset Recovery Expert Forum within AALCO. We firmly believe that this forum can significantly benefit Member States by enhancing our collaborative efforts to combat financial crimes and recover stolen assets. However, as we embrace this initiative, we stress the importance of ensuring that this forum operates efficiently without redundancy or duplication, especially considering the emergence of several other Asset Recovery Forums and Networks. It should serve as a distinctive platform within the Asian-African legal community, complementing existing engagements and forums rather than duplicating their functions. Thank you, Mr. President.

**President:** Thank you very much. Now I turn the floor to the Distinguished Delegate of China. You have the floor, Sir. Thank you.

**The Delegate of the People's Republic of China:** Mr. President, Excellencies, Distinguished Delegates, China has been steadily advancing the rule of law in pursuit of fugitive and Asset Recovery, establishing a robust legal foundation for Asset Recovery and related international operations. The revision of the Criminal Procedure Law has introduced the confiscation procedure of illegal gains in cases where suspects or defendants have fled or are deceived. Providing a legal basis for the recovery of criminal assets abroad through non-

conviction, confiscation, and this practice aligns with the United Nations Convention against Transnational Organized Crime. The Supreme People's Court of China and the Supreme People's Procuratorate of China have issued judicial interpretations regarding the application of the confiscation procedure of illegal gains, systematically specified scope of cases, substantive conditions, and means of relief for the confiscation procedure, thereby enhancing its operational effectiveness. Mr. President, in terms of international co-operation, China requires foreign parties to recognize and enforce relevant criminal judgments or non-conviction confiscation rulings from China's Court in accordance with China's law on International Traditional Assistance in Criminal Matters and Criminal Procedure Law. Other countries may also request China's assistance in confiscating and returning illicit gains and case-related assets. In practice, China has also successfully retrieved criminal assets through confiscation, return, and sharing agreements as the requested parties rely on its own freezing orders. However, there are challenges and obstacles to asset recovery. Firstly, some countries receiving criminal assets are unwilling to co-operate. Secondly, varying legal systems and requirements for legal procedures and evidentiary standards among different countries pose difficulties for Asset Recovery. Thirdly, the legal basis for co-operation between requesting and requested States will not be solid, and the co-operative relationships will lack stability. In addressing these challenges, China believes that all countries should strengthen their political will to repatriate criminal assets and should refuse to serve as safe havens for corrupt criminals and their ill-gotten property. Efforts should be made to overcome obstacles arising from differences in legal systems. The priority should be given to returning criminal assets to requesting countries their original legal owners or compensating victims without attaching political conditions to Asset Repatriation. Consolidating the legal basis for cooperation should be achieved through the conclusion of bilateral legal assistance, treaties, and Asset Repatriation Agreements. Furthermore, effective communication and case-by-case cooperation should be established to jointly overcome technical hurdles and improve efficiency of international co-operation. Thank you, President.

**President:** Thank you, Sir. Thank you for the statement. Now we turn to the Observer Country. I have one list in here. Oh, yeah, I'm sorry. There is one more Member State in my list. Now I turn to Distinguished Delegates of Japan. Please, you have the floor.

**The Delegate of Japan:** Thank you, Mr. President. My delegation also like to thank your Ministry for organizing a very informative side event on asset recovery during lunch time today, which reminded us of the complexity of the issue and the importance of the co-operation between the relevant authorities in tackling this matter. The Government of Japan also recognizes that the issue of Asset Recovery is an important challenge. We, therefore, appreciate Indonesia's initiative for including a dedicated agenda at this Annual Session of AALCO and making a concrete proposal to establish Asset Recovery Expert Forum.

The Government of Japan has also been making some efforts to better tackle the issue of Asset Recovery. For example, my government has been implementing a capacity building program related to Asset Recovery for developing countries around the world, especially in Asia and Africa, through the UNAFEI, United Nations Asian Far East Institute for the Prevention of Crime and Treatment of Offenders, hosted in Japan. UNAFEI conducted a training course on this subject last year and will hold another training course this November.

Based on our experiences, Japan believes that this issue should be tackled not only in a regional perspective, but also in a global perspective. Japan is therefore view that the Asset Recovery working group established under the framework of the United Nations Convention on Against Corruption should play an important role in this regard. We are also of the view

that regional co-operation in this field is very important. In this connection, we note that nine FATF-style regional bodies and several Asset Recovery inter-agency networks have been established in various regions in the world. Asset Recovery inter-agency networks feature informal networks of experts and practitioners in the field of asset tracing, freezing, and confiscation, are playing a useful role. Indonesia's proposal of Expert Forum could also contribute to these efforts and could strengthen regional co-operation in tackling asset recovery if we can distinguish its role and function from those of existing bodies, such as Asset Recovery Networks.

Japan agrees to the point raised by the Distinguished Representative of India to discuss the modality of expert forums in more detail, including how best AALCO Member States can exchange experiences and best practices, as well as promote regional cooperation in the field of Asset Recovery. We are willing to listen to the views of Indonesia and other AALCO Member States, and Japan will continue to discuss in a constructive manner. In concluding, allow me to express thanks again to get the Government of Indonesia for making a complete proposal and great contribution in this field. Thank you.

**President:** Thank you, thank you sir, the Distinguished Delegates of Japan. Now the last one is from observer country. I have here the one list. I now turn the floor to the Distinguished Delegates, observer of Tunisia. Please, you have the floor.

**The Delegate of the Republic of Tunisia<sup>16</sup>:** The proposal to establish an Expert Forum for the Recovery Stolen Asset is a good initiative proposed by the Government of Indonesia on a topic of utmost importance to many countries around the world, regarding the effects of non-recovery of stolen assets on the enjoyment of human rights, especially in these difficult times of scarcity of resources.

The misappropriation of public funds represents an increasingly important obstacle to the development of emerging countries. In fact, the disappearance of basic public resources prevents poverty reduction and perpetuates infrastructure fragility in these countries. The international community cannot allow corrupt leaders to continue their criminal activities or profit from their ill-gotten money with impunity. Tunisia has signed the United Nations Convention against Corruption and deposited its instrument of ratification with the Secretary-General of the United Nations on 23 September 2008. The provisions of the Convention encourage Member States to cooperate spontaneously. After the fall of Ben Ali's regime, the Tunisian authorities established a special committee to recover stolen assets, and assigned it to determine strategy, direction, and national and international cooperation.

The Commission quickly designed a global strategy that combined various investigative and prosecution tools: Tunisian Criminal Procedures, administrative co-operation with competent foreign authorities, multiple requests for international legal assistance and participation, as a party to civil law, in investigations and instructions open in several countries. Despite the multiple measures the mutual assistance requires international co-operation and strengthened will.

International co-operation: a Multiple Mutual Assistance Measures, The Special Stolen Asset Recovery Committee has adopted several methods for international cooperation and access to global financial networks.

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<sup>16</sup> The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

The Arab Forum on Asset Recovery (AFAR) is an initiative established in 2012, in the wake of the Arab Spring. It was established under US leadership, as a part of the G7: This platform brings together countries in democratic transition with financial centres that can accommodate assets of illegal origin owned by well-known politically figures. Therefore, AFAR offers supports and improves the recovery process of these assets. AFAR's goal was above all to identify good practices that are helpful in recovering assets of illegal origin and identify means of transferring these practices to more complex files. The first edition of the Forum was held in Qatar in 2012. The Forum is part of the context of the Deauville Partnership, established in 2011 to promote good governance in Arab countries that are going through a transitional period. On the other hand, the Special Committee chose to access global financial networks through the Tunisian Commission for Financial Analysis and facilitated the strengthening of relations between the Tunisian authorities and organizations such as Interpol, the Egmont Group and Eurojust. The Special Recovery Committee benefited from the expertise of experts at the international level and strengthened ties between practitioners from different interested countries due to the work of the Arab Forum on Asset Recovery.

Finally, it provided many international initiatives including training and technical assistance necessary to establish and strengthen specialized units in Tunisia and other interested countries.

International cooperation requires strong will, even if the international community has laid down, through the United Nations Convention against Corruption, a binding and explicit legal framework to facilitate monitoring, freezing, confiscation and return of property looted from their countries of origin, calling for making it “a basic principle of the Convention”, and urging Member States to exchange greatest possible amount of assistance in this regard. The efforts to recover stolen funds face many obstacles, and more above they are almost the same for all our countries. They include the following: The special reservation imposed by some requested countries on the requesting countries as a condition for admissibility as a civil party. The complexity of investigations and prosecutions that include multiple jurisdictions in the requested countries and the requesting countries - Delay and application of several conditions by some requesting countries, taking into account the benefits derived from freezing illegal financial flows, which contribute to financing their banking systems, especially in light of the current global financial crisis. Lack of knowledge of mutual legal assistance procedures between countries, difficulties posed by detecting financial flows of illegal origin and legal difficulties in particular due to differences between the legal and judicial systems. These difficulties are often exacerbated by institutional obstacles; difficulties in providing information linking the proceeds of corruption in the requested country to the crime committed in the requesting country, which may be difficult to prove in many cases. For its part, the Tunisian government possesses a legal tool and supervisory bodies and institutions that conform to international standards, to ensure the allocation of returned funds to the development process.

As part of following up on this important issue, a special committee was established in 2020 under the Tunisian Presidency with the aim of recovering illicit assets located abroad. This committee meets under the chairmanship of the Minister of Foreign Affairs for Migration and Tunisians Abroad and in the presence of various ministers, such as the Minister of Justice, the Minister of Finance, the Minister of State and Land Affairs, and the Governor of the Central Bank. The organizational structure of this committee consists of four subcommittees: The Steering and Coordination Subcommittee, whose tasks are to coordinate between the various

other sub-committees, collect and study various reports from the other subcommittees, development recommendations, suggest reviewing regulatory texts in this field if necessary, and prepare Quarterly Report. Subcommittee on Investigations and Information Collection, whose responsibilities are to collect data and information related to funds acquired illegally abroad and to create an updated database regarding these funds. The subcommittee for evaluating regulatory texts in this field, the main goal of which is to express an opinion on the current legal texts and perhaps suggest amending them to increase efficiency. The subcommittee for diplomatic support is responsible for facilitating links with Tunisian diplomatic representations, international organizations and their foreign counterparts with the aim of raising their level of awareness and mobilizing them to support our efforts to recover looted property. We consider that extending the deadlines for recovering stolen funds, without legal justification, does not in any way contribute to the enjoyment of human rights in their universal sense, and therefore constitutes a violation of the right to these funds and human rights and human rights to sustainable development.

The process of returning looted funds to their countries of origin without conditions requires close and transparent co-ordination and co-operation between the competent authorities in the requesting countries and the requested countries, especially the judicial authorities. Effective international co-operation, including in the field of technical assistance and exchange of good practices, is strongly recommended, more than ever, to ensure the rapid recovery of assets of illicit origin in accordance with relevant international mechanisms and instruments, and on the basis of the principles of equality between States and the priority of human rights, especially the right to development. Tunisia has already engaged in a process of bilateral coordination and cooperation with a number of countries whose embezzled assets belong to the Tunisian people, in their banks and on their lands. Recognition of the legal mechanisms, procedures and decisions of the requested State assumes a degree of reciprocity. Countries are encouraged to take this need for reciprocity into account when improving their legal and institutional systems; If we stress the importance of spontaneous exchanges on certain elements of cases between practitioners from different countries, such exchanges make it possible to strengthen relations of trust and, above all, to better direct requests for mutual assistance that will later be formulated.

In conclusion, is there any reason to confirm on the negative impact of non-recovery of illegal funds on the enjoyment of human rights and the importance of international cooperation in this regard, especially with the view to comparing the experiences of different countries? The concerned countries should encourage requested countries to provide assistance to improve capacity building and thus facilitate bilateral cooperation.

**President:** Thank you. Distinguished Delegate, Observer from Tunisia, thank you very much. I see that Delegation of Indonesia would like to make another intervention. Please, you may have the floor.

**The Delegate of the Republic of Indonesia:** Thank you, Mr. President for providing the opportunity for Indonesia once again to take the floor in this very important forum. Before concluding this agenda, Indonesia would like to extend its appreciation of the support of the Member States on the idea of Asset Recovery Expert Forum.

In response to the statements and comments made by colleagues earlier by the Heads of Delegations of the AALCO Member States, this forum is never intended to duplicate the existing or other forums. It is intended to complement the existing forums and ensure that this forum works effectively. We understand that there are already other forums like UNCAC and

other forums, other regional forums. And I think we would also like to seek the advice and views of the Secretariat as to the format of this forum and to ensure the effective work of the forum should be agreed to establish this Expert Forum. In Indonesia's views, this forum could be held at the same time with the AALCO Annual Sessions or it could also be held inter-sessionally. The idea is to have expert groups, names of contacts of expert groups from AALCO Member countries so that countries that need to obtain assistance from certain jurisdictions, they would know where to go immediately without having to go through a lengthy search for the right institution or officials concerned. So, with the permission of the President, Indonesia would like to seek the advice and guidance from the Secretariat. Thank you very much.

**President:** Thank you very much, Distinguished Delegate from Indonesia. Now that we conclude our discussion in this session, we will now take a coffee break and resume our meeting at 4:30. The plenary meeting now is adjourned and see you at 4:30 p.m. Thank you. Enjoy your coffee break.

**Master of Ceremony:** Thank you very much, Your Excellencies, Ladies and Gentlemen. Once again to emphasize what the President of the Sixty-first of AALCO has said, that right now we're going to take a short break so you can enjoy your coffee and tea served in the foyer area of this ballroom and please return to this ballroom at 4:30 p.m. to continue the meeting. Once again, please be back on time at 4'30 p.m. Thank you and enjoy your break.

**The meeting was thereafter adjourned.**



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### **XIII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTD.)**



### **XIII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTINUED) ON WEDNESDAY, 18 OCTOBER 2023, AT 04:30 PM**

**His Excellency Mr. Yasonna H. Laoly, Minister of Law and Human Rights, Republic of Indonesia, the President of the Sixty-First Annual Session in the Chair.**

#### **AGENDA ITEM: ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

**President:** Thank you. Distinguished Delegates, Ladies and Gentlemen. Now we proceed to the next session. The last topic for the day is on the environment and sustainable development. At the outset, I now invite Mr. Jun Yamada, Deputy Secretary-General of AALCO to make introductory remarks. Please you have the floor.

**Mr. Jun Yamada, Deputy Secretary-General of AALCO:** Mr. President/Vice-President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, in the illustrious journey of AALCO, our commitment to environmental protection and proactive responses to global challenges has been unwavering. This steadfast resolve has been our guiding light since the momentous proposal made by India in 1974 to introduce this topic into our deliberations. Through the years, each Annual Session has reinforced our resolve, spotlighting contemporary concerns while staying within the overarching goal of sustainable development.

This year, for the Sixty-First Annual Session, the Secretariat, through its brief on the topic, has cast a discerning eye on two globally pressing challenges: first, the burgeoning issue of plastic pollution, with its far-reaching implications, and second, the undeniable, ever-present ramifications of climate change and the latest developments on the legal-institutional structures to address the problem.

The Global Plastic Treaty, an initiative deeply in sync with the aspirations and concerns of many AALCO Member States, stands as a testament of the global community's determination to curb the alarming surge of plastic pollution. A menace without borders, plastic pollution has seeped into the most remote and pristine corners of our world, tainting the health and longevity of our shared planet. While numerous regional frameworks and national policies have aimed to curtail this tide, a cohesive global treaty serves as a clarion call, highlighting the universal severity of this environmental challenge. Document AALCO/61/BALI/2023/SD/S11, delves into the intricacies of this proposed treaty, highlighting its multifaceted implications, potential challenges, and a roadmap that emphasises the unique position and role of Afro-Asian nations in this global endeavour.

Yet, as we navigate the intricate terrains of plastic pollution, another equally formidable challenge casts its looming shadow— that of climate change. With a warming earth's undeniable and far-reaching impacts, the call for international collaboration has never been more pronounced. Representing the vast landscapes of Asia and Africa, AALCO finds itself at the intersection of heightened vulnerability and the potential for transformative action. Recent global studies and discussions slated for the forthcoming Climate Change Conference in Dubai underline our mission. We are tasked with synthesizing lessons from past actions, forging innovative pathways, and mobilizing collective efforts that seamlessly blend mitigation strategies with adaptive solutions.

Mr. President, it is also worth noting that these global environmental challenges intersect with several other concerns, such as socioeconomic development, technological

advancements, and cultural preservation. As such, our deliberations should be wider than addressing the immediate problems but must also explore ways to devise legal solutions in a holistic and integrated manner. The strength of AALCO lies in the diverse experiences and insights of its Member States, which, when channelled cohesively, can indeed spearhead change.

Mr. President, in closing as we convene today, let us remind ourselves of the weight of our responsibility. Though daunting, the intricate challenges of plastic pollution and climate change present both an opportunity and a duty. AALCO, enriched by its history and the collective wisdom of its Member States, is uniquely positioned to champion this cause. In unity and with unwavering resolve, may our deliberations and actions pave the way for a sustainable, resilient, and harmonious tomorrow. Thank you.

**President:** Thank you, Mr. Yamada, for delivering such insightful remarks. Now I open the floor for deliberations. Now I invite the Distinguished Delegate of India to make the statement. Please, Madam, you have the floor.

**The Delegate of the Republic of India:** Thank you Mr. President. On behalf of Indian delegation, let me thank the Secretariat for introducing this theme in the agenda for discussion. Both the topics are relevant and need urgent attention of the Member States.

Mr. President, plastic pollution is a global problem. As per UNEP data, every year 19-23 million tonnes of plastic waste leaks into aquatic ecosystems, polluting lakes, rivers and seas. Plastic pollution alters habitats and natural processes, reducing ecosystems' ability to adapt to climate change, directly affecting millions of people's livelihoods, food production capabilities and social well-being. India is committed to address plastic pollution including marine plastic pollution to reduce the adverse impacts on terrestrial and aquatic ecosystems and human well-being.

Mr. President, we are in favour of eliminating single-use plastic products pollution, including a ban on single-use plastic products, which have low utility and high littering potential. Towards achieving this objective, my Government has notified the guidelines on Extended Producers Responsibility (EPR) in 2022, on plastic packaging under the new Plastic Waste Management Rules banning identified single-use plastic items, which have low utility and high littering potential.

India had piloted a resolution on addressing single-use plastic product pollution in the 4<sup>th</sup> United Nations Environment Assembly (UNEA) held in 2019, bringing global focus on the issue. During the UNEA 5.2, we have agreed for setting up of an intergovernmental negotiating committee to develop a new international legally binding instrument, and engaged constructively in the negotiations.

Mr. President, we hope that the AALCO Member States will participate in the forthcoming INC meeting to be held in Nairobi in November, 2023 and contribute towards negotiating the legally binding instrument without compromising the interests of developing countries, in ending the plastic pollution.

Mr. President, Climate change has emerged as the gravest global challenge. It is a significant priority for India. Despite huge developmental challenges, India has been taking ambitious action on expanding clean and renewable energy, energy efficiency, afforestation and biodiversity. We are on track to meet our climate change mitigation commitments. We have

achieved our voluntary target of reducing emissions intensity by 21% over 2005 levels, by 2020 and are poised to achieve 35% reduction well before the target year of 2030.

Mr. President, for countries, with tremendous development challenges, climate goals can be fully realized only with support in terms of finance, low-carbon technology transfer, and capacity-building, as envisaged under the UNFCCC and its Paris Agreement. It is disconcerting that certain countries have not fulfilled their commitment to jointly mobilize agreed USD 100 billion climate finance per year.

We are hopeful that all members will support the work on climate finance to reach an agreement on the definition of climate finance by COP28. We look forward to reaching an ambitious climate finance goal in this regard.

Mr. President, India has also launched three global initiatives for promoting climate action. The first is the International Solar Alliance that promotes greater use of solar energy and has been supported by more than 115 members. The second is the Coalition for Disaster Resilient Infrastructure (CDRI) that supports development, sustainable, and inclusive infrastructure. Thirdly, LiFE (i.e. Lifestyle for the Environment), an initiative launched by our Prime Minister with the United Nations Secretary-General which encourages individuals to change lifestyles to protect the environment.

Mr. President, during this year's G-20 Presidency of India, it has been our endeavour to find viable solutions for the climate crises confronting the international community. I thank you very much. Mr. President.

**President:** Thank you, Madam, for your statement from Delegation of India, of course. Now I turn the floor to Delegation of Iran. Please, you have the floor.

**The Delegate of the Islamic Republic of Iran:** *Bismillahirrahmanirrahim.* Thank you. Mr. President, at the outset, I would like to appreciate your abled leadership and also commend the dedicated efforts of the Host Country and the Secretariat of the AALCO in convening this unique and influential event. The Islamic Republic of Iran attaches great importance to the Annual Session and its unparalleled role in bolstering a collective response to this important agenda.

The Islamic Republic of Iran welcomes the particular attention of this Session to the fundamental role of sustainable development in wealth and prosper of people and societies. We are all cognizant of the fact that sustainable development provides a favourable environment for strengthening rule of law at the national and international level.

Mr. President, climate change is an unprecedented challenge of civilizational, and that the well-being of present and future generations of humankind depends on our immediate and urgent response to it. In addition, there are other challenges such as drought, sand and dust storms as well as air, land and water pollution resulting from mismanagement of resources and wastes in particular chemical and plastic wastes which require global responses.

It is obvious that plastic it has made a great contribution to our civilizational achievements and without plastic many successes in prevention of diseases and savings in costs and use of natural resources could not happen. Therefore, I would like to underscore the urgent need to strengthen global coordination, cooperation, and governance to move towards a circular

economy through efficient management, reuse and recycling of plastic wastes and to stop release of plastics pollution into marine and other environments.

Furthermore, I desire to underline the importance of international cooperation and collaboration to facilitate unimpeded access of developing nations to adequate finance, environmentally sound technologies, capacity-building, scientific and technical support and acknowledge that there is no single approach to tackling plastic pollution.

My delegation is of the view that establishment of the International Negotiating Committee (INC) and the development of a legally binding instrument on plastic pollution mark a critical step towards a sustainable and responsible global response to this pressing environmental challenge.

Accordingly, we wish to appreciate and support the efforts of the United Nations Environment Program Secretariat (UNEP) in convening the meetings of International Negotiating Committee (INC) in order to prepare and develop a balanced legally binding instrument on plastic pollution including in the marine environment.

Taking into account the United Nations Framework Convention on climate change, the Kyoto Protocol and the Paris Agreement, as the expression of determination to address decisively the threat posed by climate change, we urge all countries in particular the developed nations to bridge the significant gap in emission reduction and also provide means of implementation for developing countries to get the world back on track for the 2C target.

It is imperative to notice that United Nations Framework Convention on climate change and the Paris Agreement need to be implemented in a manner to reflect equity and principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances.

In this sphere, it is necessary to highlight the urgency of enhancing measures and support, among them, finance, capacity building and technology transfer to improve the ability of states in particular developing countries through multidisciplinary and holistic approaches to respond the adverse effects of climate changes, including for changing, minimizing and addressing loss and damage associated with those effect in developing countries especially vulnerable states.

Mr. President, any action or policy that hampers international cooperation on mitigation and adaptation must be avoided. I would like here to highlight the detrimental effects of unilateral coercive measures on protection of environment and in general climate change. Unilateral coercive measures are seriously constraining access to and transfer of relevant technologies and equipment that are essential for reduction and modification programs in the targeted states and in result on present and future generation. I thank you.

**President:** Thank you, Sir. Now I call to make the next statement, Distinguished Delegate from Malaysia, you have the floor. Thank you. Please.

**The Delegate of Malaysia:** Mr. President, Malaysia records its appreciation to the Secretariat of the Asia-African Legal Consultative Organization (AALCO) for the Report on “Environment and Sustainable Development” prepared for focussed deliberation at the Sixty-First Annual Session of AALCO.

Malaysia notes that pursuant to Resolution 5/14 entitled “End Plastic Pollution: Towards an International Legally Binding Instrument”, the United Nations Environment Programme (“UNEP”) had been mandated to convene an International Negotiating Committee (“INC”) and to begin the negotiation process as well as to develop the International Legally Binding Instrument on Plastic Pollution (“Plastic Treaty”).

In relation to the above, Malaysia acknowledges that the zero-draft on the proposed Plastic Treaty is closely connected to the Sustainable Development Goals (“SDG”) adopted by the United Nations General Assembly on 25 September 2015 (Resolution 70/1), as oceans and marine resources have a prominent role in advancing sustainable development.

The proposed Plastics Treaty can help to fulfil this commitment by phasing out toxic chemicals, additives and incentivizing safe, reusable packaging and better delivery systems. This, in turn, will spur business innovation and investment in more sustainable infrastructure, helping to achieve additional aspects of the 2030 Agenda.

In view of the above, Malaysia fully supports the efforts and the development of the proposed Plastic Treaty as the global instrument to address the plastic pollution challenges and issues. Malaysia further observes that it is important to have a comprehensive approach and mechanism that is able to reduce plastic pollution, including in the marine environment.

Mr. President, Malaysia welcomes and supports the inclusion of the topic “Environmental and Sustainable Development Part B: International Legal Regime on Climate Change” into the programme of work of AALCO.

Malaysia appreciates the introduction of this topic, given the attention it deserves which has been long overdue. This is due to the fact that climate change is one of the pressing global threats and demands urgent global response. The magnitude of these issues and the profound impact of climate change must be addressed within the overarching context of equity and the principle of common but differentiated responsibilities and respective capabilities.

Malaysia is counting down to the upcoming 28<sup>th</sup> Conference of the Parties to United Nations on the Framework of Climate Change Convention (COP 28) as it will be a turning point to get on track with the Paris Agreement goal. At COP 27 in Sharm el-Sheikh last year, also referred to as the Implementation COP, we witnessed the launch of the Sharm el-Sheikh Mitigation Ambition and Implementation Work Programme.

As the development of these mitigation ambitions sets a new pathway towards the long-term global goal, Malaysia finds it important to call for capacity building and guidelines based on scientific evidence to deliberate upon the implementation works.

Our delegation recalls the statement by our Honourable Prime Minister Anwar Ibrahim at the recent 78<sup>th</sup> United Nations General Assembly who urged the developed countries to fulfil their commitment of mobilizing USD 100 billion a year to support the climate ambitions of developing countries. Thank you. Mr. President.

**President:** Thank you. Thank you very much, Sir, for your statement. Now, the next Delegation is the Republic of Indonesia. You have the floor, Sir, please.

**The Delegate of the Republic of Indonesia:** Thank you, Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, Good afternoon, on the agenda of



Environment and Sustainable Development, Indonesia is fully supporting the global agenda to end plastic pollution including in the marine environment since it is very much in line with our national policy and regulation in combating plastic waste and pollution.

On a national level, Indonesia has enacted National Policy and Strategy for Solid Waste Management 2017 – 2025 through Presidential Regulation No. 97, 2017.

Furthermore, Indonesia has enacted the National Plan of Action for Combating Marine Litter through Presidential Regulation No. 83, 2018 with ambitious target to reduce it by 70% in 2024.

Indonesia has strong commitment joining global movement to end plastic pollution through the establishment of an international legally binding instrument, and we believe that the National Action Plans should be the backbone to implement this international legally binding instrument.

As we are aware, that the Inter-governmental Negotiating Committee (INC) Secretariat has prepared the zero-draft of the international legally binding instrument on plastic pollution including in the marine environment. We do hope that the zero draft can serve as solid basis and important modality for the Members of the Committee to continue the negotiation at the upcoming INC-3 in Nairobi, 13-19 November 2023.

Indonesia would like to highlight several critical issues that must be addressed in the negotiations such as definition of plastic pollution, scope of full life cycle of plastics, primary plastics, complicated and avoidable plastics, chemical and polymers of concern, and mean of implementation.

Indonesia in principle can go along with the original scope that covers the full life cycle of plastics, from production and use to disposal and recycling such as:

**Holistic Approach:** Addressing the full life cycle of plastics can help in addressing the issue at its source and throughout its journey, potentially implementing resource efficiency and reducing environmental impact at every stage.

**Accountability:** A comprehensive scope can hold all stakeholders accountable for their role in plastic pollution, including plastic producers, brand owners, distributors, retailers, consumers, and waste management.

**Waste Hierarchy:** Since downstream approaches including recycling, waste to energy, and landfilling could not be solution to all plastic pollution problem, we must put upstream approaches as priority at the beginning to implement complementarily with downstream approaches including prevention, reduction, and reuse.

**Circular Economy:** Recalling to the resolution that emphasised circular economy of plastics as a comprehensive solution to plastic pollution, so a full life cycle approach could be unavoidable principle to implement circular economy of plastics since it must be started from production and design as initial stages.

Apart from that, Indonesia also prioritizes waste management. We must continue to strengthen our capacity and capability by shifting from linear approach (collect-transfer-dump) to circular approach (3R-EPR-circular economy) through reduction at source and resource recycle/recovery principles.

As there is a huge gap among member countries to adopt and implement the International Legally Binding Instrument, we therefore prioritize just transition as an important process to narrow the gaps and accelerate the implementation of the International Legally Binding Instrument.

Mr. President, on the subtopic of Climate Change, Indonesia is of the view that Sharm el-Sheikh Implementation Plan is a comprehensive decision that reflects Egypt's particular expectations as the UNFCCC COP27 Presidency for all Parties to implement the decisions of the previous Conference in achieving the objectives of the Convention, the Kyoto Protocol, and the Paris Agreement, especially in the critical decade of the period 2021-2040. It also reflects considerable progress in all areas and promises of developed countries in relation to Mitigation, Adaptation, and Funding for loss and damage for developing countries. In particular, Indonesia is of the view that COP27 marked a momentous milestone in losses and damages.

Mr. President, Indonesia is aware of COP28 as a critical moment considering the urgency of its challenges and its role in making decisions for addressing all differences stretching out ahead of COP28 comprising of the 1st Global Stocktake, mitigation, adaptation, loss and damage, just transition, and finance.

On the 1st Global Stocktake, Indonesia expects its implementation will be based on the principle of common but differentiated responsibility and respective capabilities (CBDR-RC), in light of national circumstances, mutual respect, non-interference, sovereignty, mutual benefit, and support easier access to funding for developing countries.

Moreover, it should accurately reflect the unfulfilled climate financing position of developed countries, emphasizing that decarbonisation efforts will achieve significant progress with adequate means of implementation, and developing countries should not be forced to choose the allocation of funding between poverty alleviation and climate action. Finally, Indonesia also expects that the outcome of the 1st Global Stocktake will guide Parties to coming back on the right track, by making course corrections to avoid the worst consequences of climate change.

Mr. President, regarding the mitigation, Indonesia supports the progress under the Sharm el-Sheikh mitigation ambition and implementation work programme and actively engages in the Dialogues and awaits its report including key findings, opportunities and barriers, in implementing the work programme. In this context, Indonesia has submitted the views on overarching different elements of the just transition work programme.

As for the discussion under Glasgow-Sharm el-Sheikh work programme on the Global Goal on Adaptation, Indonesia also actively participates in the progress of identifying challenges, gaps and needs in relation to the formulation and implementation of national adaptation plans for developing countries.

On the operationalization of funding arrangements for responding to loss and damage, Indonesia is of the view that funding for loss and damage should be:

- new, additional, predictable and adequate funds, not taking a portion of existing adaptation and mitigation funding;
- arranged in the form of grant-based mechanisms which will not increase the burden on developing countries and the most vulnerable to climate change; and

- designed as flexible as possible to cover both slow onset and extreme events, accessible for all developing countries.

Indonesia also expects that the Transitional Committee (TC) will be able to clearly identify the operationalization of funding, including the role of international financial institutions, both regarding collection and distribution. This needs to be considered as an element in formulating policy recommendations for operationalizing loss and damage funding at the upcoming COP28.

With regards to climate finance, Indonesia highlights the summary of the 5<sup>th</sup> High-Level Ministerial Dialogue on Climate Finance and the report on progress towards achieving the goal of mobilizing jointly USD 100 billion per year in order to address the needs of developing countries. Indonesia also welcomes the progress of the work on setting a new collective quantified goal on climate finance including an ad hoc work programme.

Finally, Indonesia is committed to supporting the United Arab Emirates in hosting the Dubai Climate Change Conference and believes the UAE's leadership will guide us in resulting pivotal outcomes for bridging the gaps as well as ensuring the balance between higher ambition and availability of financial and technical support at COP28.

In line with the deliberations, especially in the past COPs and the upcoming COP28, Indonesia requests the AALCO Secretariat to further study on the implementation of principle of equity and CBDR-RC by considering national circumstances of AALCO Member States and taking into account Asian-African solidarity to meet the objective of UNFCCC on tackling climate change by strengthening the full and effective implementation of the Paris Agreement and its temperature goal. The study could also cover the possibility for drafting a common position among AALCO Member States that could be reflected on a tangible outcome such as a joint statement.

Mr. President, in addition, Indonesia would also like to draw our attention on transnational wildlife crime issues that becomes the third most lucrative crime globally, after drugs trafficking and counterfeit crime.

Asia and Africa as rich biodiversity regions and habitat too many unique of flagship species are facing the great challenge of increasing biodiversity loss from wildlife crime. It is necessary to focus our attention on this challenge to protect our wildlife, for the benefits of our ecosystem and well-being of the people.

Taking notes and inputs from AALCO Member States, Indonesia request AALCO Secretariat to include this issue to the next Sixty-Second Annual Session of AALCO for exchanging perspectives, best practices, and data and information on combating transnational wildlife crime.

Mr. President, to conclude, we do sincerely hope that AALCO could be able to voice up Asian-African common concerns and priorities on environment and sustainable development and find ways to move forward. I thank you Mr. President.

**President:** Thank you, Thank you Sir the Delegation of Indonesia. Now I invite the Distinguished Delegate of Myanmar to deliver the statement. Please, you have the floor.

**The Delegate of the Republic of the Union of Myanmar:** Good afternoon, Mr. President. Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is an honour and privilege for me to have an opportunity to attend the meeting and to address the statement for this Sixty-First Annual Session of the AALCO.

Mr. President, today, let me start with some general information on “Environment and Sustainable Development”. Sustainable development is the organizing principle for meeting human development goals while simultaneously sustaining the ability of natural systems to provide the natural resources and ecosystem services based upon which the economy and society depend. The desired result is a 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 can be defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

In this regard, I would like to focus on Marine Environment and Sustainable Development” such as Blue Economy. Oceans, seas and coastal areas are the largest ecosystem on the planet and a precious natural heritage for human beings. More than 70 percent of the Earth’s surface is covered by water, so it is paramount importance for humanity and life on Earth. Furthermore, they play a pivotal role in sustaining the live hoods and ensuring the food security of millions of people.

The coastal and blue economy plays a vital role in a nation’s economic development. The coastal economy is the initiative of the Blue Economy. Coastal economy in other words, Blue Economy is recognized as a main driving force for a country’s economic development.

Consequently, many coastal nations in the world are now focusing on the blue economy. Therefore, the coastal and blue economy have become the driving force for the economic development of the countries.

Mr. President, the development of the coastal economy holds utmost significance, given its pivotal role in generating income and sustaining the livelihoods of coastal communities. Moreover, the coastal region serves as a vital gateway to international trade, granting access to global markets via sea routes. However, the drivers of coastal economy vary depending on the unique characteristics and the specific location of each coastal region. Within these diverse coastal areas, a range of potential economic sectors emerges, encompassing fishing and aquaculture, coastal tourism, shipping and trade, port operations, maritime services, including shipbuilding, repair and maintenance, as well as activities related to the exploration and exploitation of oil and gas resources. Additionally, renewable energy sources such as wind, solar, and tidal energy, coastal agriculture, research, and innovation all contribute to the multifaceted landscape of coastal economies.

However, in the sense that opportunities and challenges always come hand-in-hand, there are also challenges in coastal economic potential opportunities. These challenges encompass a spectrum of issues, ranging from the overexploitation of marine resources and unsustainable overfishing to the degradation of coastal environments and the disruption of habitats for coastal wildlife due to both human activities and natural processes. Furthermore, concerns include marine pollution, including oil and plastic, coastal erosion, legal, regulatory and governance challenges, conflicts over the utilization of marine resources, and the adverse impacts of climate change such as rising sea levels and extreme weather events.

Therefore, a balanced and sustainable approach should be developed to safeguard marine resources while simultaneously fostering the well-being of coastal communities. In doing so, the marine environmental, social and economic factors should be considered.

Mr. President, the promotion of sustainable coastal development hinges on the dual objectives of safeguarding marine resources and bolstering the well-being of coastal communities. Achieving this goal necessitates the adoption of a comprehensive approach that actively engages all relevant stakeholders. Some of these approaches are as follows:

**(a) Integrated Coastal Zone Management (ICZM)**

The implementation of Integrated Coastal Zone Management (ICZM) serves as a key strategy for balancing between environmental preservation and economic development within coastal areas. The Integrated Coastal Zone Management takes into account the interests and requirements of all involved stakeholders fostering the execution of development initiatives in a manner that is both sustainable and inclusive.

**(b) Ecosystem-Based Approach**

It conserves marine ecosystems by safeguarding critical marine habitats like mangroves, seagrass beds, and coral reefs, all of which play an important role in the reproduction and survival of aquatic species. This approach embraces an ecosystem-based perspective to coastal development.

**(c) Sustainable Fishing Practices**

The primary objective is to promote sustainable fishing practices. This aims to avert overfishing and facilitate the responsible management of aquatic resources, including fish. To achieve this, measures like fishing restrictions, the enforcement of fishing regulations, the establishment of Marine Protected Areas (MPAs), and the utilization of suitable fishing equipment, such as fishing nets, are employed as effective means to safeguard both fish populations and marine biodiversity.

**(d) Alternative Livelihoods**

Support coastal communities in diversifying their livelihoods beyond traditional fishing or coastal industries. This could involve promoting ecotourism, sustainable aquaculture, or providing training in other income generating activities that do not harm the marine environment.

**(e) Community Engagement and Empowerment**

Involving local communities in decision making processes related to coastal development and empowering them with the knowledge and resources needed to actively participate in the management of their natural resources.

**(f) Awareness**

Raise awareness among the public, policymakers, and businesses about the importance of sustainable coastal development. Encourage sustainable practices in daily life and promote consumer choices that support environmentally friendly products and services.

### **(g) Law, Regulations and Their Enforcement**

Strengthen existing laws, rules and regulations, or enacting new laws, if necessary, to ensure compliance with sustainable and environmentally friendly standards in coastal development activities. Adequate law enforcement is crucial to prevent illegal activities.

### **(h) International Cooperation**

Promoting collaboration among neighbouring countries, including ASEAN member states, is important for addressing transboundary marine issues and effectively preserving marine resources while exchanging valuable best practices. Such efforts may include collaborative initiatives like joint research activities and joint efforts to respond to marine pollution.

### **(i) Climate Change Adaptation**

Developing climate change adaptation strategies and approaches to protect coastal communities and ecosystems, taking into account the potential impacts of climate change on coastal areas.

The promotion of sustainable coastal development requires continuous monitoring, evaluation, and adaptive management. It demands a collaborative effort between governments, local communities, non-governmental organizations, and businesses to achieve long term success in safeguarding marine resources while supporting livelihoods.

Mr. President, when we look at ASEAN, leaders from all ASEAN Member States have made a commitment to cooperate on the Blue Economy. During the 38<sup>th</sup> ASEAN Summit convened in 2021, ASEAN leaders agreed and adopted the ASEAN Leaders' Declaration on Blue Economy. In order to implement the declaration, the ASEAN Blue Economy Framework was adopted at the 43<sup>rd</sup> ASEAN Summit in Jakarta, Indonesia. Myanmar possess a long coastline and a vast sea. It owns about 2,333.623 kilometres of coast- line along the Bay of Bengal and the Andaman Sea and about 497,037 square kilometres of water area. Significantly, Myanmar's Exclusive Economic Zone (EEZ) extends up to 200 nautical miles from the baseline toward the sea. In addition, Myanmar is strategically located close to the international maritime trade route of the Indian Ocean. This geographical advantage position is a potential point for the blue economy. Such possession is a valuable natural heritage given by nature to Myanmar.

Since Myanmar has such a long coastline and a wide sea, the sustainable development of the Coastal and Blue Economy holds the potential to drive the nation's economic growth.

Mr. President, Ladies and Gentlemen, in conclusion, in this endeavour regarding Coastal and Blue Economy, numerous stakeholders, including various governments, Coastal States and private sectors are involved.

Therefore, with the active participation, coordination and cooperation among all relevant stakeholders, it becomes good environment, sustainable development and possible to facilitate the nation's economic development.

A country operating in isolation cannot properly address all problems affecting its local marine environment. Working with neighbouring countries is essential for many issues, such as tackling pollution, ensuring the sustainability of fishing, or conserving valuable marine living resources. Mr. President, working together is also more effective and efficient, as

actions and decisions are taken to collectively advance a common goal. Thank you. Mr. President.

**President:** Thank you, Myanmar, for your statement. We now turn to Nepal for the statement. Please, you have the floor.

**The Delegate of the Federal Democratic Republic of Nepal:** Mr. President, Excellences, Distinguished Delegates, the Delegation of Nepal deeply acknowledges and appreciates the efforts made by AALCO in the field of Environment and Sustainable Development. The subject of environment and sustainable development has continued to be a focal point in Annual Sessions of the AALCO and have aimed to address specific contemporary challenges. Nepal would like to express gratitude to the AALCO for prioritizing principles of common but differentiated responsibility and its enforcement to ensure that environmental standards are being met by nations with their respective capabilities and without jeopardizing development needs. Furthermore, SDGs are common minimum development programs that almost all developing countries are directly or indirectly striving to achieve.

Mr. President, with temperatures rising higher than global average, glaciers receding, snowfall decreasing and permafrost melting in the Himalayan region extreme climate events are increasing, causing huge loss to economy, ecology and human lives. Around 80% of Nepal's population is at risk from natural and climate-induced hazards making Nepal a highly vulnerable country in regards to climate change. Rapid warming in the Himalayas posed serious threat to food, water, energy and human security of the entire region. As the most vulnerable countries, LDCs have been bearing the brunt of climate change, despite accounting for only 3.3 percent of greenhouse gas emissions.

Mr. President, realizing this threat, Nepal has given high priority to the issues of climate change. It has undertaken a number of policy, legislative and programmatic initiatives and established institutional mechanisms to mainstream climate change into development processes and adapt to its impacts. We have mechanisms to ensure that international climate finance is channelled to support transformational approaches in implementing adaptation, mitigation and disaster management actions together. SDGs are internalized and localized in the development programs of the federal, provincial and local levels as per the commitment of leaving no one behind in all dimensions of development. The long-term development agenda have been derived from the national objectives of graduation from LDC, closing the development gaps in terms of gender, social groups, and geographical locations, and moving towards shared prosperity by all citizens. Nepal has submitted its Nationally Determined Contributions (NDC) and it is determined to reduce carbon emissions to net zero by 2045.

Taking into account of the effect of plastic pollution in human health and environment, Nepal has banned production, import, stockpiling, sale, distribution and use of plastic thinner or less than 40 micron from 13 September 2021. Nepal appreciates the Resolution adopted by the United Nations Environment Assembly on 2 March 2022 on "End plastic pollution: towards an international legally binding instrument." We hope the Intergovernmental Negotiation Committee will be able to come up with a comprehensive international instrument on Plastic Pollution within the mandated time frame.

The Government of Nepal's efforts in ensuring environment protection is a reflection of the emergent need to tackle environmental problems, as it has been long established through various international environmental instruments that protection of environment is not merely the duty of a single state but a global effort. Nepal believes the principle of common but

differentiated responsibilities, equity and respective capabilities should be at the centre of the climate agenda to ensure climate justice. Global resources including finance, technology and experiences should be mobilized to address climate change challenges and achieve SDGs.

Mr. President, Nepal urges AALCO Member States to accelerate their climate actions to limit temperature increase to 1.5° C above pre-industrial levels. We further urge the developed countries to meet their commitments on climate financing for developing country with respect to both mitigation and adaptation.

Nepal has always extended its full cooperation in developing international environmental law and enhance cooperation in countering issues of climate change and sustainable development as it recognizes the issue of the environment and sustainable development as one that requires urgent attention and collective actions by all nations.

Let us come together, embrace sustainable practices and work towards a more sustainable future. I thank you Mr. President. Thank you very much.

**President:** Thank you. Thank you the Distinguished Delegate of Nepal. Now I will invite the Distinguished Delegate of Oman. Please you have the floor.

**The Delegate of the Sultanate of Oman:**<sup>17</sup> His Excellency the President, His Excellency the Secretary-General, Distinguished Delegates, May the peace, mercy, and blessings of God be upon you.

At the outset, I would like to convey my deepest thank for allowing me to express the position of my country, the Sultanate of Oman, on the issue of environment and sustainable development. These are one of the most important topics that we must focus on and make careful decisions about it. Decisions on these matters is not only related to our present, but rather affects our future and the future of future generations.

My country has always attached importance to the protection of environment. In 2020, it established the Environment Agency, and granted it legal personality and financial and administrative independence. It was tasked with supervision of all that is related to protection of environment, maintaining its sustainability, and combating pollution, preserving nature, in addition to enacting laws and legislation with the aim of regulating this sector.

My country also through this Agency seeks to highlight the environmental dimension in the development work system, at the local, regional and international levels, and to emphasize the principle of balance between development requirements and to preserve the integrity of the environment, with the aim of achieving sustainable development goals, by using various available means and technologies. The issue of plastic pollution is one of the most prominent challenges facing the environment, as it causes pollution and affects the safety of all living things and pose a threat to human life, and these dangers must be responded on urgent basis at the international level.

In this regard, hope arises from looking at the progress and interest for an international legally binding instrument on plastic pollution. I extend my thanks to all those responsible for ensuring its success. I urge all Member States to take active roles in this matter, and to contribute to the creation of an international instrument that meets their aspirations. Our

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<sup>17</sup> Statement was delivered in Arabic. This is an unofficial translation by the Secretariat.



esteemed organization must continue to follow this issue carefully and coordinate efforts among Member States to help them in taking appropriate positions on this issue.

Talking about climate change, we find that the challenge facing the world in combating climate change cannot be ignored, and it constitutes a challenge to achieving the sustainable development goals. The effects of this international catastrophe are becoming more and more tangible day after day. My country's Environment Agency is concerned with assessing fragility and risks resulting from climate change and focusing on intensifying work in the areas of adaptation and mitigation of climate change at the national and international levels.

The phenomenon of global warming and climate change is a long-term global problem that involves complex ramifications and repercussions on the natural, economic, institutional, social and technological systems. All the evaluative reports of the Intergovernmental Panel on Climate Change (IPCC) have confirmed the scientific consensus that climate change is a reality and has its repercussions and impacts at the international, regional and national levels.

Emphasizing my country's interest in environmental issues, and its keenness to provide all the components for success in confronting climate change and contributing to the international effort to adapt and mitigate the effects of climate change. My country was one of the first countries to sign the 1992 United Nations Framework Convention on Climate Change. Thank you very much.

**President:** Thank you. The Delegation of Oman. Now I give the floor to Distinguished Delegation of Kingdom of Bahrain. Please, you have the floor.

**The Delegate of the Kingdom of Bahrain:**<sup>18</sup> In the name of God, the most gracious, the most merciful, Mr. President, distinguished attendees, the Kingdom of Bahrain, under the leadership of His Majesty King Hamad bin Isa Al Khalifa, King of the country, may God protect him, and with the support of His Royal Highness Prince Salman bin Hamad Al Khalifa, the Crown Prince and Prime Minister, may God protect him, has devoted its national strategies to embodying the principle of achieving sustainable development goals, and has set a standard of sustainability is among its priorities in Bahrain's Economic Vision 2030, which aims to promote sustainable development.

Mr. President, from changing weather patterns that threaten food production, to rising sea levels that increase the risk of catastrophic floods, our world today faces climate challenges and difficulties that require collective global solutions. The Kingdom of Bahrain has dedicated its national efforts to confront these challenges. The Kingdom of Bahrain has prepared the necessary studies to assess the impact of sea level rise on coastal areas, and developed a long-term plan commensurate with the scale of the challenges and the nature of the priority areas to be protected, and contributes to protecting desalination and energy plants to preserve energy and water security in the Kingdom.

In this context, we stress the importance of providing all forms of support to developing island countries to confront climate challenges, in accordance with the principle of common but differentiated responsibility, as well as providing financial and technological support to achieve climate goals and build the necessary capabilities for them.

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<sup>18</sup> Statement was delivered in Arabic. This is an unofficial translation by the Secretariat.

The Kingdom of Bahrain has placed among its priorities national programs and initiatives to confront the risks of climate change to achieve the goals of the United Nations Framework Convention on Climate Change. The Kingdom of Bahrain announced reaching “zero neutrality” in carbon emissions by 2060. The Kingdom has taken legislative and regulatory measures and measures to reduce pollution. In addition to its ratification of many agreements, treaties and protocols concerned with protecting the environment and achieving sustainable development.

Mr. President, the Kingdom of Bahrain has adopted the standards of sustainable development goals that were included in the Bahrain Economic Vision 2030 and the government programme. This vision has also been strengthened with modern legislative rules to be more in line with global environmental and climate developments and more in line with the international agreements and treaties to which the Kingdom of Bahrain is committed in the field of sustainable development and confronting climate challenges, through Law No. (07) of 2022 vis-à-vis environment.

Mr. President, regarding plastic pollution, the Kingdom of Bahrain stresses the importance of highlighting environmental issues and continuing work in various environmental fields, especially waste management and reducing the effects of plastic pollution, especially plastic waste, and creating opportunities to reuse them instead of disposing of them in environmental circles.

Reducing plastic pollution also requires joint community contribution, given that the largest percentage of plastic waste is the products of consumption. His Highness called on all relevant parties to enhance environmental cooperation in order to reduce pollution to the lowest possible percentage to reduce potential plastic pollution in various environmental areas.

Mr. President, the Kingdom of Bahrain believes that global challenges can only be faced by strengthening joint action based on solid goals and a common vision. The Kingdom of Bahrain has agreed to four major global initiatives in the field of climate change, which are the Global Ocean Alliance Initiative, the Global Methane Pledge, and the Green Government Initiative and the UAE’s strategic initiative to achieve climate neutrality by 2050. In this context, the Kingdom of Bahrain renews its support for the “Green Middle East Initiative” announced by the sister state Kingdom of Saudi Arabia in October 2021, which established an ambitious road map aimed at strengthening regional cooperation in climate action.

In conclusion, the Kingdom of Bahrain looks forward to discussing national and global initiatives and mechanisms for enhancing them to achieve sustainable development goals (SDGs) and confront environmental challenges. In this context, my government is looking forward with great interest to the success of the work of the COP 28 climate conference to be held in the United Arab Emirates, and reaching an international agreement on most of the matters scheduled to be discussed at this conference, through which it will ensure the existence of an international commitment to protect the environment from the ravages of climate change.

**President:** Thank you, Sir, Distinguished Delegate of Bahrain. Now I turn the floor to the Delegation of Japan. Please, you have the floor.

**The Delegate of Japan:** Thank you, Mr. President. With respect to the issue of an international legally binding instrument on plastic pollution, Japan has been actively trying to

lead efforts to combat plastic pollution. Japan advocated the “Osaka Blue Ocean Vision” on marine plastic litter at the G20 Osaka Summit in 2019 and confirmed its commitment to ending plastic pollution at the G7 Hiroshima Summit this year with the ambition to reduce additional plastic pollution to zero by 2040. In addition, Japan has been supporting developing countries’ efforts in implementing a waste management system, building capacity, and enhancing scientific knowledge on the distribution of marine plastic litter.

Japan has also endeavoured to play an active role at the negotiations to develop an international legally binding instrument to be an effective and progressive framework in which many countries, including large plastic consuming and emitting countries, would participate.

In order to prevent plastic pollution, it is necessary to establish a system to promote plastic circularity throughout its life cycle; including recycle, reuse, and sound waste management as well as to prevent releases and emissions of plastic waste into the environment.

We welcome the zero draft of the instrument to be discussed at the third session of the Intergovernmental Negotiating Committee in November this year as a basis for negotiations. At the same time, we are of the view that the zero draft seems to be biased as it includes strict blanket obligations such as restrictions on the total production volume of primary plastic and prohibitions or phasing out of chemicals of concern and avoidable plastic. We would like to study the draft closely so that we can develop an effective and progressive framework and which many countries, including large plastic consuming countries and emitting countries can join.

Mr. President, with respect to the issue of an international legal regime on climate change, during the COP27, held as “implementation COP” under Egyptian Presidency, Parties discussed strengthening the implementation of mitigation measures toward the Paris Agreement's 1.5°C goal and addressing adaptation and loss and damage as a response to the adverse effects of climate change. As a result, Parties adopted the cover decision “Sharm el-Sheikh Implementation Plan”, which calls for Parties to strengthen their efforts in each area of climate actions, and the “Mitigation Work Programme”, which aims to scale up mitigation ambition and implementation. The decision to establish new funding arrangements, including a fund, for responding to loss and damage was also adopted.

Japan would like to express our appreciation to Egypt, the COP27 Presidency, for achieving outcomes that will lead to progress in future efforts to address climate change in various areas. These areas include the promotion of mitigation measures that call for further global reductions in greenhouse gas emissions and addressing loss and damage, which has been a concern for developing countries that are particularly vulnerable to the adverse effects of climate change.

The COP 28, to be held in Dubai (UAE) from November 30 this year, will mark the completion of the first Global Stocktake (GST), and is expected to secure a balanced and ambitious outcome in the areas of mitigation, adaptation, finance, and others. All Parties need to enhance their ambition of mitigation to align their NDCs (Nationally Determined Contribution) for 2030 with the 1.5°C goal.

In this context, Japan will continue to work closely with the UAE, the COP28 Presidency-designate and other Parties, and actively contribute to the discussions toward achieving an ambitious outcome at COP28.

While I have the floor, Mr. President, I would like to present Japan's comments on the brief document prepared by the Secretariat as contained in AALCO/61/BALI/2023/SD/S10. We found that this document describes the "common but differentiated responsibilities and respective capabilities (CBDR-RC)" of the United Nations Framework Convention on Climate Change (UNFCCC) as if it is the basis for current climate actions. However, under the Paris Agreement, all parties are required to take climate actions while taking into account those in the light of different national circumstances. Therefore, in our view, the content of this brief document prepared is not aligned with the Paris Agreement. Japan does not agree to this point. Given the limited time available, my delegation will not mention details of this point at this moment, but we will submit our written comments to the Secretariat. We hope that Japan's position will be dully recorded in the verbatim record of this meeting. Thank you Mr. President.

**President:** Thank you. Thank you very much for the Delegation of Japan. Now the next speaker on my list is Distinguished Delegate of Viet nam. The floor is yours. Please.

**The Delegate of the Socialist Republic of Viet Nam:** Mr. President, at the outset, the Vietnamese Delegation commends the efforts of the AALCO Secretariat in its preparation and the Deputy Secretary-General's comprehensive statement on Environment and Sustainable Development which has meticulously analysed the negotiation process of the international legally binding instrument on plastic pollution and the recent developments in the climate change regime.

As a developing country specially affected by climate change, Vietnam places great emphasis on multilateral processes. We firmly assert our unwavering commitment to the development of green and circular economy, and our proactive stance in addressing the challenges of climate change. We are resolute in our dedication to fulfilling the commitments made at COP26, particularly the pledge to achieve net-zero emissions by 2050, and our willingness to collaborate on global issues. We are proud to share some of the concrete steps Vietnam has taken to honour this commitment, such as the upcoming update of our Nationally Determined Contribution in 2023 and the adoption of the National Power Development Plan for the period 2021-2023, with a forward-looking vision to 2050.

We underline the pivotal role of green transition to sustainable energy sources in tackling the climate change crisis and achieving the objectives outlined in the Paris Agreement. We call upon all nations to earnestly implement their commitments made at previous COP meetings, including providing crucial financial and technological support, enhancing the capacity of developing countries to bolster their resilience, mitigate losses and damages arising from climate change, and ensuring an equitable transition to sustainable energy solutions.

Mr. President, this year marks the first time a number of requests for climate change focused advisory opinions have been sought from international courts and tribunals, including a request from the UN General Assembly (led by Vanuatu and other small island states) for an International Court of Justice (ICJ) advisory opinion on April 12, 2023 and the parallel ITLOS Advisory opinion initiated by the Commission of Small Island States. These two processes could create profound impacts upon how environmental obligations under international law, and specifically those related to the impacts of climate change, are interpreted. We believe that the legal opinions provided by ICJ and ITLOS will establish prerequisites for the more robust implementation of commitments related to reducing greenhouse gas emissions. We advocate for adherence to the principle of common but differentiated responsibilities, which should be tailored to the unique conditions,

circumstances, and capacities of each country. This approach ensures that countries can engage in emissions reduction efforts in a manner that is both fair and appropriate, reflecting the diversity of their situations. I thank you, Mr. President.

**President:** Thank you, the delegation of Vietnam. Now I turn the floor to the Distinguished Delegation of China. Please you have the floor.

**The Delegate of the People's Republic of China:** Mr. President, human beings share a common future in the face of the challenges presented by climate change, environmental degradation, and setbacks in global economic recovery, and no country can make itself immune from such impact. We must work together to cope with these global challenges. In this context, our discussion on *Environment and Sustainable Development* is of great significance.

The topic this year focuses on the negotiation process for the international legally binding instrument on plastic pollution, and recent developments in the climate change regime. I would like to take this opportunity to share China's opinion on these issues with colleagues from Asia and Africa region.

First, we would like to share our views on *the negotiation process for the international legally binding instrument on plastic pollution*. Early last year, the 5<sup>th</sup> United Nations Environment Assembly adopted a resolution establishing an intergovernmental negotiating committee (INC) to develop an international legally binding instrument on plastic pollution. The Intergovernmental Negotiating Committee has held two meetings and will hold third meeting in Nairobi in November this year.

With the advantage of light weight, durability and low costs, plastic is a fundamental material for human society, providing a large number of affordable daily necessities. At the same time, plastic is difficult to degrade, and thus discarded plastic waste has caused serious pollution. It is worth noting that, the plastic itself is not a pollutant. The root cause of plastic pollution is its leakage into the natural environment caused by improper waste management. Like many other environmental problems, plastic pollution is closely related to sustainable development. We cannot ignore, neither the important role of plastic played in human society, nor the serious consequences of plastic pollution.

In this context, China believes that the instrument should strictly comply with the mandate from UNEA Resolution 5/14, include both mandatory and voluntary approaches with focus on plastic waste management, and promote sustainable production and consumption of plastic, while taking into account national circumstances and capabilities. In terms of the scope, the instrument should focus on the management of plastic waste in order to address the root cause of plastic pollution. Regarding the issues of reducing production of plastic polymers, it involves industrial policies of each country and goes beyond the mandate of the instrument, and as a result, should not be included in the instrument. In terms of control measures, the instrument should be flexible and allow countries to set their own national goals and action plans in accordance with their national circumstances and capacities. With respect to means of implementation, the current Zero draft text of the international legally binding instrument on plastic pollution does not provide obligations of developed countries to support developing countries. China believes the instrument should uphold the principle of Common but Differentiated Responsibilities (CBDR) and establish the obligation of developed countries to provide adequate financial, technological and capacity-building support to developing countries.

China is willing to continue to actively participate in the negotiation process of the international legally binding instrument on plastic pollution and strengthen related international cooperation and exchanges in an open, pragmatic and cooperative manner, and join hands with other countries to promote global environmental protection and sustainable development.

Second, I would like to talk about *ICJ advisory opinion on climate change*. Earlier this year, the UN General Assembly adopted a resolution requesting the ICJ to clarify the legal obligations of States to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases and the legal consequences thereof. The ICJ has invited States to submit written comments in this regard.

China believes that the international climate change law plays the primary role of addressing climate change and its adverse effects, with the UNFCCC and its Kyoto Protocol and Paris Agreement (hereby referred to as “the UNFCCC regime”) at its core. Based on the CBDR and other principles, the UNFCCC regime is the specialized law that regulates the rights and obligations of States on combating climate change. At present, the fundamental cause of the problem in global climate governance is that developed countries have failed to face up to their historical responsibility for greenhouse gas emissions, and have failed to fully fulfil their obligations under the UNFCCC regime to take the lead in emission reduction and provide finance, technology and capacity building to developing countries. As a result, substantive progress hasn’t been made so far on the issues of concern to developing countries, including adaptation, finance and technology. Although the ICJ Advisory Opinion is not legally binding, it will guide the interpretation, application and development of international law.

On 26 October 2023, the Department of Treaty and Law of the Ministry of Foreign Affairs of China, the Permanent Mission of China to the United Nations, and the Asian-African Legal Consultative Organization (AALCO) will jointly host a side event on the theme of “International Law in Global Climate Governance: Implementation and Outlook” in the margins of the International Law Week of the 78th session of the UN General Assembly. China welcomes the participation of developing countries in this side event to strengthen coordination of their legal positions on climate change, effectively influence the evolution of climate change legal system, and promote the building of a fair, equitable and win-win global climate governance system. Thank You. Mr. President.

**President:** Thank you. Thank you Sir, the Delegation of China. Now the next speaker on my list is the Distinguished Delegate of Bangladesh, the floor it’s yours. Thank you.

**The Delegate of the People’s Republic of Bangladesh:** Mr. President, we thank the AALCO Secretariat for inclusion of the item: Environment and sustainable development in the agenda for discussion. I also thank the Deputy Secretary-General for making the initial remarks. As we understand, sustainable development is a “development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Climate change caused by human activity, over-consumption of natural resources, lasting damages caused by pollution, are all well documented. Science clearly shows that the current way of living is not sustainable. We must listen to the scientific community, and act with necessary urgency to respond to the crises. Without decisive, and committed action, nationally and globally, individually and collectively, against climate change, we are certainly compromising the prospects of our future generations.

We firmly believe that to achieve sustainable development, environmental protection shall constitute an integral part of the development process. It is no wonder that the UN Sustainable Development Agenda covered the issue of environment and climate change extensively under different sustainable development goals.

Plastic pollution which is under consideration now, is a growing menace to humanity. Its depth and dimension are overarching: from land to ocean. It is estimated that the world produces more than 380 million tonnes of plastic every year, which largely end up as pollutants, entering our natural environment and oceans. It is indeed very alarming. We must take urgent and appropriate actions to fight it effectively. A legally binding treaty on plastic pollution is the need of the time, which we strongly support.

Mr. President, Bangladesh, despite making a negligible contribution to global climate change, has suffered the most as a victim of its consequences. Being an extremely climate vulnerable and disaster-prone country, we urge the international community to redouble its efforts to deliver on the commitments made in different international agreements, including the Paris Agreement.

We must strive for strengthening cooperation to tackle climate change with a special focus on mitigation and adaptation while addressing the related funding gaps. We also need to ensure the transfer of climate-friendly technologies from developed to the climate vulnerable countries, which will in fact deliver on developed countries' obligations to help these countries forge low-carbon pathways.

We urge the international community to operationalize Loss and Damage Fund as early as possible for creating additional financing mechanisms to address climate induced migration. I thank you.

**President:** Well, thank you very much for your time, and now I invite the Distinguished Delegate of Kenya to deliver a statement. Please.

**The Delegate of the Republic of Kenya:** Thank you Mr. President for the opportunity to make this statement and on behalf of my Delegation I wish to make the following statement on this agenda item.

The Republic of Kenya commends the important work and providing an in-depth analysis in regard to this topic on Environment and Sustainable Development by the AALCO Secretariat.

Distinguished Delegates, on 28th February 2017, the Government of Kenya banned the use, manufacture and importation of all plastic bags used for commercial and household packaging with the plastic bags ban coming into effect on 28<sup>th</sup> August 2017. Since then, Kenya has attained over 80% success in ban enforcement. However, challenges have been experienced with enforcement since some of our neighbours still use polythene bags and the same are illegally imported to Kenya. Research data has revealed a decline in polythene bags collected along the coastal area.

Kenya has provided incentives to promote cleaning of plastics from the environment. For example, the Government has provided the exemption from value added tax (VAT) for all services offered to plastic recycling plants and supply of machinery and equipment used in the construction of these plants. The government also reduced corporation tax from 30% to

15% for the first five years for any investor operating a plastic recycling plant. Further, the government deleted the provision for charging Excise Duty on plastic shopping bags to align it with the Environmental Management and Coordination Act which banned them from use.

Mr. President, we are cognizant, that Africa is highly vulnerable to climate change. Impacts of particular concern to Africa are related to water resources, food production, human health, desertification, and coastal zones. These impacts are already manifesting in Kenya with shifts in rainfall patterns and extreme weather events expected to have far reaching consequences.

On 4-6 September 2023, the Government of Kenya and the African Union convened the inaugural Africa Climate Summit in Nairobi. Commitments were made by governments, the private sector, multilaterals, banks, philanthropists, and other organizations, that set out concrete, systematic and sustainable plans to make the step change that is needed to progress towards Net Zero and international climate goals on finance and adaptation.

The commitments made at the Summit will be used as a foundation to mobilize urgent action on climate across Africa, and beyond.

It is on the foregoing that the Government of Kenya committed herself to Net Zero by 2050 launched the Financing Locally-led Climate Action Program, a New Green Hydrogen strategy and roadmap for Kenya which sets out a commitment to elevating green hydrogen to a pivotal cross-cutting factor in Kenya's development agenda, and clarifies how hydrogen is deeply woven into Kenya's ambitious green economy agenda.

Additionally, Kenya committed herself to the long-term Low Emissions Development Strategies (LT-LEDS) for 2050 and announced new National Climate Change Action Plan (2023-2027); Launched new Kenya Climate Change Act (Amendment) 2023; Launched a new programme, 'Building Resilience for the Urban Poor' (BCRUP); Announced Kenya would be the new site of the new Africa HQ for Global Centre for Adaptation.

Mr. President, finally, my delegation wishes to express her profound gratitude for the overwhelming support that we received from the Members States when Kenya hosted the Africa Climate Summit. We thank Member States for their rich and fruitful discussions that enabled the conference to be a success. Thank you Mr. President.

**President:** Thank you, the Distinguished Delegate of Kenya. Now that we have exhausted statements from all the state delegates, we are now about to close the end of the day three of the Sixty-First Annual Session of AALCO. I thank all the delegation for your support and cooperation. We shall meet tomorrow at 10 a.m. and again I request all the delegation to be on time so that we can start the proceedings without any delay. Thank you very much. I would like to inform you, Distinguished Delegates, about a reception dinner for tonight to be hosted by the Ministry of Foreign Affairs of the Republic of China at the Laguna Luxury Resort and Spa Nusa Dua from 7 o'clock to 9 o'clock. Distinguished guests, please join, please feel free to attend the reception. Thank you and we will adjourn the session today and I will see you tomorrow morning. Thank you very much.

**Master of Ceremony:** Thank you very much, Mr. President. Excellencies, Distinguished Guests, Ladies and Gentlemen, we have finally reached the end of day three of the Sixty-First AALCO Annual Session, today, Wednesday, 18th of October, 2023. Thank you very much for your participation. And for your information, we are honoured to extend a warm invitation to join the reception dinner hosted by the Ministry of Foreign Affairs of China at



the Laguna Resort Bali on 7 p.m. And shuttle will be provided at Pecatu lobby of the NDCC at 6 p.m. Once again, we are extending warm invitation to join the reception dinner hosted by the Ministry of Foreign Affairs of China at the Laguna Resort at 7 p.m. Also, a gentle reminder for you, tomorrow's meeting will be held at 10 a.m. here at Pecatu lobby. We express our sincere gratitude for your kind attention. *Om Shanti Shanti Shanti Om. Matur Suksma.* And enjoy your dinner tonight. Have a pleasant evening.

**The meeting was thereafter adjourned.**

## **XIV. VERBATIM RECORD OF THE FIFTH GENERAL MEETING**



#### **XIV. VERBATIM RECORD OF THE FIFTH GENERAL MEETING OF AALCO HELD ON THURSDAY 19 OCTOBER 2023, AT 10:00 AM**

**H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia, the President of the Sixty-First Annual Session in the Chair.**

##### **AGENDA ITEM: INTERNATIONAL TRADE AND INVESTMENT LAW**

**Master of Ceremony:** *Assalamualaikum wr wb. Shalom, Om Swastiastu. Namo Buddhaya, Salam Kebajikan,* Good morning, distinguished guests, Ladies and Gentlemen. Welcome to the fourth day of Sixty-First Asian African Legal Consultative Organization Annual Session, hosted by the Government of the Republic of Indonesia through Ministry of Law and Human Rights of Republic of Indonesia. We are truly honoured to have such an esteemed audience here today. Excellences, distinguished guests, Ladies and Gentlemen, let us start our agenda today with the fifth General Meeting. And to launch this meeting, we are honoured to give the floor to His Excellency the President of Sixty-First Annual Session of AALCO.

**President:** Good morning, Excellences, Distinguished Delegates, Ladies and Gentlemen. I hope you have a good night rest last night. And after finishing our last session, it was a fruitful discussion. And you had a wonderful, enjoying the last night evening in Bali. And now we resume the plenary session this morning. And the next agenda is International Investment and Trade Law. At the outset, I would like to invite the AALCO Secretary-General to make the introductory remarks. Please, you have the floor, Mr. Secretary.

**Secretary-General of AALCO:** Thank you, Mr. President. The agenda “International Trade and Investment Law” as the name suggests relates to two issues which are interrelated. However, due to their specific negotiation histories they have been historically dealt with separately in the past under distinct agenda items at AALCO Annual Sessions.

With respect to the issues concerning the World Trade Organization the matter was first placed on the agenda for deliberation at the Thirty-Fourth Annual Session of AALCO in Doha the same year the Uruguay rounds of negotiations were concluded, which was in 1995.

On the other hand, International Investment Law, although the topic is of much recent interest to States, AALCO cherishes a long-standing association with it since the adoption of the Charter of the Economic Rights and Duties of States and the Declaration on the Establishment of New International Economic Order by the United Nations General Assembly in 1974.

Thereafter, 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 also discussed at the Twenty-First Annual Session of AALCO held in Jakarta, Indonesia, in 1980 leading up to the adoption of Model Investment Agreements at the Twenty-Fourth Annual Session held in Kathmandu in 1985.

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. As such deliberations on these matters have continued under the same agenda item titled “International Trade and Investment Law.”

The document AALCO/60/NEW DELHI (HEADQUARTERS)/2022/SD/S13 that contains the report on the topic ‘International Trade and Investment Law’ reports on the following issues of contemporary relevance:

Firstly, in continuation of the work from the previous sessions the document contains a report on the recent developments at the 12th Ministerial Conference of the World Trade Organizations (WTO) as well as, the work of the UNCITRAL Working Group III on the reform of Investor-State Dispute Settlement Mechanism completed during its recent sessions.

In relation to the work of the UNCITRAL Working Group III the Islamic Republic of Pakistan vide Explanatory Memorandum dated 20 September 2023 had proposed the inclusion of the topic “reforms related to Investor-State Dispute Settlement (ISDS) within the context of the negotiations currently being conducted by the UNCITRAL Working Group III” in the work programme of AALCO. The proposed agenda item had been included in the provisional agenda of the Sixty-First Annual Session and the proposal was forwarded to the Member States for their consideration.

The proposal addressed some reform options that have been identified by the Working Group III of the UNCITRAL during its deliberations namely, (a) Establishment of an Advisory Centre (AC), (b) Quantum of Damages (c) Code of Conduct for Arbitrators and Judges (d) Procedural/Cross cutting issues. As decided in the Head of Delegations meeting, that in light of the topic already under consideration under the agenda item “International Trade and Investment Law” the same would be taken up together in the same general meeting.

Accordingly, Member States are invited to deliver their statements on the agenda item. Further in the continuance of the previous Annual Session the document considers the work of the UNCTAD and the World Investment Report, 2023 that deals with substantive issues concerning International Investment Agreements.

Furthermore, this year the documents returned to the practice followed while considering the agenda item “Report on the work of the UNCITRAL and other international organizations in the field of international trade law” which was last deliberated in 2015.

Accordingly, reports were prepared on the recent Governing Council Meeting of the International Institute for the Unification of Private Law (UNIDROIT) and the Council on General Affairs and Policy Meeting of the Hague Conference on Private International Law (HCCH) with a view to invite the attention of the Member States on the work of key international organizations working towards and unification and harmonization of private international law.

Before I conclude, I would like to take this opportunity to inform the Member States that the UNCITRAL Secretariat and the WTO Secretariat could not attend the Annual Session in person, however, the organizations have sent the text of its statement on the agenda item. The UNCITRAL statement highlights the interest of AALCO and its Member States in the work of the UNCITRAL on the Investor-State Dispute Settlement Reform in Working Group III especially on the establishment of an Advisory Centre on International Investment Law. The WTO Statement focuses on the fisheries subsidies. I thank the UNCITRAL Secretariat and the WTO Secretariat for their statement which I am sure will be informative to the Member States.

In conclusion, it may be said that the topics selected for deliberation under this agenda item 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 sharing their views, comments and experiences. Thank you, Mr. President.

**President:** Thank you, Mr. Secretary-General for your introductory remarks. Now I invite the Distinguished Delegate from Iran to make a statement on this topic. Please, the floor is yours.

**The Delegate of the Islamic Republic of Iran:** Thank you, Mr. President, *Bismillahirrahmanirrahim*. At this juncture, mitigating risks associated with foreign investments predominantly by providing a neutral forum for their final and binding resolutions of such disputes, and through implementing these wars appropriately, dispute settlement forums can help lessen commercial disputes accumulation, and hence increase foreign investment and promote economic development.

Mr. President, my delegation notes with appreciation finalization of the text prepared by the Working Group III in the context of the Investor State Input Settlements Reform, provide provision and mediation as well as UNCITRAL guidelines on investment mediation facilitate settlement of such disputes while keeping the possibility of further business between concerned parties. The Code of Conduct for Arbitrators in the International Investment Dispute Resolution and in commentary is also useful for arbitration process and avoiding and new delays in the process. Meanwhile, my delegation considers adoption in principle the Code of Conduct for Judging International Investment Dispute Resolution and its commentary to be pre-mature as the Code is clearly linked with possible establishment of an independent mechanism and idea which is still under consideration in the Working Group III.

Mr President, the International Law Commission held a curriculum on climate change and the law of the national trade during this Annual Session and decided on a further study on climate change in cooperation with UNIDROIT and other organizations. Reviewing the content of that rich curriculum, my delegation is of the view that we as well should take a very cautious approach and examine the appropriateness of every step. Any work on this important issue should have a due regard to the principle of the common but differentiated responsibility as well as respective capability and specific legal States.

The Islamic Republic of Iran is also following with interest the exploratory work of the UNCITAL on digital economy and is pressing for more intensively addressing various aspects of the international trade and the international technology in the dispute resolution process.

Mr President, Adverse effects of unilateral coercive measures on international trade in general and on climate change in particular need to be duly addressed. Persons and companies within the sanction affected territories do not have access to related technology, equipment or funding due to imposition of unilateral sanctions and do not stand on equal footing and should be treat differently in terms of legal responsibilities. Thank you.

**President:** Thank you. Distinguished Delegates of Iran, for your statement. The next statement is from Delegation of Malaysia. You have the floor. Thank you.

**The Delegate of Malaysia:** Thank you. Mr President, Malaysia thanks the Secretariat for the report on this topic and our intervention today is in response to some of the issues highlighted in the report. Regarding the 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 liberalization. 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, among others, on the revival of the Appellate Body of the WTO. In this regard, Malaysia believes that the WTO Member States will continue to engage in constructive discussions to achieve concrete solutions in line with the WTO's mission of being a forum for members to settle trade disputes. Malaysia believes that the Appellate Body one of the important bodies of the WTO, without which WTO functions at the main forum for settling trade disputes in the field.

Mr President, Malaysia understands that since the WTO's decision is consensus-based, reaching an agreement on reforms among all members may pose difficulties. However, without a concentrated effort to end this 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 a big new trade agreements, liberalizing agreements.

Malaysia supports the work done under the Working Groups II and III of the UNCITRAL to improve the process and procedures for alternative dispute resolution mechanisms, in particular the work on establishing a code of conduct for arbitrators and the possibility of establishing a standing multilateral mechanism for international investment disputes.

I would also like to thank the Government of the Islamic Republic of Pakistan for the inclusion of the issue of reforms related to ISDS within the context of the new session currently being conducted by the UNCITRAL Working Group III. Malaysia wishes to underline the importance of having a code of conduct for arbitrators handling international investment disputes, since this will ensure their transparency and instil confidence in the impartiality and independence of those arbitrators. The code of conduct will also lay a foundation to be followed by those who intend to incorporate those codes into their agreements. Malaysia also sees the importance of addressing the issues arising parallel to the ADR itself, such as the professionalism of the arbitrators as well as the issue of third-party funding.

Malaysia observes that third-party funding is an important tool used by many investors, particularly those without sufficient financial resources, to cover the cost of arbitration in order to bring claims against host States. However, such funding lacks transparency due to the fact that the entities involved generally prefer not to disclose information on their role to the other parties, the distributors or the arbitrators. It is on this basis that Malaysia views that it is imperative for third-party funding to be regulated as it plays a constructive role in investor-state dispute settlement proceedings.

While Malaysia promotes fairness and justice, it is recommended that clear rules and procedures should be established to regulate such funding so that it cannot be used in an abusive manner by investors.

Malaysia also notes that the United Nations Conference on Trade and Development's 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 investment and ensure the income growth of the state of both. In practice, Malaysia has always dealt with the idea of sustainable development separately as the purpose of IIAs are for the purpose of promoting, facilitating and providing protection to investment. Elements of sustainable development have always been addressed under specialized 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 specialized agreements. Although many agreements containing investment obligations and commitments have incorporated elements of sustainable development, the element varies and depends on the specific issues the parties intend to address, such as environmental or labour or human rights protection. Although the expansion of the scope of the investment presentation to include other elements of international law such as human rights and labour rights is inspiring, its implementation may prove to be challenging. Thank you, Mr. President.

**President:** Thank you, Delegation of Malaysia, for your statement. Now I invite the Delegation of Cameroon to deliver the statement. Please, the floor is yours.

**The Delegate of the Republic of Cameroon:** Thank you, Mr. President. First of all, allow me to seize this opportunity to say good morning to every delegation here. Mr. President, the Cameroonian delegation, which I have the honour to represent at this Sixty-First session of Asian-African Legal and Consultative Organisation, our common organisation, congratulates you on your appointment. This delegation thanks the Indonesian authorities for the measures they have taken to facilitate our arrival in Indonesia.

Mr. President, Mr. Secretary-General of AALCO, Ladies and Gentlemen, our agenda of today includes this item on international trade and investment law. Cameroon, my country, and many other developing countries are quite active in the work of the Working Group III of the United Nations Commission on International Trade Law, UNCITRAL. In that working group, we expressed our support for the reform of the investor-State dispute settlement system, with a view to avoiding abnormally long arbitration proceedings, in which developing States are subject to heavy sentences, sometimes exceeding the amount of the budgets, and not always in relation with the reality of the facts opposing the parties. We know that the AALCO secretariat maintains a constructive working relationship with UNCITRAL Secretariat, and that, in this context, the Secretary of UNCITRAL, Ms. Anna Joubin-Bret, recently visited the Secretary-General of AALCO and AALCO Headquarters in New Delhi. We would like the Secretary-General of AALCO His Excellency Dr. Kamalinne Pinitupvadol, to be our spokesperson to the Secretary of UNCITRAL, so that the reform on the way at the UNCITRAL on investor-State dispute settlement takes into account the concerns of developing countries.

I cannot conclude without pointing out that my country, Cameroon, is committed to the ideas of AALCO, and will do what it can to ensure the safe financial health of our common organization. I am thus in a position to announce that following the recent letter from the Secretary-General of AALCO, inviting our country to clear its areas of financial contributions, the Minister of Finance of Cameroon, at the request of the Minister of State, Minister of Justice Keeper of the Seal of Cameroon, took two decisions, No. 3723 and No. 3724, on 2nd October 2023, putting in payment almost covering the bulk of these arrears. The transfer process is on their way, and before long, the AALCO account in New Delhi will receive these payments from Cameroon. While concluding my speech at this point, I would like to reiterate our thanks to the Indonesian authorities for their kindness towards us. Thank you, and God for your kind attention.

**President:** Thank you for the Delegation of Cameroon. Thank you, sir, for your statement. The next statement is from the Delegation of Indonesia. The floor is yours. Thank you.

**The Delegate of the Republic of Indonesia:** Mr. President, Excellences, Distinguished Delegates, Ladies and Gentlemen, Thank you for the opportunity to deliver our view on this



agenda. Firstly, Indonesia is actively engaged in the WDTC discussion to follow up the General package, and the outcomes of the 12<sup>th</sup> WTO Ministerial Conference, or MC12, which serves conflict-trade-related responses to important challenges facing the world today, such as fisheries subsidies, pandemic response, agriculture and food security, e-commerce, and WTO reforms.

On the issue of fisheries subsidies, MC12 adopts the WTO agreement on fisheries subsidies, and also agreed to continue negotiations on outstanding issues, with a view to making recommendations by the 13<sup>th</sup> session, MC13, for additional provisions that could further enhance the disciplines on the agreement. Indonesia has subjected a proposal regarding provisions of first resistance on fisheries management for large scale industrial fishing, second special differential treatment for developing countries, and the third technical assistance and capacity building on the implementation of fisheries management for developing countries. We highlighted the utmost importance for a comprehensive fisheries subsidies, agreeing with appropriate and effective special differential treatment for developing and least developed countries, as mandated by the Sustainable Development Goals, specifically Goal 14.6. Engagement with relevant stakeholders is also ongoing to assess the substances on the first phase of the agreement on fisheries subsidies, taking into account the prevailing national law and policies, while observing the progress of the second wave of the negotiations.

With regard to the quality, culture, and food security, Indonesia is continuously involved in the negotiations surrounding these issues. The first is related to public stock holding for food security purposes, which allows developing and least developed countries to have policy space for stock and price management to ensure national food security. Indonesia G30 African Group or AG and African Caribbean Pacific or ACP Group have subjected a joint proposal on public stock holding for food security purposes to the Committee on the Manufacturing of WTO. Indonesia re-arranged its position to support the joint proposal as a take-based negotiation at the upcoming MC13. Domestic Supports and Agriculture Subsidies is also a priority issue for the majority of WTO members. Indonesia stresses the importance of policy space and flexibility for developing countries to strengthen domestic productivity through subsidies so that they can compete fairly in the global trade.

Another issue that is being discussed is regarding the special safeguard mechanisms that enables developing countries to temporarily increase tariffs if there is a surge in import or decline in food prices. Indonesia shares the view that the new special safeguard mechanism will protect small-scale producers who are vulnerable to global market stocks. Indonesia also attests great importance to the discussion on e-commerce in WTO forums and understands that it could support economic development for the Member States. Therefore, Indonesia views that the moratorium on custom duties on electronic transmission should not be permanent and encourages the Member States to continue the mandate to negotiate on the Work Programme on Electronic Commerce with emphasis on the development aspect including further discussion on the definition stock and impact of the moratorium on custom duties on electronic transition for developing countries.

Indonesia has been actively engaged in negotiation of the joint statement initiative on electronic commerce and have emphasized several main principles in the negotiation, including first, policy space to fulfil legitimate policy objectives; second, an inclusive and transparent negotiation process; and the last is the facilitation and improvement of the micro, small and medium enterprises or MSMEs in the global value chains.

Regarding the issue of WTO reform, Indonesia reaffirms its position to support measures enhancing the function of WTO bodies and encourage the achievement of realistic development for MC13. Indonesia highlights the importance for inclusive transparency and open WTO reform discussions. Indonesia is actively participating in negotiation to reform WTO dispute settlement system specifically to maintain the existence of the standing body to review appeals. Indonesia believes that the WTO's two tiered dispute settlement system is essential for the stability and predictability of multilateral trading and the need to resolve their flaws. Indonesia stands ready to support the commitment made at the MC12 to secure a fully and well-functioning dispute settlement system accessible to all WTO members by 2024.

Excellences, Distinguished Delegates and Ladies and Gentlemen, Indonesia consistently support and participate in the Working Group III of the United Nations Commission on International Trade Law regarding Investor State Dispute Settlement reform or ISDS reform. One of the measures discussed is the establishment of the advisory centre which provides technical assistance and capacity building on the international investment law and ISDS as well as provide legal support and advice with regard to ISDS proceedings including representation services. Considering that the advisory centre could assist developing countries to enhance the capacity to navigate ISDS issue, Indonesia encourage Asian-African countries to support the establishment of this advisory centre. Indonesia believes that this could be an important step to a civic, fair and just outcome in international investment dispute. Indonesia also highlights the importance for the developing country to take further review on the proposed establishment of a permanent body or multilateral investment court system especially regarding incentive for facilitating lawsuit by investor and its impact to the state. Indonesia will continue in encouraging solutions to balance right and obligation of the state investor for the ISDS reform.

Excellences and Ladies and Gentlemen, Indonesia also reaffirms its commitment to achieve sustainable development which balance all dimension of economics, environmental, social and governance. In addition to our national regulation which align with sustainable investment on 14 November 2020, Indonesia launched the sustainable investment guidelines as part of the government's work to increase realization value of the right direct investment in line with the global trend towards sustainability. The guideline for all stakeholders to stimulate and promote the growth of sustainable businesses. Under its presidency of G20 Indonesia also introduced G20 Bali companion with outlines key areas of investment policy to promote investment for sustainable development based on G20 country best practices.

Mr. President, Distinguished Delegates, and Ladies and Gentlemen, as the world becomes more interconnected, private international law is fundamental in providing legal certainty for civil matters involving multiple jurisdictions, Indonesia appreciates the Hague Conference on Private International Law, HCCH as a melting pot for various legal systems for developing modern legal instrument in private international law. Related to HCCH convention, Indonesia joined the Apostille convention on 5th October 2021, ever since its entry into force on 4th June 2022. The Apostille convention facilitates significant development to cross-border circulation of public documents. Apostille services cut the bureaucratic rate of conventional legalization of public documents through issuance of single Apostille certificates by Ministry of Law and Human Rights as a competent authority. Apostille services provide simplified time-saving and cost effective mechanism for legalization of public documents with the global recognition of 125 contracting parties. This year we have expanded Apostille services receivable through all 33 regional offices of the Ministry of Law and Human Rights. Applicants from all over Indonesia can now have their Apostille certificates printed at the

nearest regional office. With such ease of access, the number of requests for Apostille services are growing up to 163,609 applications and 90,622 certificates have been issued as of today. Indonesia strives to improve our Apostille services as well as assessing other HCCH's conventions, taking into account the interests of the nation and our people. I thank you Mr. President.

**President:** Thank you Delegation of Indonesia. Thank you Madam. Now I invite the Distinguished Delegate of India to give a statement on this issue. Please the floor is yours.

**The Delegate of the Republic of India:** Thank you Mr. President. On behalf of the Indian delegation, let me thank the Secretary-General of AALCO for his introductory remarks. My delegation would like to make a few general observations on the topic. It is known that the last WTO Ministerial Conference made good progress on discussions pertaining to agriculture, intellectual property, fisheries subsidies, e-commerce and others. With respect to fisheries subsidies, WTO members have for the first time concluded an agreement with environment sustainability at its heart which prohibits support for illegal, unreported and unregulated fishing and bans support for fishing in overfished stocks and it is hoped that the technical assistance and capacity building which shall be provided to the WTO's fisheries funding mechanism shall be beneficial for developing countries.

Mr. President, it is regrettable that the WTO's dispute settlement system has been stuck for quite a few years and we hope that the 13<sup>th</sup> Ministerial Conference tentatively scheduled in February 2024 in Abu Dhabi shall make certain reforms in dispute settlement system and may attempt to restore the WTO's appellate body in the interest of pacific settlement of disputes.

Mr. President, on UNCITRAL Working Group III and investor state dispute settlement, we would like to make the following observations. India has been a strong supporter of ISDS reforms since the inception of Working Group III. India acknowledges the importance of foreign investment in fostering economic growth, technological advancement and job creation. We have always been a welcoming destination for foreign investment and remain committed to provide a conducive environment for international businesses. However, it is crucial that this environment is balanced and equitable for both foreign investors and the whole state. India believes that the ISDS is an important tool for protecting foreign investment and needs significant reforms.

Mr. President, India appreciates the recent work of procedural Working Group III concerning draft provisions on procedural and cross-cutting issues, draft provisions on the establishment of an advisory centre on international investment law, which would help in reforming the investor state dispute settlement mechanism. India is also ready to work on the issues surrounding the third party funding, which is of concern to many Member States and we believe that there is a need for regulation in this area. India welcomes the adoption of the code of conduct for arbitrators adopted recently by the Commission in July 2023. Finally, India believes that the ongoing discussions within procedural Working Group III presents an opportunity to bring about much needed reforms in the ISDS regime. These reforms should aim at balancing the rights and obligations of foreign investors and host States, ensuring a fair and just system that promotes economic growth by safeguarding national sovereignty.

Mr. President, AALCO with the expertise of hosting regional arbitration centres may explore publishing position papers or comments on the area of discussion and the procedural Working Group III for assisting the Member States to take positions on ISDS regimes at international level or to bring necessary changes at domestic level while dealing with ISDS-

related provisions in their investment treaties.

As to the topic on UNCTAD and recent developments in international investment agreements, India deeply values the vital role played by UNCTAD as the nodal point the United Nations system for providing an integrated and cohesive framework for the development agenda. It is of high importance that the UNCTAD with its integrated approach to trade and development continues to provide policy advice, analysis and other support to developing countries to enable them to realize that sustainable development goals or the three pillars of UNCTAD that is policy analysis, consensus building and technical cooperation should continue to be strengthened and revitalized. We welcome the trade and development report 2023 which we believe can serve as a strong guiding tool for countries around the world in the current situation. The report underpins the central role trade along with its development dimensions plays in global recovery and supporting economic resilience which is the view of our work. I thank you Mr. President.

**President:** Thank you, Sir. The Delegation of India. Now the next statement is from the Distinguished Delegate from Japan. The floor is yours, Sir, Please

**The Delegate of Japan:** Thank you Mr. President. My delegation would like to share observations regarding on several guiding and aiming similar ideas. First, on WTO. After the UNCTAD was formed for three times, the ministerial conference on the WTO was successfully held in June 2022. In which time the ministerial declaration was adopted was the first time in approximately six and a half years. Japan highly appreciated the declaration as it was a unanimous decision in which WTO should meet. Japan holds the view that the 13<sup>th</sup> ministerial conference, which will be held in February next year, should also produce tangible outcomes. While there are a number of issues that the WTO is tackling at present, Japan believes that concrete outcomes can be achieved in the following five areas.

Number one, WTO reform including the dispute settlement DS reform. Number two, entry into force of the agreement on fisheries subsidies and conclusion of negotiations on outstanding issues related to fisheries subsidies. Number three, e-commerce moratorium. Number four, agriculture including food security. Number five, trade and development. The first item, reform of the WTO dispute settlement mechanism, remains a priority in the reform of the WTO. Japan will continue to work with all members to restore a full and well-functioning dispute settlement mechanism by 2024. In relation to the second item, the entry into force of the agreement on fisheries subsidies, my delegation is pleased to inform our Member States that Japan successfully completed its internal procedures to formally accept the protocol of the agreement and deposited its instrument of acceptance with the WTO in July this year. We encourage those countries that have not yet done so to accept the agreement at an early time. Japan will actively exchange views and cooperate with WTO members and our Member States to ensure that visible outcomes will be produced in those five areas. Japan will continue to spare no effort to maintain and strengthen the rules-based free and open multilateral trading system.

Mr. President, on ISDS Reform, States are diligently discussing the report in Working Group III of UNCITRAL. We are pleased that the code of conduct for arbitrators and judges was recently adopted. In Working Group III, at present, States are negotiating the text for establishing the advisory centre under the draft provisions on procedural and cross-cutting issues. Japan hopes that the text for establishing the advisory centre will be enacted at the UNCITRAL commission in 2024. Japan will continue to participate in the discussion on the ISDS reform based on the position that ISDS mechanisms should strike a good balance

between protection of investors and right of the State to regulate.

Mr. President, with respect to the report on the work of UNIDROIT and the report on the work of HCCH, Japan is focused on the view that, in addition to UNCITRAL, UNIDROIT and HCCH are key institutions to develop and maintain a robust cross-border legal framework in the field of private law. UNIDROIT and HCCH carry out a variety of activities and projects, such as laws related to digital assets and investment contracts, which may influence private law systems of our Member States. Japan believes that Asian and African perspectives should be accepted not only in public international law, but also in private international law. We note that Rwanda recently applied for membership in HCCH. We hope that more AALCO Member States will join HCCH and UNIDROIT. We look forward to having a discussion with AALCO Member States in the framework of UNIDROIT and HCCH itself. Thank you, Mr. President.

**President:** Thank you, Distinguished Delegates of Japan, now I invite the Delegation of Thailand, please you have the floor Sir.

**The Delegate of the Kingdom of Thailand:** Mr. President, Mr. Secretary-General, Excellences, Distinguished Delegates. The delegation of Thailand expresses sincere appreciation to the Secretariat for the comprehensive report, which compiles developments in international trade and investment law across various forums. Thailand firmly believes that for international trade to deliver its benefits to all stakeholders within a room-based trading system, it is imperative to remove legal barriers, progressively harmonize, and modernize international trade law. Therefore, Thailand highly values the Secretariat report as an invaluable resource on this matter.

Mr. President, Distinguished Delegates, Thailand welcomes Pakistan's proposal to explore the topic of reforms related to investor-state dispute settlement or IHDS within the ongoing negotiations in answer to UNCITRAL Working Group III. In this regard, Thailand wishes to commend the significant progress achieved by Working Group III as we believe that the discussions are indeed headed in the right direction, leading to the adoption of the first set of ISDS reforms by the Commission earlier this year. We are particularly pleased to see the adoption of the UNCITRAL Model provisions, UNCITRAL Guidelines on Mediation for International Investment Disputes, and the Code of Conduct for Arbitrators in International Investment Dispute Resolution. We also acknowledge the adoption and principle of the Code of Conduct for Judges in International Investment Dispute Resolution, which will require further consideration taking into account other ISDS reforms in the future. Thailand remains a committed advocate for the reform process of ISDS. In our view, the goal of this process is to establish a legitimate, predictable, and balanced ISDS regime, especially in the context of ISDS rules proceedings and the award of damages where there are concerns over the lack of predictability and perceived biases in favour of investors.

We note that Pakistan has highlighted in its explanatory notes some of the issues that are being addressed by Working Group III, including the issue of quantification of damages. On this topic, in light of the current lack of consistency in the assessment of damages, Thailand favours having a standardized and clear rules on how the damages are to be assessed. This can help ensure coherence and consistency in the ISDS regime, which will produce a fair outcome for those involved. Turning to the establishment of an Advisory Centre on International Investment Law, Thailand continues to support UNCITRAL's work on this topic, noting also the current focus on draft provisions on the subject within Working Group III. We firmly believe that an advisory centre should be established as an independent, treaty-

based international organisation without being tied to any other standing mechanisms to ensure its impartiality, integrity, and efficiency. We welcome the idea of convening a diplomatic conference for this purpose. The advisory centre's primary objectives should be both to provide technical assistance and capacity building, and also to provide legal support and advice with regard to international investment law and ISDS proceedings, especially to developing countries. The cost-effective legal services provided by the advisory centre could potentially cater for the needs of developing countries whose limited resources could better be spent in pursuit of their social and development objectives. We also believe that the advisory centre and its prospective regional offices should be located within a region of developing countries that would derive the most benefit from its establishment.

Mr. President, Distinguished Delegates, Thailand places a high priority on the implementation of an advisory centre for international investment law within the context of UNCITRAL's Working Group III, and we stand ready to contribute to its endeavours. We wish to reiterate our intention to host an intersessional meeting for this working group next year with a potential topic focusing on the implementation of an advisory centre on international investment law. We look forward to welcoming our fellow outcome members in Working Group III, as well as the participation of our Working Group III members. Thank you.

**President:** Thank you, Madam, Distinguished Delegate from Thailand. Now, on the next is Delegation of Tanzania. Please, you have the floor, sir.

**The Delegate of the United Republic of Tanzania:** Thank you, Mr. President. We take note of the comprehensive agreement with the UNCITRAL on the subject matter. The topic of international trade and investment is critical to many countries, especially Africa and Asia. We therefore commend the efforts that AALCO is undertaking to sensitise Member States on various areas of international trade and investment, which has over years assisted Member States to understand the position of various international principles of investment and trade, and in particular the WTO as a framework complement and code of conduct for world trade. This is also the same in area of investment law, especially on the issue of investment disputes.

Mr. President, based on ongoing discussions under the Working Group III of UNCITRAL with lessons learned so far, the Government of the United Republic of Tanzania is dedicated to consolidating policy, institution and regulatory reforms to improve the business environment and promote persistence and predictability of policies, laws and regulations. It aims also to enhance transparency, address relative and other related bottlenecks to trade and investment.

A number of milestones have been recorded so far in implementing these reforms. We have versioned the institutional mandates and reviewed various fiscal goals in order to promote growth of business. On the same note, Tanzania has strengthened cooperation frameworks on tax matters by concluding double taxation agreements where necessary, and so far we have concluded and signed agreements with 10 countries on avoidance of double taxation and nutritional transgression.

Mr. President, we understand that in any business transactions these goods are inevitable. However, a good business environment will endeavour to create favourable means of resolving these goods timely and effectively. To achieve this, it is important that we equip ourselves with necessary skills that will enable us to draft investment agreements of international standards and help eligible people to conduct and decide on investment disputes.

In this regard, perhaps we as AALCO should consider a need for our organization to develop a new model investment agreement to match with the developments in the investment world. Considering that the last model agreement was adopted by AALCO in 1985, a lot has changed since then. To this end, Tanzania is ready to take it for the possibility of initiating discussion of revisiting these 1985 model investment agreements. Thank you, Mr President.

**President:** Thank you, the Delegation of Tanzania. Thank you, Madam. Now I invite the Distinguished Delegate from Viet Nam to give a statement. The floor is yours. Thank you.

**The Delegate of the Socialist Republic of Viet Nam:** Mr. President, our delegation would like to thank the Secretariat for the informative report on the topic of international trade and investment law. We would like to draw the special attention to the work of the Working Group III of the UN Commission on International Trade Law. In the last three decades, foreign investors have brought hundreds of arbitration cases against the host countries, with the protection of numerous bilateral or multilateral investment promotion treaties. The unforeseen complexity of these investment disputes, the inconsistent and unsystematic resolution, as well as the absence of ineffective and inequitable jurisprudence, have necessitated a thorough reassessment of international and regional investment protection regimes and the mechanism to resolve disputes between host States and their foreign investors.

Currently Viet Nam expresses its warm welcome and sincere appreciation for the commendable work carried out by the UNCITRAL Working Group III in its review and its proposition of measures to reform the investor-State dispute settlement ISDS mechanism. The process of ISDS reforming is intricate requiring active involvement and contribution from all stakeholders. This collective effort aimed at enhancing transparency and efficiency, establishing equitable conditions based on international law for both host States and their investors. Viet Nam underscores the significance of fostering a conducive environment for effective and sustainable dispute resolution. An illustrative example is the establishment of ISDS advisory centres, with its point to offer support for developing and least developed countries.

During the 46th session of working group III in Vienna, Vietnam supported the establishment of ISDS advisory centres and highlighted that it is crucial to ensure that the financial mechanism of the centres and its services are tailored to the needs of the LDCs and developing countries and that the quality of service is upheld. They now extend this recognition and appreciation for the valuable contribution made by other nations and stakeholders during the deliberation of the ISDS reform. At the 46th session, we are pleased to hear proposals to host an intersessional meeting on ISDS reform. Many of those proposals were put forward by AALCO members, including Thailand, China, and the Republic of Korea. We believe that this initiative would afford States more opportunity to express their ideas, share their perspectives, and deliberate in depth on all the aspects of the future reform of the ISDS mechanism. We remain firmly committed to the active participation in the UNCITRAL Working Group III and support endeavours aimed at developing a new ISDS mechanism that allies with the needs and aspirations of the global community. I thank you Mr. President.

**President:** Thank you. Thank you very much for the statement Vietnam. Thank you, sir. Now, on my list is the Distinguished Delegate of Bahrain. You may have the floor. Thank you.

**The Delegate of the Kingdom of Bahrain:**<sup>19</sup> Mr President, Excellences, Ladies and Gentlemen, the Kingdom of Bahrain emphasizes that any reforms to the investor-state dispute settlement system must maintain the neutrality of investor-state dispute settlement by keeping it away from political and commercial interests. It should respect final arbitration decisions and work to implement them. The system for settling disputes between investors and States does not require large resources as required by other judicial bodies such as the World Trade Organization.

The current dispute settlement system is tainted by doubts in terms of conflicts of interest and lack of diversity in arbitrator appointments. On the other hand, the cost and duration of arbitration cases, in addition to the inconsistency between arbitration rulings and awards, the Kingdom of Bahrain proposes four alternative proposals for reform, which are:

(1) adopting a broader group of arbitrators; including the accreditation of arbitrators from developing countries in a way that allows all legal systems in the world to be fairly and adequately represented in arbitration bodies, which in turn determine the diligence in settling disputes between investors and states.

(2) Establishing joint interpretive committees to coordinate the interpretation of the provisions of the agreements in place of the appeal mechanism;

(3) Adopting a group of arbitrators exclusively specialized in examining invalidation procedures within the framework of the International Centre for Settlement of Investment Disputes (EXID) agreement to ensure consistency in the application of the agreement and its rules;

(4) Expanding the grounds for invalidation of arbitral awards within the framework of the International Centre for Settlement of Investment Disputes (EXID) Agreement by establishing new legal grounds for invalidation in international investment agreements.

Mr. President, Excellences, in terms of legitimacy and accountability, the current environment of self-regulation by major categories of actors professionally engaged in individual conflicts is unsustainable. Whatever the undeniable qualities of the texts developed by the IBA, they remain the work of those whose conduct must be judged, and this creates a perception of a lack of credibility that must be addressed.

The need for a code of conduct reflects the views and concerns of the broad international community, and in this sense the Kingdom of Bahrain commends the adoption of the code of conduct for arbitrators at the fifty-sixth session of UNCITRAL Working Group III, as the code of conduct is considered an important and useful achievement for the working group. In conclusion, the Kingdom of Bahrain looks forward to the Member States' comments on the International Trade and Investment Law clause. Thank you, Mr. President.

**President:** Thank you Madam. The Delegation of Bahrain. Thank you very much. Since we have now my clock shows 11:18. We will take a break, the coffee break. And I know that the Distinguished Delegate of Indonesia has an announcement to make about the drafting committee. So I invite the Delegation of Indonesia to be here with the announcement. Please, the floor is yours.

**The Delegate of the Republic of Indonesia:** Thank you Mr. President for providing the

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<sup>19</sup> This statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.



Indonesian delegation the floor. As we discussed in the Heads of Delegations formal meeting on the first day, Sunday and last week, we have agreed that we are going to organize a drafting committee meeting for the purpose of drafting the final report of the sessions. So Indonesia would like to propose to have the drafting committee start working at 11:30 this afternoon. And Member States of AALCO that wish to participate in the drafting committee can send one or two representatives to the drafting committee session. And with regard to the venue of the drafting committee, we will communicate that with the liaison officers of the respective delegations. We are still trying to find a place, a room for that purpose. Thank you, Mr. President.

The purpose of why we are doing it in parallel with the sessions is that we want to ensure that by the end of the conference we will be able to finalize everything so that we can continue with the adoption of the report and so that we won't have any residual issues after the conclusion of this conference. Thank you very much Mr. President and Secretary-General.

**President:** Thank you Mr. Cahyo of the Delegation of Indonesia. So I would like to remind again that each delegation can send two or three delegations for the drafting committee so that we can speed up the process. We hope that by the end of, before lunch tomorrow, we can finish the Sixty-First Annual Session. So if it is possible, if we finish the drafting, the draft of the announcement for tomorrow, we will be able to finish it by noon tomorrow morning. Thank you. Thank you very much. Now we will take a coffee break and resume our meeting at 11:45. The plenary meeting now is adjourned. I will see you at 11:45. Thank you.

**Master of Ceremony:** Thank you Mr. President. Just as what the President of the Sixty-First of AALCO has said, the plenary meeting is adjourned for a short coffee break. You can enjoy your coffee and tea served at the Pecatu lobby. Please return to this ballroom at 11:45.

**The meeting was thereafter adjourned.**

**XV. VERBATIM RECORD OF THE FIFTH  
GENERAL MEETING (CONTD.)**



**XV. VERBATIM RECORD OF THE FIFTH GENERAL MEETING (CONTINUED)  
HELD ON THURSDAY 19 OCTOBER 2023, AT 12:00 PM**

**H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia, the President of the Sixty-First Annual Session in the Chair.**

**AGENDA ITEM: INTERNATIONAL TRADE AND INVESTMENT LAW**

**Master of Ceremony:** Excellences, Ladies and Gentlemen, welcome back to Pecatu Hall. And now we will continue the fifth general meeting. Therefore, we are honoured to give back the floor to His Excellences President of the Sixty-First of AALCO, please.

**President:** Distinguished Delegates, Ladies and Gentlemen, welcome back after a short coffee break. We will now continue to have a remaining list of the speakers. There are two more. Now on my list is China. I invite the Chinese delegation to give the statement. You have the floor. Thank you.

**The Delegate of the People's Republic of China:** Thank you, Mr. President. Thank you also to the Secretary-General for the helpful introductory remarks, as well as the AALCO Secretariat for preparing the comprehensive paper on international trade and investment.

China supports remedying the major shortcomings of the current ISDS regime with a focus on refining the multilateral rules and mechanisms of international investment dispute settlement. This would enhance both investors' and host countries' confidence in maintaining and utilizing the ISDS mechanism and would promote the rule of law in investment dispute settlement.

In this regard, we are encouraged that the UNCTRAL Working Group III has successfully completed the work on the first set of reforms in ISDS earlier this year. This includes both the UNCTRAL Guidelines and Model Provisions on mediation for international investment disputes, on which we actively facilitate further organizations of multilateral meetings and informal activities in Hong Kong from 2020 to 2022. International mediation has been widely accepted as a cost-effective, efficient, and flexible dispute resolution mechanism. This is evidenced by the joint statement on the future establishment of international organizations for mediation, signed by a number of States including some AALCO Member States. Pursuant to the joint statement, the International Organizations for Mediation's Proprietary Office has been established in Hong Kong earlier this year to carry out the necessary preparatory work for the future establishment of the International Organization for Mediation.

Apart from mediation, China believes that establishing an appellate mechanism would be a critical component of ISDS reform, and that it would play a crucial role in promoting the wrong law in investment dispute settlements. China would be in favour of a multilateral instrument for extending a new mechanism that can be widely utilized by host countries and investors. Thank you, Mr. President.

**President:** Thank you, the President of China. Thank you, sir. Now I have the floor for the Delegation of the Philippines for the next statement. Please, you have the floor Excellency.

**The Delegate of the Republic of the Philippines:** Honourable President of the Sixty-First AALCO Annual Session, Minister of Law and Human Rights of Indonesia, Mr. Yasonna H. Laoly, Mr. Secretary-General, Dr. Kamalinne Pinitpuvadol, Excellences, Distinguished Delegates, Ladies and Gentlemen, As of 2022, 15 new international investment agreements

have been signed, two of which with our country, the Philippines, as a part. With the increasing number of international trade and investment interactions among States, it has become crucial to have an investor-state dispute settlement system that works efficiently and fairly for both States' and investors' involvements. Notably, while the majority of investor-state dispute settlements cases are decided in favour of state, this is according to the UNCTAD Investment Dispute Settlement and the UNCTAD International Investment Agreements Navigators, we believe that the ISDS system should be continuously reformed to ensure its effectiveness and fairness. A reliable and credible ISDS system will create an equitable investment environment, encouraging investors to invest confidently in different areas of the world.

Thus, on behalf of the Republic of the Philippines, I express our profound appreciation to the UNCTRAL Working Group III for their exceptional efforts in reforming the ISDS system. We are pleased to know that, after six years of intense discussions, they have produced draft provisions on mediation, a draft UNCITRAL Guidelines on Investment Mediation, a Code of Conduct for Judges, and a Code of Conduct for Arbitrators. Despite these trying times, it is inspiring that we have managed to achieve a political consensus on these four instruments.

We observed that African States have been instrumental in requiring a pooling-off period of at least three years during which arbitrators are prohibited from serving as legal representatives or expert witnesses in subsequent proceedings involving the same measure or the same or related parties in the Code of Conduct of Arbitrators.

As a member of AALCO, the Philippines commenced the UNCTRAL Working Group III for their exemplary contributions to these crucial reforms. Nevertheless, the move for reforms in the ISDS must not end here. We should continue to address concerns of sovereign States being restrained from regulating areas critical to the public interest and the non-participation by the investment-impacted third parties in the ISDS. Thank you and good morning to all.

**President:** Thank you, Madam Ambassador. Thank you very much. Now we conclude the delegations. There are other observers who would like to ask for the opportunity to have their statements. The first is the Asian Academy of International Law. Please, you have the floor.

**The Delegate of the Asian Academy of International Law (AAIL):** Thank you Mr. President. Mr. President, Distinguished Delegates, good morning. This is the first time the Asian Academy of International Law takes the floor. AAIL thanks AALCO for inviting AAIL as an observer to participate in this Annual Session. We would also like to express our sincerest appreciation for the excellent papers that have been prepared by the Secretariat. As an observer to the UNCITRAL Working Group III, AAIL attended the 46th session of the Working Group III held in Vienna last week. We would like to share some thoughts on three matters relating to ISDS reform, mediation for international investment disputes, and the two topics that were discussed last week in Vienna, the Advisory Centre and the draft provisions for procedural and cross-cutting issues.

At its 56th commission session held in Vienna in July this year, the UNCITRAL Commission adopted the UNCITRAL Model provisions on mediation and the UNCITRAL guidelines for mediation for international investment disputes. AAIL welcomes this reform as it is entirely consistent with the Asian culture of collaboration as well as the conciliatory nature of the Asian and African people. Investment, by its very definition, is long-term. Preservation of good working relationship to achieve the common goal is imperative. Using mediation to resolve disputes will create a win-win solution. The International Organization for Mediation

once established no doubt will further this goal for the peaceful settlement of international investment disputes. Indeed, AAIL has also been active in providing capacity-building programs on international investment law and mediation with its partners such as ICSID since 2018. With the new model provisions and guidelines on international investment mediation, AAIL would welcome opportunity in further providing such capacity-building programs, hopefully together with AALCO, and also in working on specific projects to explore how States can better utilize this dispute settlement mechanism.

Turning then to the discussions at Working Group III on the setting up of the Advisory Centre. Amongst various discussions conducted, two, in our view, are particularly relevant to AALCO. First is who the beneficiaries of the Advisory Centre should be. Most developing States considered that SMEs should not be a category of beneficiary of technical and legal advice, which includes representation in a specific case. It would appear, and rightly so, SMEs should be able to participate in capacity-building or experience-sharing activities of the Centre. After all, disputes are better avoided than resolved. Another potential category of beneficiary of the services of the Advisory Centre is Non-Member States. The benefit of providing such services would be to attract the LDCs to ultimately join as a member of the Advisory Centre. This will achieve the access to justice for all in the long run. This of course is entirely a matter for the States, and the answer will not be difficult if one recalls the original purpose and object of looking into the need of establishing an Advisory Centre.

The second matter that is germane to the utility of the Advisory Centre is its location or locations. As the main group of beneficiaries is intended to be developing States, it is advisable, is it not, to have the Advisory Centre or its branches located in regions within or in the proximity of developing States. The paper suggests the location should have access to talent pool. AAIL would suggest that the location should perhaps be one where talent pool can easily access. Locating such centres in developing States or in their region or proximity will likely bring about the inevitable effect of exposing the local legal fraternity to developments on international investment law and investment protection, thereby enhancing the more sustainable growth of a local talent pool conversant with this area of law and the dispute resolution mechanism. Financing is no doubt a controversial issue, but where there is a will, there is a way. The draft provisions have concluded its first reading and it is hoped that it will be ready for recommendation for adoption by the Commission in July 2024. Views of AALCO must be conveyed in time so that interests of developing States are well taken into account.

The third area we would like to comment on is the new topic to be addressed in Working Group III, the draft provisions on procedural and cross-cutting issues. There are only 25 draft provisions, but for some of them there may be no easy way to get consensus. For instance, the provision on damages assessment is prioritised by many developing States, but there is also a view that it should not be considered in Working Group III as it is a substantive law as opposed to a procedural law issue. Bearing in mind the magnitude of damages that have been ordered by tribunals against host States, it is not difficult to understand the concerns of the developing States on how damages should be assessed and to even consider whether a cap should be introduced. This is not just a matter of interest to host States, but should also be of concern to investors. After all, two important elements of the rule of law are predictability and foreseeability. A discussion on damages assessment, whether it be procedural or substantive law, may be relevant if revealed in the context of upholding the international rule of law. In preparation of being ready for the discussion, States should be conversant on the concepts of assessing damages, the formulation of discounted cash flow, how to assess the

net present value and internal rate of returns, or such like. Counterfactuals involved can vary, but may also be pivotal to the amount of damages to be awarded. AAIL believes that it may be beneficial if a capacity building course can be conducted so that States are better prepared for the discussion at Working Group III, and AALCO will be well placed to provide the same. AAIL will be happy to assist where it can.

Another matter that should be considered is the escalation clauses in Section A of the draft provisions. Due weight must be given to the desirability of using mediation as a cost-effective means to resolve the dispute, or prevented from escalating to one that necessitate the use of the more adversarial means of arbitration. Provisions must therefore be introduced to counter the undesirable effect of concepts of admissibility as opposed to jurisdiction, which would preclude a party from engaging the use of mediation before arbitration is commenced.

There are other provisions that necessitate a good review, and as it is planned that it would not be recommended for adoption prior to 2025, there would probably be time to properly address them. Yet the time for provision of capacity building for assessment of damages, and possibly also looking at the right to regulate, a matter closely concerned to a number of States, cannot wait. Mr. President, the ISDS reform is an opportunity to address the issues that have been viewed as unsatisfactory. The current discussion on the ISDS reform provides a prime opportunity for AALCO Member States, many of them are host States of foreign investment, to reshape the dispute resolution mechanism and to correct the current international investment dispute resolution regime.

AAIL is willing and prepared to work with AALCO and its Member States on capacity building programs. And with that, I thank the Mr. President for allowing us to have the floor, and I thank the Secretariat and the host State Indonesia for a very good conference. Thank you very much.

**President:** Thank you, Madam Professor Cheng, the Representative of Asian Academy of International Law for your statement. Thank you very much. Now I invite the distinguished observability of Nairobi Centre for International Arbitration to give me very statement. Please, the floor is yours.

**The Delegate of the Nairobi Centre for International Arbitration (NCIA):** Thank you, Mr. President. It is the first time we take the floor in this AALCO Sixty-First session, allow me to congratulate you for the excellent stewardship of this special occasion of AALCO. I also wish to thank the government of the Republic of Indonesia for the hospitality extended to us. I commend the AALCO Secretariat for preparing the elaborate documents for the sessions and including the international trade and investment law as an agenda in this session.

The Nairobi Centre for International Arbitration is a regional arbitration centre established in 2010 under the auspices of AALCO. As the name indicates, the centre is located in Nairobi, the capital of the Republic of Kenya, and serves the arbitration needs of the AALCO Member States and beyond.

On the agenda item international trade and investment law, I wish to make the following statement.

Excellences and Distinguished Delegates, it should be recalled that the establishment of regional arbitration centres for AALCO acknowledged the need to promote the practice of international and national arbitration in the region of Asia and Africa. As we promote the

impartiality and independence of the arbitral process, we welcome the conclusion of the work of the UNCITRAL working group three on the code of conduct for arbitrators and guidelines of investment mediation.

Mr. President, as a reform momentum on the investor state dispute settlement system continues, attention is now focused on the UNCITRAL working group three. We commend the AALCO Secretariat for the extensive and excellent report on the current work, international trade and investment law, and in particular the work of the Working Group III of the UNCITRAL. We also commend the Distinguished Delegation from Pakistan for highlighting the significance of introducing the reform work of UNCITRAL Working Group III as an agenda item in this first session of AALCO. We welcome the invitation by the Distinguished Delegation of India for the recognition of the possible contribution of AALCO regional arbitration centres on the ongoing work of the UNCITRAL Working Group III. As a centre, we remain committed to conduct research in this area and host technical and user forums to enrich the knowledge base on the reform process and proposals. We will work closely through the AALCO annual arbitration forum and collaborate with the AALCO secretary to contribute to the ongoing reform work of the UNCITRAL Working Group III. We also acknowledge the support of Member States of AALCO for the intersessional forums during the current discussions for reforms. Whilst we commend the Distinguished Delegation of Thailand on the occasion of Thailand hosting an intersessional forum, we also look forward to other Member States within the developing countries, in particular in Africa, to consider extending support for more intersessional forums. Thank you, Mr. President, for giving us this opportunity.

**President:** Thank you. Thank you, sir. Thank you for the statement representing the Nairobi Centre for International Arbitration. Now that we have concluded our discussion and the sessions, thanks all the Delegates for your statements. Now, this afternoon we have lunch hour and at the same time there is a side event on sharing best practices on the implementation of international humanitarian and war. The Member States and Observers are most welcome to attend the side event. The side event will be held at Tanjung Benoa Room, upstairs, level 1. So any Member States and observers who would like to join the side event, please, you are welcome to do so at the Tanjung Benoa Room, upstairs, level 1. Then our session for today is adjourned and I'll see you later at 2:30 p.m. Thank you.

**Master of Ceremony:** Thank you, Mr. President. Excellences, distinguished guests, Ladies and Gentlemen, now we will take our lunch break. Once again, I would like to inform you that for head of delegation, lunch served at Mengwi 6, 7 and 8 room of the NDCC 2 and for all Delegates, lunch is served at Jimbaran Restaurant. And we also would like to inform you once again that we have side event with the team Reducing Civilian Harm in Urban Warfare, National Implementation and Strengthening Cooperation to Ensure Respect for International Humanitarian Law. It is located in Tanjung Benoa Hall, level 1. We invite you to please return to this ballroom at 2:30 p.m. to continue on the series of activities of the Sixty-First AALCO Annual Session. Thank you, everyone. *Selamat menikmati makan siang. Bon Appetit.* Please enjoy your lunch break.

**The meeting was thereafter adjourned.**



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**XVI. VERBATIM RECORD OF THE FIFTH  
GENERAL MEETING (CONTD.)**



**XVI. VERBATIM RECORD OF THE FIFTH GENERAL MEETING (CONTINUED)  
ON THURSDAY, 19 OCTOBER 2023 AT 02:30 PM**

**His Excellency, Prof. Dr. Yasonna H. Laoly, Minister of Law and Human Rights of Republic of Indonesia and the President of the Sixty-First Annual Session in the Chair.**

**AGENDA ITEM: THE LAW OF THE SEA**

**Master of Ceremony:** Excellencies, Ladies and Gentlemen, welcome back to Pecatu Hall for the Sixty-First AALCO Annual Session. We will continue our agenda on the Fifth General Meeting, and now without further ado we give back the floor to His Excellency President of Sixty-First Annual Session of AALCO.

**President:** Thank you. Distinguished Delegates, Ladies and Gentlemen, welcome from your lunch. Now that I would like to continue our session, with the topic on the agenda is Law of the Sea. I now invite the Deputy Secretary-General of AALCO, Mr. Jun Yamada to make introductory remarks. Please you have the floor Sir.

**Mr. Jun Yamada, Deputy Secretary-General of AALCO:** Thank you Mr. President. Excellencies, Distinguished Delegates, Ladies and Gentlemen. The topic Law of the Sea has constituted an important part of AALCO's work program over the past decades. In 1970, the government of the Republic of Indonesia took the initiative to introduce the topic of the Law the Sea to AALCO's agenda. The decision marked the beginning of a continuous and significant focus on the subject during the organization's Annual Sessions. AALCO's Annual Sessions have played a pivotal role in the development and exploration of ground-breaking concepts such as the Exclusive Economic Zone (EEZ) the status of archipelago states, and the rights of landlocked states. These concepts, which later found their way into the United Nations Convention on the Law of the Sea (UNCLOS), owe their formation to the in-depth discussion and deliberations within the AALCO forum.

The key themes of in-depth discussion during the Sixty-First Annual Session of AALCO revolve around two critical subjects. First, the preservation and responsible utilization of marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ), or which is called the High Seas Treaty. And second, Illegal, Unreported, and Unregulated fishing (IUU).

The primary object of the High Seas Treaty is to ensure the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. The treaty introduces several key principles and provisions, including Marine Genetic Resources (MGRs), Area-Based Management Tools (ABMTs), Environmental Impact Assessments (EIAs), and Capacity Building and Transfer of Marine Technology (CBTMT). The treaty aligns with broader international objectives, such as the 2030 Agenda for Sustainable Development and the Kunming-Montreal Global Framework for Biodiversity. For the treaty to come into effect, it requires ratification by a minimum of 60 UN Member States. Given that UNCLOS took over a decade to come into force, the ratification process for the High Seas Treaty is expected to be a lengthy one. However, the treaty is anticipated to be implemented before the June 2025 UN Ocean Conference in Nice, France.

Mr. President, the sustainable utilization of ocean resources, including the conservation and management of fisheries, has been a key focus for AALCO within the broader context of preserving marine biodiversity beyond national boundaries. AALCO supports international legal mechanisms established to combat illegal, unreported, and unregulated fishing, or IUU,

notably endorsing the Court-State Measures Agreement of 2009, recognized as one of the most robust legally binding instruments in addressing IUU fishing. As a sole international legal organization representing the Afro-Asian communities' shared interests, AALCO places great emphasis on issues related to ocean and marine sustainability. It underscores the importance of regional cooperation among Asian and African nations, aligning with global efforts to effectively tackle the challenges that threaten sustainable fisheries management. This collaborative approach is essential for the greater cause of ocean conservation and safeguarding livelihoods worldwide. AALCO recognizes the importance of united action among Member States to explore legal and policy approaches to combat IUU fishing. AALCO's discussions on IUU fishing have the potential to foster a common regional stance in addressing this pressing concern. The Afro-Asian region could emerge as a catalyst, complementing ongoing international efforts to combat IUU fishing and address related threats more effectively.

Mr. President, in closing, it is hoped that combined deliberations on the High Seas Treaty and IUU fishing will bolster AALCO's engagement with ocean and maritime sustainability, paving the way for stronger and more coordinated international efforts in this direction. I thank you, Mr. President.

**President:** Thank you, Mr. Yamada. Now we move to the list of the Member States who will deliver their statements. First, on my list is Indonesia. Please, the Delegation of Indonesia, you have the floor.

**The Delegate of the Republic of Indonesia:** Thank you, Excellency Mr. President, for giving Indonesia the floor. Excellencies, Distinguished Delegates, Ladies and Gentlemen. First of all, Indonesia wishes to express profound appreciation for the adoption of the agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, the BBNJ agreement. We take great pride in being among the early signatories of this historic accord. Our early commitment to the BBNJ agreement is a reflection of our unwavering dedication to its principles and our profound commitment to safeguarding the biodiversity of our oceans. Moreover, as we look back, it is worth noting that Indonesia was also among the pioneering nations to sign the United Nations Convention on the Law of the Sea or UNCLOS in 1982. This historical context not only underscores our deep-seated commitment to international cooperation but also highlights our enduring commitment to responsible ocean stewardship which spans for generations. The signing of the BBNJ agreement is the commencement of the big duty that must be completed by our fellow countries in Asia and Africa. Indonesia also kindly urges our esteemed partner nations in Asia and Africa to collectively direct their focus toward the diligent implementation of the BBNJ agreement. We firmly believe that by prioritizing this crucial endeavour, our countries can fully capitalize on the multitude of benefits that this agreement offers. As we underscore the significance of its effective execution, it is worth noting that there are several specific areas within the BBNJ agreement that deserve our earnest attention consisting of the following. One of the main elements regulated in this agreement is related to the use of marine biological diversity, especially marine genetic resources, and digital sequence information in areas beyond national jurisdiction. Utilization through fair and equitable profit sharing provides benefits not only for the country that utilizes it but also for developing countries. Indonesia also respectfully calls upon nations in Asia and Africa to support the expansion of marine protected areas in accordance with the provisions laid out in the BBNJ agreement. We emphasize the need to focus on safeguarding the most vulnerable areas within our region in

Asia and Africa. By taking this action, we can maintain the integrity of the biodiversity in these areas, ensuring that it remains undisturbed and available for the benefit of future generations. Our joint commitment to expanding marine protected areas reflects our shared dedication to responsible management of marine ecosystems, securing a sustainable and prosperous legacy for generations to follow. It is imperative that we underscore the principles enshrined in Article 7 of the BBNJ agreement, which designates the area beyond national jurisdiction as the common heritage of mankind, as a balance to the freedom of fishing. In line with this commitment, it is crucial that any operation and the benefits that follow, whether commercial or non-commercial, which are adopted on these international waters, should ensure the provision of fair and equitable sharing of benefits to developing countries. This equitable approach not only upholds the spirit of international cooperation but also supports the socio-economic development of nations that may have traditionally been marginalized in their access to the resources of the high seas. By adhering to these principles, we can collectively foster a more inclusive and sustainable global marine environment, promoting shared prosperity for all. We urge Asian and African nations to recognize the importance of assessing the potential environmental impacts of planned marine activities. It is vital that activities under our jurisdiction or control, even those occurring in areas beyond national jurisdiction, are comprehensively assessed. By doing so, we uphold our shared responsibility to protect the marine environment and preserve its fatality as a legacy for generations to come. Furthermore, we call upon AALCO members to focus their attention on ensuring that the BBNJ agreement recognizes the paramount importance of capacity building, along with the transfer of marine technology, including biotechnology. This recognition should be comprehensive, taking into account the unique needs and priorities of developing states, whether they are coastal, landlocked, or archipelagic nations, with an overarching commitment to guarantee capacity building for these developing countries.

Mr. President, Excellencies, Ladies and Gentlemen. Another issue I wish to address before this forum is illegal fishing. Over often disguised as a mere act of maritime defiance, illegal fishing is a crime with far-reaching consequences. It is a crime that knows no boundaries, respects no jurisdictions, and cares not for the fragile ecosystems that sustain our planet. It is an insidious form of transnational organized crime that robs us not only of our precious marine resources but also of our collective future. Illegal fishing is a matter of global concern, marked by significant economic and environmental implications. It constitutes a substantial proportion, potentially up to a fifth of the worldwide fisheries catch. Conservative assessment indicated the value of this unlawful trade falls within the range of USD 10 billion to USD 23.5 billion annually, underscoring the considerable financial implications at hand. Moreover, the overall economic losses attributed to illegal fishing are a substantial magnitude estimated at USD 50 billion. These data collectively position illegal fishing as the third most lucrative natural resources crime worldwide, following closely behind illicit activities in the timber and mining sectors. While our unwavering commitment to the preservation of our marine resources has led to the apprehension of approximately 85 ships engaged in illegal fishing practices last year, we also recognize that the challenge extends far beyond our borders. Across Asia and Africa, countless more vessels continue to operate unlawfully, depleting our shared marine wealth and undermining the principles of sustainability and fairness. As recent reports reveal, a staggering 972 industrial and semi-industrial commercial fishing vessels were identified as involved in IUU fishing between January 2010 and May 2022. Out of this, 48.9% were found in Africa, with Asia following closely, constituting 22.9% of the total. According to the State World Fisheries and Aquaculture (SOFIA), report for the period of 2018 to 2022, published by the Food and Agriculture Organization of the United Nations (FAO) there is an expectation of an increase in fish stocks during this time

frame. However, the 2022 FAO report reveals an alarming trend where fish stocks have been consistently declining each year, as observed through monitoring efforts. The percentage of fishery stocks that are considered biologically sustainable has also witnessed a notable decrease, dropping from 90% in 1974 to 64.6% in 2019. Out of this, only a maximum of 57.3% of fish stock is being regularly caught, while a significant 7.2% remains under fish. This decline in fish stocks, particularly the under-fished ones, poses a significant threat to global food security over time. Amidst the concerning trend of declining fish stocks, it is essential to recognize the multifaceted challenge associated with illegal fishing. Beyond the depletion of fishery resources, illegal fishing operations often intersect with grave concerns, including human trafficking, modern slavery, and money laundering. These reprehensible activities involve the exploitation of vulnerable populations, including forced labour on fishing vessels, which leads to human rights violations and modern-day slavery. In 2020, concerning 39% of detected human trafficking victims per 100,000 populations worldwide were exploited for forced labour, with an alarming 28% of them trapped in the fishing industry. Furthermore, the illicit proceeds generated from illegal fishing operations are frequently laundered through intricate financial networks, enabling the concealment of ill-gotten gains and undermining global efforts to combat financial crime. The nexus of illegal fishing with these interconnected issues underscores the need for a comprehensive strategy that not only safeguards marine ecosystems but also upholds human rights, international security, and financial integrity. These findings also emphasize the fact that the battle against illegal fishing compels us to embark on substantial and impactful measures. A prime illustration of the close connection between illegal fishing operations and Transnational Organized Crime (TOC), is the FV Viking case. This vessel, which has been sought by Interpol and the government of Norway since 2013, was under Spanish ownership and was operated by individuals from Singapore and Australia. Furthermore, it was involved in human trafficking, including the recruitment of several Indonesian crew members. It consistently altered its location to evade surveillance until Indonesian authorities apprehended it in 2016. Given the participation of transnational criminal organizations and the simultaneous occurrence of multiple criminal activities in conjunction with illegal fishing, it can be reasonably inferred that illegal fishing should be classified as TOC in accordance with the provision outlined in Article 3 of UNTOC. Article 3 stipulates that the crime qualifies as a TOC if it is a serious offense that spans more than one State, i.e. transnational. Illegal fishing unquestionably meets the criteria of serious crime, serving as a gateway crime that opens the door for various criminal activities. Even when considered independently, illegal fishing poses a grave threat to global fish stocks, leading to their rapid depletion. Its transnational nature is evident in the involvement of multiple countries where vessels from one nation illegally harvest fish in the waters of another State. Often employing tactics like double flagging, wherein they utilize the flags of two different states. By adopting the criminal justice approach, nations align their domestic regulations on illegal fishing, with the criteria outlined in Article 3 of UNTOC. Aligning domestic laws and regulations with UNTOC not only offers a comprehensive framework to combat illegal fishing, but also unlocks various benefits, including eradicating transnational organized crime that follow fostering international collaboration, strengthening cooperation on money laundering and asset confiscation, facilitating extradition and mutual assistance, enhancing joint law enforcement investigations.

In conclusion, we firmly believe that illegal fishing is a pressing concern that knows no boundaries, jeopardizes our natural environment, and tests the fundamental principles of our shared dedication to justice and security. This issue demands our combined efforts, unwavering determination, and a shared sense of purpose. Therefore, within this esteemed Assembly, Indonesia extends an invitation to Asian and African nations, urging them not

only to align in their perspectives, but also to unite in a joint commitment to combat illegal fishing as a manifestation of transnational organized crime. Furthermore, we propose that the AALCO Secretariat conduct a thorough study of this issue, engaging formidable experts in the process. I thank you.

**President:** Thank you, the delegation of Indonesia. Now I invite the Distinguished Delegate of Iran to deliver his statement. You have the floor, Sir. Please.

**The Delegate of the Islamic Republic of Iran:** Thank you, Mr. President. First of all, I would like to appreciate your leadership. Mr. President, due to the significant role of marine biological diversity on life, environment, sustainable development, and the well-being of current and future generations, the existence of an international legal framework that is strong in effort and coordination to enhance international cooperation for conserving and protecting this diversity, to protect life in the ocean behind the national jurisdictions is vital and highly important. For this, my delegation believes that the agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Diversity in Areas Beyond National Jurisdiction provides a proper platform and legal basis for reaching objective and removing challenges and obstacles in this area. Mr. President, as the primary objective of the BBNJ is to ensure that conservation and sustainable use of marine diversity in areas beyond the national jurisdiction is seeking to achieve this through the effective implementation of some basic elements, which I wanted to focus on. Two of them, namely, one, marine generating resource and the second one, capacity building and transfer of marine technology. In connection with the first element, I would like to mention that the establishment of an access and benefit-sharing mechanism is very significant at this juncture. This mechanism ensures that the benefits derived from the utilization of marine generating resources in an area beyond the national jurisdiction are fairly shared among the state parties by providing a framework for access to these resources and ensuring that the benefits are shared in a just and proper manner. The treaty is capable of promoting international cooperation and foster the conservation and sustainable use of marine diversity. Concerning the second element, it is imperative to underline that the achievement of the objective of the new instrument depends on the effective implementation of it by all countries and this goal is not visible without effective capacity building and transfer of marine technology. They are closely linked and they are both fundamental to the remote imbalance between the countries, so as to enable the developing state to assume their related responsibility under the instrument, as well as to access and benefit from the BBNJ. In this regard, the special situation of developing countries with respect to access to knowledge and research should feature permanently in the instrument act. The intellectual property rights must not prevent the transfer of technology. My delegation would like to announce that the BBNJ agreement, while helping move from fragmentation to consensus, it should not undermine relevant legal instruments, and frameworks and bodies, including the National Fisheries Management Organization, we consider it vital that the new instrument improve collaboration and integration with the existing body and respect their competence through consultation and engaging the relevant decision-makers.

Mr. President, turning to the topic of illegal, unreported and unregulated fishing, only to significant contribution of sustainable fishery to food security and nutrition, income, wealth, and poverty mitigation for present and future generations, and thus have an environmental, economic and social dimension, I would like to highlight the necessity of regional and international cooperation among the state parties to combat such unlawful acts. In this regard, taking appropriate and effective measures in order to enhance the cooperation of state parties



in a coordinated manner is crucial for the lasting safeguarding and sustainable management of the valuable living marine resources and complex marine ecosystems. In this regard, new forms of criminal acts through national organization activity which may in some cases lead to illegal, unreported and unregulated fishing, and new term shall be considered. Thank you very much.

**President:** Thank you. Thank you, Sir. We just finished with the Delegation of Iran. Thank you for the statement. Next on my list is the Delegation of Thailand. Please, you have the floor, Sir.

**The Delegate of the Kingdom of Thailand:** Mr. President. Excellencies, Distinguished Delegates, Ladies and Gentlemen, it has been widely recognized that IUU fishing is one of the biggest threats to the sustainability of marine fisheries resources, which provide important sources of protein for the world population. IUU fishing has an important ability to undermine national and regional efforts to manage fisheries sustainably, building the truthful security, biodiversity, marine habitat and causing economic losses of coastal states. As a coastal state, Thailand emphasizes the responsibility of States in equitable utilization of ocean and marine resources and duty to protect the marine environment. My delegation wishes to thank AALCO Secretariat for adding this item to be discussed at the Sixty-First Annual Session of AALCO. Mr. President, Distinguished Delegates. Over the past years, Thailand experienced numerous problems such as unauthorized and misreported fishing operation, fish laundry, and concealment of signs or vessel registration. Therefore, Thailand had set up the national plan of action (NPA-IUU) in accordance with the International Plan of Action on Prevent, Deter and Eliminate IUU fishing (IPOA-IUU) and other relevant international instruments including UNCLOS, UNFA and Port States Measure Agreement (PSM).

Since then, our national agencies, such as Department of Fisheries, Customs Department, Royal Thai Police, and Royal Thai Navy, work together closely to modify and develop measures in order to meet international standards including:

- Reducing the level of fishing to commensurate with the maximum sustainable yield
- Amending national legislations to control IUU fishing and preventing the entry of fish and fish products from IUU fishing into the supply chain.
- Regulating systematic inspection of fishing vessels including inspection of historic records and qualification of fishing vessels prior to their registration, inspection through Port-in Port-out control centres, installation of Vessel Monitoring System, inspection at sea and fish inspection at port.
- Enhancing monitoring, control and surveillance (MCS) of fishing in the Thai Exclusive Economic Zone.

Thus, Thailand reiterates its commitment to promoting responsible and sustainable fishing both regionally and internationally. Thailand played a leading role in establishing and promoting the ASEAN Network for Combatting IUU Fishing (AN-IUU), which has been recognized by the European Union as a regional role model.

Mr. President, Distinguished Delegates, Thailand commends the successful negotiation on the latest legally binding instrument *Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity beyond*

*national jurisdiction* or “BBNJ”. This Agreement represents the attempt to address the global challenge of biodiversity loss and stress the necessity of protection of marine biodiversity beyond national jurisdiction as “a common heritage of mankind”. Thailand believes that BBNJ will be beneficial to all states, especially land-locked and developing countries, to have an opportunity to use the Marine Genetic Resource, through the fair and equitable sharing of benefits, and assistance of transfer of marine technology, as well as obliging states to comply and protect such heritage by regulating principles, duties and mechanisms. We are pleased that this Agreement is the result of the consensus of states in promoting sustainable development, in addition to marine environment protection. Currently, Thailand is in its internal process towards the signing of the Agreement. In the meantime, AALCO can play a role to facilitate the sharing of views on the implementation of the BBNJ Agreement among AALCO members, especially the topics of *Area-Based Management Tools* establishment and *Marine Protected Areas*, which are instrumental to the future implementation of the BBNJ.

**President:** Thank you, Delegation of Thailand. Now I give the floor to the Delegation of Japan to present their statement. Please you have the floor.

**The Delegate of Japan:** Thank you, Mr. President. My delegation thanks the Deputy Secretary-General, Mr. Jun Yamada for his comprehensive and informative introduction of this agenda item. My delegation would like to make observations on BBNJ and IUU fishing in this order.

With respect to the BBNJ Agreement, Japan attaches great importance to the maintenance and development of maritime order based on the rule of law and appreciates the adoption of the BBNJ Agreement. The BBNJ Agreement was adopted this year after many years of negotiations. The Government of Japan deeply appreciates the significant contribution made by the President of the Intergovernmental Conference, Ambassador Rena Lee of Singapore to the successful conclusion of the negotiations. The adoption of this Agreement is indeed a fruitful outcome of the great efforts made by Ambassador Rena Lee, Singapore, Asian States and other AALCO Member States. Japan is really grateful for the work of Ambassador Lee and would like this statement to be reflected in the verbatim record of this Annual Session.

At present, many countries are considering whether or not to ratify the BBNJ agreement. In promoting this consideration, it is necessary to scrutinize what domestic legislation would be needed to ensure the implementation of the obligations provided for in the agreement. In particular, legislation that ensures implementation of the obligations related to marine genetic resources, area-based management tools including marine protected areas, and environmental impact assessment is a matter of great interest because contracting parties of the BBNJ agreement must regulate the activities of their nationals. Japan will address this issue earnestly and is interested to know how other countries are managing these challenges. It would be therefore beneficial and appreciated if the countries proceeding with the ratification process could share legislation of their own countries and their experiences with other AALCO Member States. Japan encourages those AALCO Member States, which will soon ratify the agreement, to share their views and experiences in this regard at the Annual Session of AALCO next year. We believe that this will facilitate the early entry into force of the agreement. Along with the preparation of domestic measures to implement the obligations of the agreement, it is also important to prepare for the entry into force and implementation of the agreement as a global forum. For the sake of effective implementation of the agreement as a global forum the basic rules and institutional design, such as rules of procedure, financial rules, term of reference of the scientific and technical body and modalities of the Clearing

House Mechanism need to be decided after thorough discussions. Japan is willing to participate in and contribute to these discussions.

Mr. President, now I would like to move to the issue of IUU fishing. IUU fishing is not only a threat to sustainable fisheries, but also a multi-phase diplomatic and legal program related to a variety of issues, including maritime security and transnational organized crime. Japan is a major fishing country surrounded by sea of all sides. As a responsible fishing country, Japan has been addressing IUU fishing through cooperation with international community based on international law. Japan has been implementing various initiatives to combat IUU fishing. First, Japan has been making efforts to ensure compliance with conservation and management measures, and has been actively contributing to the work of RFMOs or Regional Fisheries Management Organizations, such as making a list of IUU fishing vessels.

Japan has also been advocating the importance of IUU fishing counter-measures and actively participating in discussions at various meetings and international forums, including the G-20 and APEC.

This year, Japan has been contributing to the discussions on IUU fishing as the chair of G-7. When it comes to bilateral assistance, we have been utilizing ODA and providing seamless support both in terms of software and hardware, including organizing capacity-building programs and provision of relevant equipment such as patrol vessels.

Second, as I informed to you earlier today, during the discussion on the previous agenda item, Japan deposited the instrument of acceptance of the WTO Agreement on Fisheries Subsidies in July this year. Japan is also calling on the international community to accept the agreement at an early date in order to achieve its entry into force by the WTO Ministerial Conference next year.

Furthermore, ahead of other donor States, Japan has contributed approximately 760,000 Swiss Francs to a trust fund established in the WTO to support fisheries resource management in developing countries. In order to enhance deterrence against IUU fishing, Japan will continue to make every possible effort based on international law and in cooperation with the international community.

Mr. President. Last but not least, let me touch upon the Indonesian proposal to make a collective commitment to treating all the acts considered as IUU fishing as "serious crimes" under UNTOC. Japan has been seriously considering this proposal and continues to consider this proposal and I would like to inform you of the outcome of our consideration at this stage. Under the current Japanese legal system, there are no rules that punish specific fishing activities as "serious crimes" under UNTOC. Treating all the acts considered as IUU fishing as "serious crimes" under UNTOC would require careful domestic discussion as it relates to punishment. At the same time, as Indonesia points out, it is very true that there is information that a wide range of crimes related to IUU fishing exist, such as trafficking in persons, including those engaged in the operation of IUU fishing, and drug smuggling through the misuse of fishing vessels. We are very grateful to the government of Indonesia for raising this point. Japan would like to deepen discussions with other countries if IUU fishing itself can be and should be regarded as a "serious crime" under the UNTOC, and if so, what kind of IUU fishing should be treated as a "serious crime" under the UNTOC. Japan, as a responsible fishing country would like to have in-depth discussions with other member countries of AALCO and will cooperate with the international community to combat IUU fishing in an

appropriate manner in accordance with international law. Thank you very much Mr. Chairman.

**President:** Thank you, the Delegation of Japan for their statement. The next speaker in my list is the Distinguished Delegate of India, the floor is yours. Thank you.

**The Delegate of the Republic of India:** Thank you Mr. President for giving me the floor. On behalf of the delegation of India, let me also thank the Deputy Secretary-General for introducing this topic. We also appreciate the Secretariat's effort in preparing the briefs that sets the scene for today's discussion.

Mr. President, India considers that the adoption of the agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction is a positive step forward in the governance of marine and biological activities at the high seas beyond national jurisdiction. India has constructively engaged in the process of developing the legal instrument and maintained flexibility throughout the process.

Mr. President, we believe that this agreement helps to address five major issues concerning marine biodiversity in areas beyond national jurisdiction. First, protection of marine biodiversity, catalogue of species. We all are aware that the rate of extinction of marine species is faster than that of which these were discovered. It will now be possible to quickly catalogue species that have not been inventoried in the past. Second, access to marine genetic resources. We have long believed that the elixir of life is concealed in the ocean. Access to marine genetic resources as proposed in the agreement would result in a paradigm shift in the production of innovative and affordable medicines that humanity needs. Third, transparency in the governance of marine biodiversity protection, preservation and its exploitation. The agreement provides a hope that the activities in the BBNJ are carried out in a sustainable and responsible way, ensuring that these vast resources are accessible for future generations. Fourth, capacity building and sharing of marine technology. We hope the capacities of developing countries will be enhanced and access to marine technology will ease with this agreement. Lastly, research opportunities for experts in the exploration of marine biodiversity. We see significant possibilities for bilateral and multilateral cooperation in deep sea exploration, technology development and experience exchange. We also believe that the inclusion of the common heritage of mankind principle in the agreement is a reiteration of UNCLOS that there are no unilateral interests in these shared natural resources and is a reflection of fair treatment to all countries. We welcome this inclusion. As the Member States are examining the ways in which the benefits can be achieved by signing and ratifying the agreement, AALCO can provide further research inputs and expertise to the Member States on the implementation of this agreement. On the issue of illegal, unreported and unregulated fishing, we fully agree that the issue of IUU fishing is one of the most challenging problems that the international community is facing today. Fisheries form the core of India's Blue Economy, which encompasses a myriad of economic opportunities such as marine transport, renewable energy, waste management and tourism. Fishing provides food and national security, a livelihood to millions and trade opportunities, all of which are threatened by IUU fishing. Adjusting the challenge of IUU fishing and ensuring sustainable fisheries practices are crucial elements of the UN sustainable development goals.

Realizing this, India has taken adequate measures to prevent and control illegal, unreported and unregulated fishing in the exclusive economic zone of India, which *inter-alia* includes number one, authorization of the Indian Coast Guard under the Maritime Zones of India Act

1981 to prevent IUU fishing by foreign vessels in Indian waters. Second, regulation, monitoring, control and surveillance by agencies of maritime states and under the respective Marine Fisheries Regulations Act for preventing IUU fishing.

Third, implementation of Real Craft, which a web-based regime for mandatory registration of fishing vessels under the Merchant Shipping Act, 1958 and licensing of fishing vessels under the respective MFRAs. Fourth, issuance of biometric guards to marine fishers. Fifth, notification of the National Policy on Marine Fisheries 2017 that provides guidance for prevention, deterrence and eliminating IUU fishing in Indian waters. Sixth. Issuance of guidelines from time to time for regulation of Indian fishing vessels in exclusive economic zones. Seventh. Regularly holding consultations with coastal states, union territories on the matters of marine fisheries development, management and regulation, which includes prevention of IUU fishing.

Mr. President, as the IUU poses challenges to AALCO Member States, beyond the non-security traditional states, we welcome any efforts of AALCO to building an open position among the ALCO Member States to deal with the problem and to supplement the international efforts which are currently underway. I thank you Mr. President.

**President:** Thank you, the Delegation of India, now I'll give the floor to the Delegation of Kenya to deliver your statement, you have the floor Sir, thank you.

**The Delegate of the Republic of Kenya:** Mr. President, Distinguished Delegates first we want to commend the important work the AALCO Secretariat is doing in regard to the advancement of ocean governance. Additionally, we do welcome the brief prepared by AALCO Secretariat in providing an in-depth analysis of the text of the High Seas Treaty, a pivotal treaty offering further insights into its impact and implementation. The adoption of the Intergovernmental Conference on BBNJ is a great stewardship of the ocean on behalf of the present and future generations. The treaty's objective seeks to implement international regulations to protect life in oceans beyond national jurisdiction through international cooperation.

As Kenya, we are particularly keen on the implementation of the 4 core elements of BBNJ. These include Marine Genetic Resources, Area-based management tools, Environmental impact assessments, and Capacity-building and the transfer of marine technology which is of key importance to African and Asian States. On the issue of IUU fishing, while there are numerous mechanisms to deal with the menace, a collaborative approach needs to be employed in order to fully mitigate IUU. We therefore welcome the call by the AALCO Secretariat to have Member States come together on a common platform and explore various legal and policy approaches to unitedly face the challenges posed by IUU fishing.

Mr. President, Kenya is currently undergoing an in-depth legal review on the fisheries and related legislation for the implementation of the Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), complementary international instruments and regional mechanisms to combat IUU Fishing with a key focus on Kenya's responsibilities as a port, flag, coastal and market State. The findings will identify the necessary improvements in national policies, legislative frameworks and institutional/operational capacity to combat IUU Fishing and to define priority areas for capacity development in the country.

It is also worth noting that Kenya's exclusive economic zone is situated along a rich fisheries area with these resources being a major source of food security and sustainable livelihoods for our communities, contributing to economic growth and creating jobs for our expanding youthful population. Unfortunately, this resource faces a huge threat from fishing vessels engaged in illegal unregulated and unreported (IUU) fishing. Inversely this has led to IUU fishing becoming a profitable commercial enterprise for the perpetrators of the economic crime. This is largely due to the weak monitoring, control and surveillance systems.

Kenya, as a member of the High-Level Panel (HLP) on sustainable Ocean Economy, is committed to working with other like-minded Member States, to ensure that IUU fishing is eradicated. We call upon AALCO Member States to adopt strategies that incentivize the use of innovations and technologies such as digital traceability to increase transparency; and to strengthen monitoring, control and surveillance systems. Further, Kenya aligns with efforts geared toward the elimination of harmful fisheries subsidies that contribute to overcapacity, overfishing, and illegal, unreported and unregulated fishing.

Finally, my delegation wishes to express her profound gratitude for the overwhelming support that we received from the Members States when Kenya co-hosted alongside Portugal at the 2022 UN Oceans Conference in Lisbon. We thank Member States for their rich and fruitful discussions that enabled the conference to be a success. Thank you very much.

**President:** Thank you the Delegation of Kenya for your statement. Thank you, Madam. Now we invite the Distinguished Delegate of Vietnam to deliver the statement, the floor is yours. Thank you.

**The Delegate of the Socialist Republic of Viet Nam:** Mr. President, Distinguished Delegates, Ladies, and Gentlemen, at the outset, we would like to thank the Secretary-General for the comprehensive report on the Law of the Sea. We hope that the UN Convention on the Law of the Sea of 1982, along with its implementing agreements, is the foundation for national, regional and global actions and cooperation in the maritime sector. All states, regardless of their geographical character, are beneficiaries of UNCLOS. After more than 40 years since its adoption, UNCLOS has continued to demonstrate its relevance as the world's constitution for the oceans, within which all activities relating to oceans and seas are carried out.

Mr. President, Vietnam welcomes the adoption of the agreement on conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction- the third implementing agreement of UNCLOS. We are proudly among the first countries to sign the agreement when it is officially open for signature on the 20th of September 2023. The fact that the agreement gathered signatures from over 80 countries during its opening for signature signifies the substantial political commitment of the international community to safeguarding and sustainably utilizing seas and oceans. This exemplifies the triumph of multilateralism in addressing global challenges, driving us closer to realizing SDG 14 and beyond the preservation and sustainable use of seas and oceans for both current and future generations. This document also underscores that UNCLOS stands as the comprehensive legal framework governing all activities in seas and oceans. UNCLOS serves the dual purpose of maritime zones under national jurisdiction and clearly demarcating those maritime areas beyond national jurisdiction. We anticipate the strict entry into force of the agreement and its application, interpretation, and enforcement in line with UNCLOS principles, with the aim of ensuring the sustainable use and effective preservation of biodiversity in areas beyond national jurisdiction.

Mr. President, Vietnam places a great deal of importance on the prevention of illegal, unreported, and unregulated fishing activities, demonstrating our commitment to upholding international law and respecting the legitimate interests of coastal states. As an active member of the international community, we acknowledge the profound impact of IUU fishing on the environment, economy, and society, and we support the resolution of this issue. In recent years, Vietnam has enacted laws and regulations to combat IUU fishing, directing government agencies to treat the cruise support vessels engaged in IUU activities in our maritime areas in a humane manner, in accordance with international law. We have also disseminated information and provided guidance to our fishermen emphasizing the prohibition of IUU fishing in the waters of our countries. IUU fishing is a challenge faced by many nations, including Vietnam. It is a multi-designed issue requiring comprehensive solutions that involve bolstering management capabilities, strengthening the legal foundation, and enhancing public awareness and education. However, it is our concern that IUU fishing practice encompasses also artisanal or traditional fishing, which is linked closely to the livelihood of coastal population in many countries as the only source of income. Therefore, the efforts to criminalize IUU fishing at the international level may have unintended economic and social adverse impacts on this local population. That is why we should proceed cautiously when criminalizing IUU fishing across the board and may only be considered as transnational organized crimes when the linkage is proven and the preconditions of organized criminal structure as well as transnational nature are met. I thank you, Mr. President.

**President:** Thank you, the Delegation of Vietnam. Now I give the floor to the Delegation of Malaysia. You have the floor.

**The Delegate of Malaysia:** Thank you, Mr. President. Mr. President, Malaysia acknowledges with appreciation the efforts undertaken by the Secretariat of AALCO on this topic and wishes to address the recommendations by the Secretariat of AALCO as expanded in the report for the Law of the Sea topic. Malaysia recognizes the importance of the BBNJ Agreement and has been following the discussions closely. In this regard, Malaysia applauds the AALCO Member States who had signed the BBNJ Agreement when the agreement was opened for signature in New York on 20 September 2023. As for Malaysia, we aspire to be among the AALCO Member States who have become signatories to the BBNJ Agreement. In this regard, we are continuing the engagement with our internal stakeholders towards achieving this goal. Being the foundational framework for governing ocean activities and the rights and responsibilities of nations, concerning maritime affairs, Malaysia has consistently maintained its actions related to fisheries issues based on the commitments under the rights and responsibilities provided under the UNCLOS. Further, Malaysia's domestic law related to fisheries, including the conservation, management and development of maritime and estuarine fishing and fisheries in Malaysian fisheries waters and the monitoring, control and surveillance of local fishing vessels on the high seas are in accordance with UNCLOS. Malaysia notes that the report by the Secretariat of AALCO has emphasized on the relevant international legal framework to combat issues pertaining to IUU fishing. Malaysia is committed to carrying out its commitments as a port state and necessary action is being undertaken under domestic legislation to implement conservation and management measures. Malaysia has consistently adhered to the scope of IUU fishing outlined in the International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing. Malaysia's National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing has been formulated in accordance with the recommendations within the International Plan of Action. Regarding the request by the Secretariat of AALCO for Member States to actively participate in deliberations on the topic while emphasizing the need for the

Afro-Asian Community to strengthen sustainable development goal 14 and support all measures taken by the United Nations towards this end, Malaysia would like to underscore the importance of intergovernmental communication and information sharing in its effort to combat IUU fishing. Mr President, Malaysia extends its gratitude to the Republic of Indonesia on the concept note, illegal fishing as a transnational organized crime, which illustrates briefly the concerns over the potential crimes involving illegal fishing. Illegal fishing essentially refers to fishing which is conducted by national or foreign vessels in waters under the jurisdiction of a state without the permission of that state or in contravention of the laws and regulations of that state. It also constitutes fishing which violates the laws, regulations and conservation and management measures adopted by the fishing vessels flag state or which generally violates national law or international obligations. The obligations of incorporating states to relevant regional fisheries management organizations. By the definition and understanding accorded to it, it is clear that illegal fishing in itself causes real and imminent threat to marine ecosystems and sustainable fish stocks. In relation to the problems caused by illegal fishing by its full nature, the world is now confronting with a new challenge where illegal fishing has now been attributed with serious crimes such as drug trafficking, human trafficking, money laundering and modern slavery. In that regard, Malaysia appreciates the initiative by Indonesia, which premised on genuine concerns over the gravity of consequences ensued from illegal fishing activities which potentially cause a broad range of crimes. As such, it is understood that Indonesia founded its concept note based on the United Nations Convention against Transnational Organizational Crime. Further, Malaysia wishes to highlight that Article 73 of UNCLOS does not allow the imposition of penalties in the form of any corporal punishment, including imprisonment for any violation of fisheries law in the exclusive economic zone. In the absence of agreements to the contrary by the state concerned, this provision is in line with the purpose of UNCLOS which promotes peaceful and cooperative use of the ocean and its resources while respecting the rights and interests of other states. Malaysia wishes to highlight the need to have further consideration on the proposition and to obtain an in-depth statistical analysis regarding the correlation between illegal fishing and other serious crimes for a better understanding of the situation and the issue of health. Noting the uptrend of illegal fishing, Malaysia prefers the view that it can be dealt with by enhancing cooperation between Member States of our group. Hence, Malaysia is prepared to give its full cooperation with Member States of AALCO in combating illegal fishing. Thank you, Mr. President.

**President:** Thank you, the Delegation of Malaysia, for the statement. Now, I give the floor to the Delegation of Bangladesh to deliver the statement. The floor is yours.

**The Delegate of the People's Republic of Bangladesh:** Mr. President, My Delegation thanks the Deputy Secretary-General of AALCO for introducing this topic. AALCO had a considerable contribution to the development of the Law of the Sea. Its engagement with the issue, as we are told, began during the time of consideration of the UN Convention on the Law of the Sea and continued to date. AALCO deserves our appreciation for its endeavours. The conclusion of UNCLOS in 1982 was such a landmark initiative under the auspices of the United Nations to establish a rule-based international order at ocean and seas. In the last four decades, the Convention has successfully standardized states' claims to maritime zones and the resources within them, and provided states with mechanisms for settling disputes in a peaceful manner. In this way, it has contributed to preventing conflicts over ocean and oceanic resources around the globe. Continued deliberation here over the years gives us the opportunity to reflect on how much we have achieved and what are the major challenges for the implementation of the Convention in the future. Earlier this year, the international



community adopted by consensus, another landmark document under the United Nations Convention on the Law of the Sea, on the conservation and sustainable use of maritime marine biological diversity of areas beyond the national jurisdiction commonly known as BBNJ. This legally binding treaty aims to better implement the UN Convention on the Law of the Sea and UNCLOS, especially to protect and conserve the vast geopolitical area through better cooperation and coordination of various stakeholders. The BBNJ represents a significant milestone in governance activities in the high seas. We believe that the principles and provisions outlined in this agreement may be taken into consideration to enhance and enrich the strategic plan, providing a solid foundation for the sustainable management of marine resources. As our understanding of the immense value of the deep sea grows, it warrants more urgency than ever to formulate exploitation regulations in order to safeguard biodiversity and environmental wonder in the area. The area, known as the common heritage of mankind, is the harbour of a vast area of biodiversity and environmental treasures. Its crucial role in maintaining the Earth's environmental equilibrium through carbon dioxide absorption and climate regulation cannot be overstated. It is imperative to have proper regulations in place to make delicate balance between the economic benefits of exploitation and preservation of our precious environment in the deep seas. It will also be a crucial tool to meet the target agreed last year to protect 30% of the Earth's land and sea by 2030, commonly known as Thirty by Thirty. Bangladesh was fully engaged in the consideration and drafting of the BBNJ agreement, which we believe will accelerate marine environment conservation and restoration for the future of humanity. Following the peaceful resolution of maritime boundaries with our neighbouring countries, marine economy has emerged as a new development frontier for Bangladesh. Effective utilization, conservation and scientific management of marine resources hold the potential for transformative change in the lives of our people. However, we are yet to fully harness these benefits even challenges such as technology gaps and capacity limitations. Mr. President, the issue of illegal, unreported and unregulated IUU fishing is a growing concern for the international community. The Agreement on Port State Measures is the first binding international agreement to combat IUU fishing. Recently, the World Trade Organization has adopted a normative framework to address IUU fishing. However, the scope of the framework is limited and doesn't fully cover the issue in its entirety. We agree that the problem of IUU fishing can only be addressed through greater collaboration between countries. This is also a significant concern to the littoral States of the Bay of Bengal including Bangladesh. To garner potentials of Blue Economy prospects, it is critical for us to spearhead the fight against IUU fishing. As I mentioned earlier, protection of the coastal and marine ecosystem is a priority for Bangladesh. Poor fishing activities that degrade the marine environment and threaten the health of these stocks in the exclusive economic zone of Bangladesh and the wider Bay of Bengal region are also a threat to the health and livelihood of the people in Bangladesh. Bangladesh puts emphasis on regional and bilateral cooperation to prevent, deter and eliminate IUU fishing. The government is committed to developing its fisheries management capacity and working with neighbouring states, both in the region and internationally, to ensure the conservation and long-term sustainable use of these stocks and the protection of the marine environment. We are committed to prioritizing efforts to capturing more robust information on fishing fleets, increasing visibility on fishing vessel activity and promoting regional and international partnerships to close the loopholes exploited by IUU fishing vessels and the companies that support them. Increasing regional cooperation and coordination is a hard but necessary step to help stamp out IUU fishing. Improved ocean health brings benefits including international credibility to all States involved. We must all strive to overcome the hurdles on the way and achieve the best for all of us. Thank you.

**President:** Thank you for the statement, the Delegation of Bangladesh. Now I turn the floor to the Delegation of the Philippines. You have the floor. Thank you.

**The Delegate of the Republic of the Philippines:** Thank you, Mr. President, Honourable President, Mr. Secretary-General and Deputy Secretary-General of AALCO, Excellencies, Delegates, Ladies and Gentlemen, The Philippines welcomes the continued inclusion of this agenda item, the Law of the Sea in the work program of AALCO, and commend the work of the AALCO Secretariat in this regard. As one of the first states to sign and ratify the United Nations Convention on the Law of the Sea, the Philippines values AALCO's work in assisting its members to effectively implement UNCLOS, which remains as the primary and comprehensive legal framework within which all the activities in the oceans and seas must be carried out. The convention is the constitution of the oceans, establishing clear rules in promoting its physical uses, the equitable and efficient utilization of its resources, the conservation of its living resources, and the study, protection, and preservation of the marine environment. It clearly defines limits on the maritime areas, in which states are entitled to exercise sovereign rights and jurisdictions, and comprehensively allocated rights to maritime areas. Compliance with the convention in good faith is required of all states parties. Within this framework, the Philippines is an archipelagic state, so to clarify through UNCLOS' dispute settlement mechanism its maritime entitlements in the South China Sea, and the rights and obligations of states' parties in these maritime zones. The resulting 2016 Arbitral Award in the South China Sea Arbitration conclusively settled the status of historic rights and maritime entitlements in the South China Sea. It is a positive contribution towards clarifying and informing the content of international law. It is final and binding on all parties. Further, the spirit of the 1982 Manila Declaration on the Peaceful Settlement of International Disputes, requires that settlement of legal disputes should not be considered an unfriendly act between states. Rather, it is the recognition of the rule of law as a means to settle disputes amicably and advance a rules-based and equitable international order. Hence, UNCLOS and the 2016 Arbitration Award are the clean anchors of our policies and actions in the South China Sea.

Mr. President, the Philippines recalls AALCO's crucial contributions to the development of the concepts of archipelagic states, exclusive economic zone and the rights of landlocked states during the UNCLOS negotiations. And we are pleased that AALCO has likewise been deeply engaged with the topic of marine biodiversity and the agreement under the UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, also known as the BBNJ agreement. The agreement is important in ensuring conservation, sustainable use and equitable sharing of benefits of marine biological diversity in areas beyond national jurisdiction, including in the pocket of high seas in the South China Sea in line with the UNCLOS. The Philippines actively participated in the negotiations and signed the BBNJ agreement when it opened for signature on September 20, 2023 of the side-lines of the UN General Assembly. To raise awareness and understanding of the agreement and thereby support its early entry into force, the Philippines will hold a regional workshop on 15th-17th November 2023. Collective actions towards integrated ocean governance is the imperative of our time. We urge the AALCO members to continue monitoring the progress and assist its Member States in ratifying and effectively implementing the BBNJ agreement. We have also recognized the need to raise capacity and knowledge on deep-sea related matters. Last week, the Philippines and the International Seabed Authority held a national capacity development workshop on deep-sea related matters in Manila with a view to developing a national position on deep-sea related issues, including the issues surrounding the negotiations for the exploitation regulations or the mining code.

We encourage AALCO to consider similar collaborations with a view to contributing to the ongoing debate at the International Seabed Authority, so that the outcome of the negotiations would be representative of the position of developing states. The Philippines also encourages AALCO to consider in its work program the nexus between UNCLOS and climate change, including in relation to sea level rise. We are closely following the International Law Commission's study group on sea level rise in relation to international law, particularly on the meaning of legal stability in relation to sea level rise in the context of immutability and intangibility of boundaries. In this regard, the Philippines participated in the oral proceedings of Case 31 of the International Tribunal of the Law of the Sea i.e. the request for an advisory opinion by the Commission of Small Island States on climate change and international law on state obligations relating to climate change, including under UNCLOS. In our statement, we highlighted that UNCLOS states' parties' obligations to preserve and protect the marine environment were clarified extensively by the 2016 South China Sea Arbitration Award. The Philippines will also actively participate in the ICJ proceedings, and we encourage others to do so. All of these activities are manifestations of the Philippines' commitment to the promotion and development of international law, particularly in the law of the sea and the peaceful settlement of these fields. We reaffirm this commitment and will continue to work with AALCO. Thank you, Mr. President.

**President:** Thank you, Ambassador Jamoralin, the Delegation of the Philippines. Since it is close to 4 PM, I would like to adjourn the meeting for coffee break for 30 minutes, so we will be here again at 4:30. Thank you. We'll see you later at 4:30 PM. Thank you very much. The meeting is adjourned.

**Master of Ceremony:** Thank you, Mr. President. Excellencies, Distinguished Guests, Ladies and Gentlemen, we will take a short break, which you may enjoy your coffee and tea served in the Pecatu Lobby. And as Mr. President has said, we are expecting you to return to the ballroom at 4:30 PM. Once again, please be back on time at 4:30 PM. Please do enjoy your break. Thank you.

**XVII. VERBATIM RECORD OF THE FIFTH  
GENERAL MEETING (CONTD.)**



**XVII. VERBATIM RECORD OF THE FIFTH GENERAL MEETING (CONTINUED)  
ON THURSDAY, 19 OCTOBER 2023 AT 4:30 PM**

**His Excellency Mr. Yasonna H. Laoly, Minister of Law and Human Rights of Republic of Indonesia and the President of the Sixty-First Annual Session in the Chair.**

**AGENDA ITEM: THE LAW OF THE SEA**

**Master of Ceremony:** Excellencies, Ladies and Gentlemen, welcome back to Pecatu Hall for this Sixty-first AALCO Annual Session. We will continue our agenda at the Fifth General Meeting. For that, we are honoured to give back the floor to His Excellencies, President of the Sixty-First Annual Session of AALCO.

**President:** Please. Thank you, Excellencies, Ladies and Gentlemen. Welcome back from the coffee break. Now we commence our plenary. For that purpose, I invite the distinguished Delegate of Türkiye to deliver the statement. The Delegation of Türkiye, the floor is yours.

**The Delegate of the Republic of Türkiye:** Mr. President, Distinguished Delegates, let me start with our position on the BBNJ Agreement. Mr. President, we are facing numerous environmental challenges. As many sociologists would put it, we live in a risky society. Esteemed participants, international lawyer, René-Jean Dupuy once summarized the essence and dilemma of the law of the sea as follows. The sea has always been latched by two major contrary winds. The wind from the high seas towards the land is the wind of freedom. The wind from the land towards the high sea is the bearer of sovereignties. The law of the sea has always been in the middle between these conflicting forces and the court. As we all know today, the freedom that the states have on the high seas is not limited. The BBNJ Agreement is an important milestone in this context, since it regulates the conservation and sustainable use of maritime biodiversity in areas beyond national jurisdiction. As new requirements give rise to modern challenges, the scope of international law of the sea goes beyond the topics that have been discussed and regulated to date. Therefore, Türkiye actively participated in the negotiation processes of the BBNJ Agreement to take her part in ensuring the international cooperation regime regarding the biodiversity of high seas and actually contributed to further codify the international law of the sea. Mr. President, Türkiye is a persistent objector to the United Nations Convention on the Law of the Sea and its well-known position will be maintained until our disputes on the delimitation of maritime jurisdiction areas in the Aegean Sea are resolved. Our country has not yet signed the BBNJ Agreement as the internal evaluation process continues. However, Türkiye appreciates the efforts of AALCO Secretariat to make well-directed points in its report on important issues within the scope of the BBNJ Agreement. Mr. President, Distinguished Delegates, let me move on to Türkiye position on IUU fishing. The generosity of the sea with its abundant fish goes far beyond being a source of food for international communities. It also provides them with job opportunities through the fishing industry. However, the amount of fish in the seas is not unlimited. It took a long time for us to realize this fact. With the collective efforts and effects of uncontrolled population growth, rapidly developing technology, excessive and uncontrolled fishing by large commercial fleets, climate change and many other factors, there has been an ongoing decline in fish stocks around the world. Thus, the need for effective management of fisheries is now more important than ever. This is how the concept of sustainability impact emerged. Sustainability requires us to take a holistic approach to recognize the nutritional, economic, social, environmental and cultural importance of fisheries and the interests of everyone involved in the fishing industry. Esteemed participants, fishing is an integral part of the culture of some of the countries due to their geographical

locations. Türkiye is a country that belongs to this classification because it is surrounded by sea, on three sides of Türkiye. But Türkiye is also experiencing the same problems in the field of fisheries, such as the declining fish stocks due to illegal, unreported and unregulated fishing activities. Without any doubt, IUU fishing is one of the biggest threats against the sustainable use of fish stocks. Turkey is not a party to the UNCLOS and is a persistent objector, as I said, to this for specific reasons. However, Türkiye remains ready and willing to contribute, working with the international community towards the aim of tackling IUU fishing. Fortunately, the international community has developed some instruments specifically aimed at combating IUU fishing. On this occasion, I'd like to mention that Türkiye is a member of FAO since 1948 and supports FAO's work and recommendations against IUU fishing. Moreover, our country is also a member of various regional fisheries management organizations, such as the General Fisheries Commission for Limited Training and the International Commission for the Conservation of Atlantic Tunas. As emphasized in the Law of the Sea report, flag states and port state measures, as well as in the role of our FAOs, are very strategic while tackling IUU fishing. Mr. President, we also agree with the comments of the AALCO Secretariat on employing the latest technologies, such as vessel monitoring systems, to help us better safeguard the stocks. Thank you for your attention.

**President:** Thank you very much the Delegation of Türkiye. We appreciate it. Now, I would like to turn the floor to Bahrain. Please, you have the floor.

**The Delegate of the Kingdom of Bahrain<sup>20</sup>:** In the name of God, the most gracious, the most merciful, Mr. President, distinguished attendees, On behalf of the Kingdom of Bahrain, I am pleased with your participation today in the item entitled “The Law of the Sea,” as this topic is of great importance to the Kingdom of Bahrain and the international community as a whole, in light of what is embodied by the United Nations Convention on the Law of the Sea (UNCLOS), as the international legal framework that regulates the rights and responsibilities of states in various regions. Marine, and ensure the safe use and management of our ocean resources. In this context, the Kingdom of Bahrain, as an island state, recognizes the relationship between maritime affairs, economy, environment and national security. The Kingdom of Bahrain is also aware of the modern challenges facing the field of the seas, especially with regard to the exclusive jurisdiction of flag state law, combating piracy on the high seas, applying human rights to people at sea, rising sea levels and pollution in the marine environment, and settling disputes on various issues, including demarcation of maritime borders between states, in addition to the responsibility of states in areas beyond national jurisdiction, which makes it at the forefront of countries supporting international initiatives calling for strengthening the international legal framework to keep pace with these challenges, including the adoption by the United Nations of the first treaty of its kind to protect marine life on the high seas in June 2023. Mr. President, The Kingdom of Bahrain reviewed with great interest the report presented by His Excellency the Secretary-General of the United Nations, entitled “Oceans and the Law of the Sea,” which referred to the main developments in this field, including developments in the work of the Commission on the Limits of the Continental Shelf, the International Tribunal for the Law of the Sea, the human dimension of ocean affairs, as well as ocean security and safety, climate change, and the preservation and sustainable use of living marine resources. The Kingdom of Bahrain affirms its support for international efforts aimed at ensuring a safe marine environment that ensures the optimal use of marine resources in a fair and sustainable manner. Mr President, My delegation would like to make some basic comments, which are in common with many of the

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<sup>20</sup> The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

proposals and opinions of this esteemed organization and its esteemed members, and which relate to basic issues:

First: The Law of the Sea regarding the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. My delegation believes that the High Seas Treaty is not a binding legal instrument, but rather a complementary and essential extension of the United Nations Convention on the Law of the Sea, with the aim of filling the regulatory gaps left by the United Nations Convention, especially in areas beyond national jurisdiction. Hence the importance of comprehensive understanding and proactive participation by the Member States of the organization. This is because the Treaty on the High Seas is close to becoming the cornerstone of international maritime law. Understanding the basic obligations and rights of the Treaty is not only a legal necessity, but a path to sustainable management of the oceans. The Treaty also poses many challenges and opportunities alike, so it must be noted that the necessity of supporting our Member States in the organization and solidarity in opinion and legal position for this complex legal landscape that is decisive in the course of this hoped-for international instrument.

Second: With regard to illegal, unreported and unregulated fishing. My delegation believes that it has become clear the urgent need to create healthy and sustainable oceans by eliminating illegal, unreported and unregulated fishing practices, in the greater interest of global sustainability, and the concerns that exist in the ways of life and appropriate livelihood of broad categories and segments of local communities in both the Asian and African continents. Hence, my delegation calls on the distinguished members of the organization to participate effectively and actively in the ongoing discussions on this vital topic, while stressing the need for Asian and African societies to promote Goal 14 of the Sustainable Development Goals, and to support all measures taken by the United Nations to achieve this goal.

Mr President, In conclusion, the Kingdom of Bahrain would like to highlight its desire for the discussion on this item to be an opportunity to exchange views and legal experiences from the Asian-African perspective, based on cooperation and joint coordination to keep pace with the most prominent challenges facing the oceans today.

Thank you, Mr President.

**President:** Thank you, Sir for the statement from Bahrain. The next speaker on my list is the Distinguished Delegate from Cyprus, you have the floor Sir, please.

**The Delegate of the Republic of Cyprus:** Thank you, Excellency. Since it's the first time I take the floor during this meeting, allow me to congratulate you on your election as our President. Let me also extend my sincere appreciation to Indonesia for so generously and warmly welcoming us, as always Indonesian hospitality is of the highest level. Moreover, I would like to thank the Secretary-General and Deputy Secretary-General, as well as the Secretariat of AALCO, for all the valuable work and preparation of this annual meeting. Excellencies, Distinguished Delegates, Cyprus is a strong supporter of international relations conducted in accordance with international law, including the UN Charter and the UN Security Council resolutions. International law is, and should be, the shield for the small and for the vulnerable. In this context, Cyprus is a party of the UN Convention on the Law of the Sea. It is on this Convention that it has based all its maritime activities. Let me take this opportunity to welcome the recent conclusion of the BBNJ agreement under the UNCLOS. We consider this a success for the UN and for multilateralism. Cyprus had actively



participated in relevant negotiations, and the Cypriot Foreign Minister signed the BBNJ agreement in New York on the 20th of September. Cyprus has concluded a number of bilateral agreements with neighbouring countries, some of which are AALCO members, on delimitating our respective Exclusive Economic Zones. These agreements are fully in accordance with UNCLOS. Excellencies, Distinguished Delegates, Cyprus is fully committed to continue working on the basis of these bilateral agreements and in line with UNCLOS, in exploring and exploiting the natural resources that lie within its EEZ for the benefit of all its citizens without exception. I thank you for your attention.

**President:** Thank you. Thank you very much. Thank you for your statement. Now, on my list is the list is the Delegation of China. Please, the floor is yours.

**The Delegate of the People's Republic of China:** Thank you, Mr. President, Distinguished Delegates, Ladies and Gentlemen. On the outside, please allow me, on behalf of the Chinese delegation, to thank AALCO's Deputy Secretary-General for the introductory remarks on this topic. China takes note of AALCO's pivotal role in the development of the Law of the Sea ever since its establishment. Taking advantage of this opportunity, China would like to share opinions with all delegations concerning the agreement under the UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, the BBNJ agreement, and illegal, unreported, and unregulated fishing, IUU fishing. The BBNJ agreement has been opened for signature on the 20th of September this year. It marks yet another milestone in the history of international law of the sea, and has opened a new chapter in international cooperation on marine biodiversity. The achievement of the BBNJ agreement embodies the international consensus on addressing maritime risks and challenges through true multilateralism, and reflects the victory achieved by developing countries. China positively engages in negotiation of the agreement. Firmly upholds the common position of developing countries, supports the inclusion of the principle of the common heritage of mankind, and sticks to a sharing of both monetary and non-monetary benefits, as well as the upfront payment obligation by developed parties to the agreement. China hopes that the BBNJ agreement should balance the conservation and sustainable use. Every best effort should be made to adopt decisions and recommendations by consensus. The agreement applies to maritime areas beyond national jurisdiction, where there is no dispute. Thus, territorial sovereignty and maritime rights and interests of countries should fully be respected. Distinguished Delegates, Ladies and Gentlemen, China highly appreciates the ideal outcome we have made in negotiations based on the active communication and close cooperation among developing countries. There is a lot of work to be continued after the signature of the BBNJ agreement. China stands ready to work with all the developing countries to continue and remedy the efforts for the effective conservation and sustainable use of marine biodiversity. Now I am turning to the second item IUU fishing. China is a developing country. Fisheries play a crucial role in the economy and ecosystem by safeguarding food security and nutrition, promoting employment, increasing income, alleviating poverty, and protecting marine ecological environment. China has been committed to the appropriate development and use of fishery resources, complied strictly with fishing rules and regulations on the high seas and areas within national jurisdiction of the coastal states, and fulfilled fully international obligations concerning fisheries conservation and management with a good compliance record. China has implemented voluntary fishing moratoriums on certain parts of the high seas for three consecutive years, stuck to combating IUU fishing with zero tolerance and improving surveillance and management levels of distant- water fishing. Besides, China also takes market-related measures cooperating with relevant countries and regions to combat IUU fishing. Distinguished Delegates, Ladies and Gentlemen, the goal to eliminate IUU

fishing cannot be done in one day, nor can it be achieved by one state's effort. A set of normative mechanisms combating IUU fishing has been well established on the international and regional level. The key point is how to effectively implement all these rules which require a strict compliance. China suggests that a more close cooperation and coordination between flat states, coastal states, port states, market states, and all the stakeholders to promote capacity building, information sharing, and experience exchange. China is willing together with the international community to combat IUU fishing and achieve sustainable development goal of fishery resources. Before concluding my statement, I would like to respond to the statement made by one Delegate mentioning the so-called South China Sea Arbitration. The Chinese delegation reiterates that the arbitration contravenes the state concept principle. Its award is illegal, null and void. My delegation has deliberated in detail on this matter in a general statement on the first day of this session. Moreover, China believes that the codification and progressive development of the Law of the Sea by UNCLOS contributes to peace, security, and friendly relations among states. However, we should also bear in mind that the matters not regulated by the Convention should be governed by rules and principles of general international law. The historic rights of China in the South China Sea should be fully respected. Ladies and Gentlemen, Mr. President, I thank you for your attention.

**President:** Thank you the Delegation of China for its statement. Now, the Delegation of the Republic of Korea, I will give the floor to the Delegation of Korea, the floor is yours. Please.

**The Delegate of the Republic of Korea:** Thank you, Mr. President. Regarding the Law of the Sea, my Delegation would like to briefly comment on the BBNJ agreement. My delegation expressed deep appreciation to the AALCO Member States that actively participated in the discussions and negotiations of the BBNJ agreement and enabled the BBNJ agreement to be adopted this June. This achievement was possible due to the continued engagement and efforts of all participating states. The high seas and thus events referred to as areas beyond national jurisdiction in the BBNJ agreement have been affected by various human activities such as fishing, mining, and deep sea bio-prospecting and it is high time that we made a concerted effort to protect the marine ecosystem. As a country surrounded by oceans on three sides, the Republic of Korea has a vital interest in preserving thriving oceans and seas. In this regard, the Republic of Korea plans to sign and ratify the BBNJ agreement in the near future and revise the domestic laws and regulations to ensure effective implementation of the agreement. Lastly, my delegation would like to express sincere gratitude to the AALCO Secretariat and the Government of Indonesia for preparing and organizing this constructive session. Thank you, Mr. President

**President:** Thank you very much the Delegation of Korea. Since all the Member States who are in the list have made their statements, now there is an observer state. I will give the floor to the Russian Federation. Please, you have the floor, Sir.

**The Delegate of the Russian Federation:** Thank you very much, Mr. President. At the outset, I would like to thank the Secretariat for preparing a very informative report on the agenda item in this year Annual Session, and also the Deputy Secretary-General for introducing the topic. Let me share some observations on the topic or issues of marine biological diversity and illegal, unreported and unregulated fishing. We have listened with great interest and attention to the interventions of delegations. It is extremely important for us to better understand the positions of the developing countries of Asia and Africa with respect to the BBNJ agreement. It is one of the most complicated international instruments in recent years. Hammering it out was a very difficult task and I would like to use this opportunity to

commend the efforts of the Chair, Ambassador Rena Lee, facilitators and other colleagues involved in the process. However, our assessment is that at the negotiations we did not succeed in eliminating several substantial shortcomings. To name a few, we see remaining risks for the integrity of the UNCLOS regime for the balance between conservation and sustainable use of marine resources, especially in light of the provisions on marine protected areas as well as the risk of interfering with the competence of specialized central and regional organizations, including regional fisheries management organizations. The provisions on financing do not seem to be adequate to cover the costs of scientific research related to the establishment and management of MPAs. As a result, there is a possibility that MPAs would be established without a proper scientific basis even through voting, political considerations not being excluded. Such a scenario should be avoided. Turning now to the fight against illegal and unregulated, unreported fishing, we consider it to be a highly important task requiring international cooperation. Russia is well experienced in fisheries management and is widely represented in different regional fisheries management organizations, including the North Pacific Fisheries Commission and the South Pacific Regional Fisheries Management Organization. We are also active in assisting developing countries in addressing IUU fishing. For instance, in recent years, such assistance was provided to a number of the countries of South-East Asia. In 2021, Russia ratified the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, providing further opportunities for such assistance. We are also actively engaged in efforts to enhance bilateral agreements aiming at deterring IUU fishing, including by expanding the list of marine living resources that fall under regulation of such agreements. Domestically, the National Plan on Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing was approved in 2021-2022. We look forward to fostering our cooperation in this area with our partners from developing countries from Asia and Africa, and welcome the opportunity to participate in the present AALCO discussion on the topic. Thank you very much, Mr. President.

**President:** Thank you very much for the statement of the Federation of Russia. Since I do not see any speakers anymore on my list, now we can conclude the proceedings of the fourth day of our Annual Session. I would like to inform you that tomorrow, in the first half of the day, we have our third meeting of the delegations of the AALCO Member States, which will start at 9:30, so earlier 30 minutes than our scheduled session. So 9:30. This is a closed meeting in which only Member States may attend. Observer states and Observer Intergovernmental Organizations have their first half free. They are welcome to join us for the concluding session from 2:30 PM onwards. Any change of time for the concluding session will be announced at the first opportunity tomorrow morning in the plenary, if for instance we can conclude earlier then we don't have the evening session. The Observer delegations are welcome to attend the side event titled Advancing Cooperation between AALCO and HCCH for Promotion of Private international law during the lunch break from 1 PM. I would also like to inform you that tomorrow the drafting committee will start in parallel with the plenary meeting at 9:30. So those of you who are involved in the drafting committee, please make sure that you attend the drafting committee meeting tomorrow at 9:30 PM. The draft summary report of the Sixty-First Annual Session along with the pre-organizational resolution will be considered by the Delegates. The representatives of Member States are most welcome to attend. Enjoy the rest of the evening. I hope you still have time to enjoy some part of Bali this evening. Then the meeting is adjourned until tomorrow. Thank you very much. We'll see you tomorrow morning.

**Master of Ceremony:** Thank you very much, Mr. President, Excellencies, Distinguished Guests, Ladies and Gentlemen. We have finally reached the end of day four of the Sixty-First

AALCO Annual Session on today, Thursday, 19th of October, 2023. We thank you very much for your participation. And as a gentle reminder, tomorrow's meeting in general will start at 9.30 AM. Once again, tomorrow's meeting will generally start at 9:30 AM. Once again, we express our sincere gratitude for your kind attention. *Om Shanti Shanti Shanti Om*, *Matur Suksma*, and we wish you a nice evening in Bali. Thank you and see you tomorrow.

**The meeting was thereafter adjourned.**

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**XVIII. VERBATIM RECORD OF THE THIRD  
MEETING OF DELEGATIONS OF AALCO  
MEMBER STATES**



## **XVIII. VERBATIM RECORD OF THE THIRD MEETING OF DELEGATIONS OF THE AALCO MEMBER STATES HELD ON FRIDAY 20 OCTOBER 2023, AT 9:30 AM**

**H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia, the President of the Sixty-First Annual Session in the Chair.**

### **AGENDA ITEM: REPORT ON THE WORK OF AALCO'S REGIONAL ARBITRATION CENTRES**

**Master of Ceremony:** *Assalamualaikum Warahmatullahi Wabarakatuh*, May Peace be Upon Us. *Shalom. Om Swastiastu. Namo Buddhaya. Salam Kebajikan.* Good morning, distinguished Guests, Ladies and Gentlemen. Welcome to the fifth day of the Sixty-First Asian-African Legal Consultative Organization Annual Session, hosted by the Government of the Republic of Indonesia through the Ministry of Law and Human Rights of the Republic of Indonesia. We are truly honoured to have such an esteemed audience here today. Excellences, distinguished guests, Ladies and Gentlemen, let us start our agenda today with the third meeting of delegations of the AALCO Member States. Report on the work of AALCO's regional arbitration centres. And now I give the floor to His Excellences, President of the Sixty-First of AALCO. Please.

**President:** Good morning, Excellences and Distinguished Delegates. Good morning to all of you. I think, I hope that you had a good rest last evening, yesterday, and now we are entering the last day of the Sixty-First Annual Session. Now we move on to the third meeting of the delegation of the AALCO Member States. As this is a closed meeting, I would kindly request the observers to leave the hall and rejoin them afterwards. And now, as soon as practicable, so please, if there is an observer, bye. Okay, thank you. Now we'll take up the reports of the directors of the Regional Arbitration Centres. Before that, I will invite Mr. Jun Yamada, the Deputy Secretary-General of AALCO, for introductory remarks. You have the floor, Sir. Please.

**Mr. Jun Yamada, Deputy Secretary-General of AALCO:** Thank you, Mr. President. Mr. President, Directors of AALCO's regional arbitration centres, Excellencies, Distinguished Delegates, 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/61/Bali/2023/4 G3 that comprises the reports of the Asian International Arbitration Centre (AIAC) at Kuala Lumpur, the Nairobi Centre for International Arbitration (NCIA) and the Cairo Regional Centre for International Commercial Arbitration (CRCICA). It may be recalled that the AALCO regional arbitration centres arose from the need identified in AALCO's scheme for the settlement of disputes in economic and commercial transactions to establish arbitration centres addressing the disputes within the region. The decision to establish regional centres for international commercial arbitration was taken at the Doha Session in 1978, and accordingly, the regional centres for arbitration at Kuala Lumpur, Malaysia for Asia, and the Cairo, the Arab Republic of Egypt for Africa, were established in 1978 and 1979 respectively. Later, three more centres were established in Lagos, Nigeria, in 1989, in Tehran, the Islamic Republic of Iran, in 2003, and in Nairobi, Kenya, in 2007.

After a few years through the passing of the resolution, AALCO/57/RES/4G3 adopted on 12 October 2018 at the Fifty-Seventh Annual Session of AALCO held in Tokyo, Japan, a sixth Regional Arbitration Centre was decided to be established in the South African, East Asian, and South Asian regions. 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.

The regional arbitration centres under the auspices of AALCO are among the most successful endeavours of the organization. I would like to take this opportunity to express our heartfelt congratulations to the representatives of the centres and thank the host governments for these centres, as well as other Member States for their support. AALCO strongly believes that the success of these centres should be credited to the active support and cooperation of the host government of the arbitration centres. Mr. President, in closing, we sincerely hope that the work of the regional arbitration centres will continue to serve the rising needs of Asia and Africa in the field of international commercial arbitration. Thank you, Mr. President.

**President:** Thank you. Thank you, Mr. Yamada, the Deputy Secretary-General, for your introductory remarks. I now invite directors of AALCO arbitration centres who are with us today to present their respective reports. I kindly request all directors to be mindful of the time limit of their presentations, which is 10 minutes each. First, I give a floor to Datuk Sundra Rajoo, Director of the Asian International Arbitration Centre. You have the floor, Sir.

**Datuk Professor Sundra Rajoo, Director of the Asian International Arbitration Centre (AIAC):** Mr. President of AALCO, Your Excellences, Secretary-General of AALCO, and the Deputy Secretary-General, Honourable Delegates, it's my pleasure to present my report today of the Asian Centre from last year until today, until recently. Very good morning. First is that it has been a very successful year this year, so let me give you an overview of what we have done. We have done a number of events and a number of initiatives. First thing is that we have, I am just going to give an overview of all the events we have done. The first thing that we have launched a new set of rules, ADR rules, which consist of arbitration rules, I-Rules, and also mediation rules. We have signed eight memorandums of understanding with various arbitral institutions. We have organized seven conferences and colloquiums. We have specific programs for the construction, industry, payment, and adjudication arrangements, 12 programs. We have done and attended 10 international conferences. We have done seven evening talks and 23 other events. So in total we have done 67 events.

Now highlighting the rules themselves, we amended our rules this year in August 2023. There are two sets of rules, the conventional rule and the Islamic Sharia rule for arbitration. And then within those rules, the main changes were consolidation and joint provisions, a technical review of the award once it's issued. Then third party funding provisions, there is a new provision on summary dismissal of cases, and then settlement negotiations. And then we also have tried to make our rules in compliance where i-rules, such as the Islamic Sharia principles. Mediation rules, we also amended this year. So it tries to actually settle disputes in an efficient way. We emphasize on the expertise of the mediator. There is flexibility in terms of language and location. Then we now introduce also a met up provision, and we re-emphasize the confidentiality of mediation provisions and cost effectiveness. This is to actually tie back with the Singapore Convention, which Malaysia is expected to accede to. In terms of memoranda, our understanding, we did a number of memorandums almost every month. We had one or two memorandums in sight with various institutions. And it ranges through the region, more emphasizing that we are working with our friends in the region. In terms of international conferences, we have participated in a number of events that are held in Asia and Africa. So we are going to Dubai, we did that last year. We also did in New Delhi, we actually did a courtesy visit with our honourable minister to the ICC in Paris. We attended the International Construction Conference in New Delhi. And then of course we

congratulated Mr. Nick Chan in Hong Kong earlier this year. And in August we continued with a number of events that have been going on. In terms of events and capacity building, we have had a number of other events that we have done in-house. We have organized a certificate in accreditation. We organized the SIPA conference, a refresher course, and continuing development workshops. So that was all done from last year to this year, continuing, it continues all the time. It is one of our recurring programs. Then the next one is that we have a number of important conferences to actually gather expertise together to discuss burning issues, more importantly to also exchange views.

So Asia ADR Week we have done two. One we did last year, this year we finished one in August. We have a young person's conference which is targeted for next year where we are encouraging, we are organizing the biggest pre-moot in the world for these moots and these moots east, in Vienna and in Hong Kong. But our moots are held just before pre-moot in Hong Kong in March, so we have started organizing it. And then we are expecting to get about 300 more teams from all over the world. Then we have, Malaysia was involved in a very difficult arbitration claim, all the Sulu claim. I think many of you would have heard that. We have actually assisted our host party to actually explain the Sulu matter. And we have co-organized events to explain the event and to analyse the issues that come about it in terms of the colloquium. We have done a colloquium in IAC in Kuala Lumpur. We have done a colloquium in Sabah where the area, the province that is affected by this claim. And finally, we just finished one in London.

So this is to actually explain, to analyse and also to see what are the things that have to be understood and action that has to be taken particularly of countries facing this kind of claims. And then we have also got involved in the Islamic Arbitration Conference where we looked at evolving standards. Our evening talks have been varied. Every month we will have one or two evening talks. And we have anybody who comes to town or we will identify people. And we have a series of talks that have been going on and we have planned continual talks as it develops until next year. So you can see this is just an outline of some of the talks that we have done. The other events we have done, we are doing advocacy workshop for young people. We are doing arbitration in practice, practical standards. We are doing the 7th AIAC pre-moot which we are now joining with the Asia Pacific PEP. And then we are doing a mooting workshop for young people. Then we have an insurance workshop. And then we have mediation skills. We are doing now roadshows. We are planning roadshows. We have already started the first one where His Excellency the Secretary-General came to give the keynote address. In India it was very successful. We had standing room. Everybody was very interested. We thanked AALCO, our parent, for helping us with it. And we continue to do. This is only the beginning. We have planned a number of road shows. In fact, we are going in November.

My Chairman, Mr. Omar, is actually leading the delegation to do the road show. In fact, he was complaining that he has too much to do. One week we have packed events on that. And then we have now embarked on a very important initiative in Asia, which we have called as Sports Arbitration Week. But we have come up with the sports arbitration rules, which I will discuss later. We also we have done skills. We also think about diversity. Woman in arbitration. And then I want to go down to the breakdown of cases. This is all the things we have done. We are continuing to do. And then the number of cases. We had 774 cases from last year to this year. And then I have given you a value term since it is climbing up. There was a little bit of a downturn earlier. But this year it is starting to pick up, we are very confident there will be an increase in number of cases based on the work we are doing. And

then we are also having more arbitration matters that are administered under the Centre, which is quite important for us. Because that is where our main income is going to come. So we still have also adjudication cases that are coming. And then the number of panellists. In fact the focus since I came in is to actually increase the number of panellists from Asia and Africa, and reduce from the other, especially part of the world of the West. So the emphasis is to look for qualified people and panel them and to encourage them to give them the recognition. So we have a number of schemes. So together we now have 2782 panellists. And we are now focusing on Asia and Africa. The upcoming plan, it's on the report, I will tell you all next year whether it is succeeded. The upcoming plan is one of the important things that we have to go on into dispute avoidance. Dispute avoidance, what we have done is standard form building contracts, which is a substantive part of the Centre's work involves the construction industry. So we have earlier come up with a standard form building contract which is being upgraded and checked. And we have come up with another initiative, again it will be a first in our part of the world, what is called an Islamic standard form building contract. Which is the Syariah compliant building contract. So this is being led by the former Chief Justice of Malaysia, Zaki. And he has almost finished his work so we should be able to publish it soon. Now we have also launched last month, this month, in fact this month, early this month, and our Asian sports arbitration groups. So we have also set up what is called the Asian sports tribunal which is embedded into the Centre itself. So just to deal with sport related issues. And then we are actually committed to continue our efforts. I have put down annual reports, it is there, with all our activities in great detail. So you can have a look, yeah you can have a look at that, with also a description of what we do.

Mr. President, this is the report you can pick up and also items in terms of what our services are. So thank you so much Mr. President and Your Excellency, Secretary-General and Deputy Secretary-General. Thank you so much.

**President:** Thank you, thank you Datuk Sudra Rajoo, Director of the Asian International Arbitration Centre for the Informative Report. Distinguished Delegates, before moving to the next director, I would like to kindly remind you that parallel to this meeting, the drafting committee meeting is being held at Legian 8 room master level M. Distinguished Delegates who wish to join, you are most welcome to attend. Now I invite Mr. Lawrence Muiruri Ngugi, Registrar Chief of the Secretary-Composite of Nairobi Centre for International Arbitration to deliver his remarks. The floor is yours. Is not here yet? Okay, now we invite Mr. Nick Chan, Director of AALCO Regional Arbitration Centre in Hong Kong to deliver his remarks. You have the floor sir.

**Mr. Nick Chan, Director of AALCO-Hong Kong Regional Arbitration Centre (HKRAC):** Good morning, President, Secretary-General, Deputy Secretary-General, Distinguished Guests, Ladies and Gentlemen, good morning. I think on your table you will see our promotion for upcoming AALCO Arbitration Forum to take place in Hong Kong on December 5th and 6th. I warmly welcome you all to join these events. You will see on the form there is a registration fee, but we are very pleased to wait with you and happily pick up on our offer. So, let me go back to the report I have prepared

On behalf of the Hong Kong Regional Arbitration Centre, I would like to wholeheartedly thank the Republic of Indonesia for being such a great host. I would like to thank the Secretary for adding this agenda item to allow us to share this report. And please allow me to express our deepest gratitude to each and every one of you to approve the establishment of AALCO Hong Kong Regional Arbitration Centre at the 59th Annual Session. Thank you very much.

The AALCO Hong Kong Regional Arbitration Centre is now fully operational, as you have heard from the Deputy Secretary-General. These are some of our colleagues. Research shows that some of the busiest arbitration centres today have humble beginnings, taking on efforts for several years to have the first case. That is understandable, as it takes time to convince lawyers, business people to put the clause, our model arbitration clause, into the contract. But in a way, we would be happier if they don't have a dispute that they can't resolve and make it themselves. But if not, they can certainly come to us and we will take a bit of time. So far, we have managed to attract disputing parties to place their trust in us and resolve their disputes in our centre, even though when the contract was entered into, they didn't have our model arbitration clause. But I think its AALCO's good name and all the good work our centres are doing together.

We are informed and encouraged by some government officials, business people from around the world, that our model arbitration clause is considered to be easy to use and is now often featured in new contracts. There are also many positive feedbacks from users of our bank-grade Security by Design Online Dispute Resolution Platform. So, we are the latest baby. We are just starting out. We have a lot to learn from all five other AALCO arbitration centres. We are very grateful that all the AALCO arbitration centres have showered us with support and congratulatory messages. And, Sandra, thank you. AIAC has included us in your annual arbitration forum. We look forward to returning the favour, so please all come in December. We would like to have you and your colleagues from the 47 Member States to come to speak and to share learning. This is on the screen, it's a screenshot of our AALCO arbitration platform. The world economy has been shrouded in clouds of uncertainty due to the pandemic and other challenges. Governments and companies in Asian and African regions are the economic recovery engines, casting away these clouds.

As the saying goes, every cloud has a silver lining and we have our service on the cloud, which is a bit of a silver lining. And we have AI powered transponder and translation engines, which rank better than most of the online search engines can offer. We can handle all the problems within the palm of your hand by using your smartphone. You can attend our online hearing, solve problems in confidence with your new relationship and build a brighter shared future. This is our model arbitration forum. The bolder words are all you need, but we do have some optional wording by default. Members will be able to use our ODR platform, but parties can opt to use traditional in-person mode or hybrid mode if they prefer. I appeal to you to please take a photo of this and share it with your friends.

I also appeal to you for your help to inform your fellow friends and colleagues that the AALCO Hong Kong Regional Arbitration Centre now warmly welcomes panellists of arbitrators from your part of the world to strengthen our knowledge base and our base of dispute resolvers so we can learn from the best of the best. If we mistrust the arbitrators from each other's parts of the world, you will make each of us stronger. The top 100 law firms in the world all have active significant operations in Hong Kong, and we have over 50,000 lawyers in Hong Kong, including lawyers from almost all 47 AALCO Member States.

The AALCO Hong Kong Regional Arbitration Centre is the only arbitration centre established by international law that is recognised as a designated arbitration centre in the interim relief measures arrangement entered into by the central government of the People's Republic of China. This allows people, parties to arbitrarily discuss and institute by our centre to immediately go to court in mainland China to apply to freeze assets and evidence. No other arbitration centre outside of Hong Kong and around the world could do this, especially the international centre. This is a big deal considering Hong Kong is one of the

favourite places for international regional offices, and further considering Chinese parties are often featured in international contracts, as over 140 countries work closely with China as the number one trading partner. On this slide, it's my high-level summary, two-thirds of the world's population is over 36 trillion years old, GDP in that combined, where over 90% of AALCO Member States are active members of the delta group. Hong Kong has long been the top three most popular arbitration centres in the world, and Hong Kong is one of the first to do mediation first. The rule of law and business environment in Hong Kong has been further strengthened with the implementation of the much-needed law on safe driving national security in the Hong Kong Special Energy Region. The continued modernisation of the people of China, a nation with 121 trillion GDP, huge market opportunities, the largest consumer market with 1.4 billion people, which has doubled average individual income in the past 10 years, offers many great opportunities for international collaboration with contracts that come to me to pre-empt, prevent and resolve disputes in today's economy.

Over the past year, we've promoted the AALCO brand in our centres, targeting millions of people through television, radio, online programmes, and in-person summits. We've had many one-on-ones with e-commerce giants, trade associations, chief justices, other stakeholders who have a big say on which model arbitration costs will be used. We've entered into a portal through over a dozen MoUs of business chambers, arbitration centres, research centres and universities. We've also sponsored and attended over 40 international and local forums, and we have the joy of visiting over 11 major Asian-African cities, including KL, Bangkok, Djibouti, the Republic of Egypt and many other places. We were also part of the Belt and Road International Legal Summit, the HCCH, Asian Pacific Forum, in-house lawyer forums, quite a lot, and rights? To mention all this session, arbitration forums around the world. We conducted fireside checks, we have at least one a month, once a month. We have the... as we have here on the screen we have the Ambassador from Egypt, who was so kind to raise us. In France, we have President Theresa, who joined us to share some knowledge. We then ... to the whole city at large by mentioning in Chinese and English newspapers we have a monthly call. There is a clear consistent feedback that I am pleased to report to you that many consider the Hong Kong SAR being an international financial centre with an independent judiciary under one country, two systems. And the only common law jurisdiction in China supported by the National 1450 plan to continue to be the International Legal Services and Dispute Resolution House. Hong Kong is for many a natural and ideal neutral seat for resolving disputes. And among the many dispute resolution centre operating in North Asia, many international law experts, business leaders are coming to us.

We appreciate that we are not profit seeking, we are fair, country and nationality-neutral, and we pay full credit to each and every one of you for doing good work. That took place in 1955 in this beautiful country, the Republic of Indonesia. They established a settlement system in 1970, as I mentioned earlier. And we have support from the local legislative council in Hong Kong that gave us special immunity privileges, much like the consulate office, so the police cannot raid our office. We are not in direct competition with any AALCO centre or any other local arbitrary centre, we need to work together. AALCO and the host country has established our centre to act as one of the coordinating agencies in the AALCO dispute settlement system to promote and grow the effective functions of arbitrary institutions and other alternative dispute resolutions, including online dispute resolution services, to provide facilities for ADR services, including ad hoc arbitration, as well as arbitration help out the auspices of the AALCO Hong Kong Regional Arbitrary Centre and other arbitrary institutions. We also need to provide assistance in the enforcement of arbitration awards and promote the wider application of ADR rules within Asia Pacific. With these objectives in mind, and as we are

the youngest arbitrary centre of AALCO, we have volunteered to help host the next AALCO annual arbitration forum. This is a good place in Hong Kong.

There is a QR code on the top. If you like you can scan it, you can already register. If you do it today, it's for free. Please come, please join us. The theme of the conference, the forum, is resolving disputes and differences in a changing world by staying true to the fundamental experience. We are a very exciting program covering the latest developments in arbitration laws and practices in Asia and Africa, regarding judicial assistance in arbitration, the use of VR technology in a post-pandemic world, resolving cross-border income-based disputes, arbitrating ESG-related disputes, and counteracting supply chain disruptions. Please come. We are targeting over 1,000 attendees, including senior officials, diplomats, business leaders, to exchange ideas to learn from you at this place. We look forward to sharing the food, culture and insights that our 5 minute city Hong Kong has to offer. Thank you again and have a really wonderful time. *Terima kasih*. Thank you.

**President:** Thank you, Mr. Nick Chan for your valuable remarks. Since Mr. Lawrence will be here another 10 or 15 minutes, now I invite the states to make a statement. In my list I have a delegation from China who would like to make a statement. Please, you have the floor.

**The Delegate of the People's Republic of China:** Thank you, Mr. President. Good morning, Distinguished Delegates. China welcomes the report by the different regional arbitration centre of AALCO. The regional arbitration centre of AALCO contributes significantly to the peaceful settlement of international disputes in support of the UN Charter. The steep dispute resolution services offered by the regional arbitration centre in different regions provide states and international investors or traders with valuable options to resolve their disputes in different regions. We encourage AALCO Member States to promote the work of the regional arbitration centre and to make quicker use of their services by states, investors and traders to resolve their disputes. In this connection, we very much welcome the first AALCO annual arbitration forum to be held in Hong Kong, China in December this year as reported by the Director of the AALCO Hong Kong Regional Arbitration Centre and the Senate Chair, we invite all AALCO Member States, observer states and attached organisations as well as any interested stakeholders to come to Hong Kong to join the forum. We look forward to seeing you in Hong Kong in December. Thank you.

**President:** Now we wait 10 minutes to wait for the next statement. Later we don't have any break. So now we wait 10 minutes and we resume the session later. Thank you. Please take your coffee for 10 minutes.

**Master of Ceremony:** Thank you very much, Mr. President. Ladies and Gentlemen. Now we will take a short break for 10 minutes. You may enjoy coffee and tea at the Pecatu Lobby and we're expecting you to be back to Pecatu Hall at 10:25. Thank you very much and see you later.

**The meeting was thereafter adjourned.**

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**XIX. VERBATIM RECORD OF THE THIRD  
MEETING OF DELEGATIONS (CONTD.) OF  
AALCO MEMBER STATES**





**XIX. VERBATIM RECORD OF THE THIRD MEETING OF DELEGATIONS OF AALCO MEMBER STATES (CONTD.) HELD ON FRIDAY 20 OCTOBER 2023, AT 11:00 AM**

**H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia, the President of the Sixty-First Annual Session in the Chair.**

**AGENDA ITEM: REPORT ON THE WORK OF AALCO'S REGIONAL ARBITRATION CENTRES**

**Master of Ceremony:** Ladies and Gentlemen, welcome back. And now we will continue the third meeting of delegations of the AALCO Member States. Now we are honoured to give back the floor to His Excellences, President of the Sixty-First of AALCO. Please.

**President:** Thank you, Excellencies, Ladies and Gentlemen. Now we resume our session today. I now invite Mr. Lawrence Ngugi, Chief of the Executive of Nairobi Centre for International Arbitration to deliver his remark, please you may have the floor.

**Mr. Lawrence Muiruri Ngugi, CEO of the Nairobi Centre for International Arbitration (NCIA):** Thank you, Mr. President. Allow me to begin by appreciating your accommodation and thank you for inviting the Nairobi Centre for International Arbitration to make these remarks. Mr. President, I wish to commend the AALCO Secretariat, the Secretary-General, the Deputy Secretary-General, and AALCO, for the support extended to the Nairobi Centre for International Arbitration in the year 2022-23. I wish to commend the Secretariat for the excellent coalition of reports on the activities of the AALCO Arbitration Centres and the excellent work in preparation of documents for the session and including the regional centres as an agenda in this session. I need special thanks to the Secretary-General of AALCO for the exceptional support to the work of the regional arbitration centres. We welcome the establishment of the Hong Kong Regional Centre for Arbitration to further demonstrate AALCO's commitment to promote the role of dispute settlement as a means to facilitate commerce and sustainable development and mitigate risks posed by adversarial approaches. On behalf of the Nairobi Centre for International Arbitration, I wish to make the following statement. Excellences, Distinguished Delegates, It will be recalled that at the 46th Annual Session of AALCO held in Cape Town, South Africa, a memorandum of understanding was signed by the Secretary-General of the Government of the Republic of Kenya for the establishment of a regional arbitration centre in Nairobi. Since its inauguration in the year 2016, the Nairobi Centre for International Arbitration has embodied the founding ideals, needs and labour to serve the commercial and trade communities in the region with dispute resolution services.

Mr. President, for the year under report, the document AALCO/61/Bali/2023/ORG3 has outlined the detailed activities of the Nairobi Centre for International Arbitration. I wish to highlight in summary some of the matters and invite Delegates to consider the detailed report. First, in promoting international commercial arbitration in Asian and African regions, the Nairobi Centre for International Arbitration assumed the chairmanship of the China-Africa Joint Arbitration Centre Guidance Committee, which brings together seven centres under the Forum for China-Africa Cooperation. The Centre further participated in the Africa Arbitration Association 2022 conference in Accra, Ghana for advancement of interregional cooperation for arbitration in Africa. At this forum, the Centre won the award of the Arbitral Institution of the year 2020, following that in the East Africa International Arbitration Conference, again the Centre was recognized as the leading arbitration service provider of the

year 2023. Secondly, in providing for arbitration under the auspices of the rules of the Centre, the caseload continues to grow and show impressive uptake with the value of cases recorded now at USD 234 million with 54 million USD accounted for in the year 2022-23. The cases cut across different sectors and source jurisdictions, including countries in the AALCO region. In capacity development and training, the flagship training in arbitration and mediation is received positively and well met. In the year, we introduced a capacity building curriculum in international trade and investment for state attorneys in the office of the Attorney General Department of Justice. The second arbitration journal was published by the Centre, further contributing to the growth in knowledge and promoting writing in its field. Mr. President, to conclude, we welcome the concrete suggestions to Member States on their support to the work of the AALCO Centres, including the Designated and National Body for supporting the promotional activities and encouraging state and state agencies to incorporate AALCO Centre clauses in their contracts. The state of the Delegates will look forward to working with such and his own agencies that may be set up at the national level to create awareness of the work of AALCO Centres and offer arbitration services to further support this good settlement for growth and sustainable development goals through more sustainable infrastructure under the campaign for agreeable arbitration.

Mr. President, I reaffirm the Nairobi Centre for International Arbitration commitment to work closely with the other AALCO Regional Arbitration Centres under the AALCO Annual Arbitration Forum in follow-up to the second series held in December 2022 in Sharm El Sheikh in the Arab Republic of Egypt and invite Member States to consider extending support to this progressive initiative. I thank you, Mr. President.

**President:** Thank you very much, Mr. Ngugi. Distinguished Delegates, with that, I would like to conclude this session by thanking the directors for their repeated work. Thank you, Sir.

**The meeting was thereafter adjourned.**

**XX. VERBATIM RECORD OF THE SIXTH  
GENERAL MEETING AND CONCLUDING  
SESSION**



## **XX. VERBATIM RECORD OF THE SIXTH GENERAL MEETING AND CONCLUDING SESSION ON FRIDAY, 20 OCTOBER 2023 AT 02:30 PM**

**President:** We now move to the next session. Now we come to the conclusion of the session. Therefore, I invite observer states and international organizations to re-join the preliminary meeting. At the outset, we are entering the segment of message of thanks to the host government on behalf of all the participating delegations that will be read out by Dr. Kamalinne, the Secretary-General of AALCO, and the floor is yours. Thank you.

**Secretary-General of AALCO:** Excellencies, Distinguished Delegates, Ladies and Gentlemen. I stand before you today with immense gratitude and a heart brimming with appreciation as we extend our profound thanks to the Government and the congenial and affable people of the Republic of Indonesia for hosting the Sixty-First Annual Session of AALCO. It is a privilege to be here in this enchanting island, and I speak on behalf of all delegations of the Member States and Observers in expressing our deepest appreciation for the warmth, generosity, and unparalleled hospitality we have experienced during our time here. In this beautiful and scenic island of Bali, we, the Delegates of the Sixty-First Annual Session of AALCO would like to place on record our sincere gratitude for the full cooperation that the Government of Indonesia has extended to AALCO and its Member States by hosting the Annual Session with warmth and graciousness.

We would like to extend our gratitude to H.E. Ma'ruf Amin, the Vice-President of the Republic of Indonesia for gracing us in the Inaugural Session and setting the tone of the Annual Session. I also thank Dr. Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia and the President of the Sixty-First Annual Session of AALCO for his support and leadership throughout the Session. Your Excellency, from the outset, your Government's commitment to ensuring the success of our event has been evident, and it is only fitting that we take this opportunity to acknowledge and celebrate the collaborative efforts that have made this gathering a resounding success. The seamless execution of each detail has allowed our delegations to focus on the substance of the event, knowing that everything has been meticulously handled.

We are aware that throughout AALCO's sixty-seven-year history, Indonesia has attached great importance to the Organization. As a founding Member-State, Indonesia has always actively participated in the activities and work programme of the Organization ever since the inception of AALCO as the Asian Legal Consultative Committee (ALCC) in 1956.

Our Delegates, representing diverse cultures and backgrounds, have been captivated not only by the professional execution of the event but also by the genuine warmth of the people of Bali. It is through these cultural exchanges that the true essence of international collaboration and understanding is fostered. 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 on substantive matters.

Amongst the many focus factors that paved the way for the success of the session, one of the prime ones was the excellent cooperation from the government of Indonesia which contributes significantly towards the excellent achievement of our deliberation. In conclusion, I would like to express our deepest thanks to the governments of Indonesia for its unwavering support, hospitality and commitment to the success of our Annual Session. Your efforts elevate this gathering beyond a mere conference. It has become a celebration of

collaborations, diversities and the shared pursuit of common goals. We leave Bali with hearts full of gratitude and look forward to the possibility of returning to this remarkable island in the future. Your Excellencies, please accept the assurance of our highest respect and considerations by reminiscing the bundle spring that underpins our goal: solidarity, friendship and cooperation. And may the Almighty bless the endeavour of your great country. I thank you very much.

**President:** Thank you, Mr. Secretary-General. This message should be duly communicated to the authorities in the host government in the form of the Indonesian government. Your appreciation for us hosting this Sixty-First Annual Session. Now we move to adoption of the resolutions. The next item for deliberation pertains to the adoption of resolutions on organizational, administrative and financial matters, namely, first, report of the Secretary-General on the work of the organization and financial matters of AALCO. Second, budget for the year 2024. Third, regional arbitration centres. 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 the resolution one by one. As for report of the Secretary-General on organizational, administrative and financial matters, are there any comments on the resolutions? If none, the resolution is adopted. [The President is striking the gavel]. Thank you. As for AALCO's budget for the year 2024, does anyone want to make a comment? If none, the AALCO budget for the year 2024 is adopted. [The President is striking the gavel]. Thank you. Lastly, report on AALCO's Regional Arbitration Centres. Are we ready to adopt it? If yes, then it's adopted. Thank you very much. Now we move to the next agenda, the venue of AALCO Sixty-Second Annual Session. Now the floor is open to any Member State wishing to host the next Annual Session of AALCO. However, I understand that distinguished Delegate of the Kingdom of Thailand will deliver the Statement. Therefore, I now invite Distinguished Delegates of the Kingdom of Thailand to deliver the Statement. Please, you have the floor, Sir.

**The Delegate of the Kingdom of Thailand:** Thank you, Mr. President. As already announced, by my head of delegation on Monday, we would like to register our wish to be the host of the next Annual Session of AALCO.

**President:** Thank you, thank you Distinguished Delegates of the Kingdom of Thailand for readiness to be the host of the next Annual Session of AALCO. So, we support it, right? Thank you. Oh, India. India would like to make a statement. Please.

**The Delegate of the Republic of India:** We would like to welcome the Kingdom of Thailand for volunteering to host the Sixty-Second Annual Session of AALCO. We hope, in the same spirit, few other members also in future would volunteer to host the Annual Sessions, especially if we look forward to our brothers from the African continent also to host Annual Sessions in the future. Thank you.

**President:** Thank you. Yeah, we would like also to hope that the African country, one of the African countries, will host the next Annual Session. Japan?

**The Delegate of Japan:** Thank you, Mr. President. My delegation asked for the floor to express Japan's deep appreciation to Thailand for its willingness to host the next Annual Session. Thailand's contribution to AALCO is outstanding. The current Secretary-General, Dr. Kamalinne is from Thailand. The delegation from Thailand contributes largely to the discussion of the Annual Session by making highly professional and balanced observations. In light of this, we are confident that if the next Annual Session is hosted by Thailand, we

will be able to produce some fruitful outcome, just as we do currently under your excellent presidency. Since AALCO is an organization of both Asian and African countries, it may be desirable for the host countries for the Annual Session be rotated between Asia and Africa in turn. But if I am not mistaken, there have been precedents for successive Annual Sessions to be held in the same region. So, if there is no African member state prepared to host the next Annual Session now, my Delegation strongly supports that AALCO take a decision at today's meeting that Thailand will be the host country for the next Annual Session. Thank you, Mr. President.

**President:** Thank you delegation of Japan. Thank you very much. Any other delegation would like to comment? Make a statement. If not, please, delegation of Thailand would like to say something.

**The Delegate of the Kingdom of Thailand:** Thank you, Mr. President. Mr. President, Mr. Secretary-General, Excellencies and Distinguished Delegates, on behalf of the Delegation of Thailand, I would like to thank your Excellencies and all the Distinguished Delegates as well as the Secretariat for the confidence and trust that you have bestowed upon us to host the next Annual Session of AALCO. I would also like to take this opportunity to express our gratitude to the Government of Indonesia for their hospitality, impeccable organization, and the hard work of so many people that have taken this session to great success. This session has set a high bar for our work next year. We have enjoyed every moment of our stay in Bali, and we'll leave the most enjoyable memories. Thank you, and we look forward to seeing you all in Thailand.

**President:** Thank you, Madam. Thank you for Thailand. We will see you next year in Bangkok or somewhere in Thailand for the next Annual Session. Thailand is such a beautiful country, so we are looking forward to seeing you all in Thailand. Thank you very much for the willingness, the readiness of Thailand for hosting the Sixty-Second Annual Session of AALCO. Now we move to the next agenda, the adoption of the Summary Report of the session and general recommendations. Now we come to the adoption of the Summary Report of the Sixty-First Annual Session. A draft Summary Report of the session has been circulated by the AALCO Secretariat. I would like to remind the Delegates that the period of 30 days from today will be given to the members to go through the Summary Report carefully and refer to the Secretariat, where after the Summary Report will be finalized. That said, if any member of state has any comments, or corrections to the draft of this point of time, please feel free to do so. If there is no comment, is there any comment? Okay, thank you. If there are no comments, I shall deem the Summary Report as preliminarily adopted. Thank you. My feeling is that Member States can recommend that the AALCO Secretariat take careful notes of views and recommendations expressed in this Annual Session as in the Summary Report. Members of state are also reminded that the work plan of the AALCO Secretariat for the coming year will be prepared in accordance with AALCO's Statutory Rules. In due regard to the recommendations expressed during this Annual Session, in close consultation with the Liaison Officers of Member States also bearing in mind the available resources. Distinguished Delegates. Now we have come to the conclusion of the Sixty-First Annual Session. I invite the members of state on behalf of the Asian states to present a form of thanks. With that, I now invite the Distinguished Delegate of Malaysia to present a vote of thanks. Thank you. Please. Delegation of Malaysia. Malaysia also will represent the Asian State. Please.



**The Delegate of Malaysia:** Thank you, Mr. President. Mr. President, Honourable Ministers, Attorneys General, Excellencies, Secretary-General, Distinguished Delegates, Ladies and Gentlemen. Good morning all. It is an honour for me as the Head of Delegation of Malaysia to propose a vote of thanks on this momentous occasion on behalf of the Asian Member States of AALCO. We have successfully concluded the Sixty-First Annual Session of AALCO, which is a matter of immense pride for us in the enchanting city of Bali, the Republic of Indonesia. I am indeed happy to note that our deliberations over the past four days have been highly engaging and most constructive, and have touched various topics of international law. Afro-Asian state practice is instrumental in progressive development of international law. In this regard, the wealth of knowledge and experience shared at this Annual Session is unparalleled and would go a long way in fostering the development of international law from a truly universal perspective. The Bandung spirit is what unites us. I am extremely proud to note that we were able to meet in the Republic of Indonesia for the Sixty-First Annual Session of AALCO, which has a rich legacy in bringing together the countries of Asia and Africa to assert their rightful voice in the international community. Let me take this opportunity on behalf of the Asian delegations to thank the Government of the Republic of Indonesia for hosting us in Bali and conducting the Annual Session in the most impeccable manner. The preparations and arrangements for the Annual Session were meticulously planned and systematically executed, and I congratulate the organizers for the same. I also take this opportunity to thank His Excellency Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO, the Deputy-Secretaries General of AALCO and the whole team of AALCO for the preparation of the documents for the session and arrangements made for the coordination of the events with the Member States. The combined and coordinated efforts of the whole, a lot of individuals made the event a grand success. Their tireless efforts deserve commendation from all of us. My special thanks also are due to all the Distinguished Delegates and observer countries and organizations. Your participation, contributions and suggestions are highly appreciated and added immense value to our deliberations. Thank you very much, Mr. President.

**President:** Thank you, Distinguished Delegate of Malaysia, for your complimentary appreciation. We really appreciate it. Thank you very much. Now I invite an African member state to deliver a lot of thanks on behalf of other African states. I have in my list the Distinguished Delegate of Kenya. Therefore, I invite the Distinguished Delegate of Kenya to present a vote of thanks. Please, you have the floor.

**The Delegate of the Republic of Kenya:** Thank you, Mr. President. Mr. President, Distinguished Honourable Ministers, Attorneys General, Excellencies, Secretary-General, Distinguished Delegates, Ladies and Gentlemen, and all those that are present here. Representing the delegation of the Republic of Kenya, it is an honour for me to propose a vote of thanks on behalf of the African Member States of AALCO on this historic occasion. We have just successfully concluded the Sixty-First Annual Session of AALCO, an achievement that fills us with immense pride, set against the picturesque backdrop of Bali, the Republic of Indonesia. AALCO stands as an exceptional international organization, distinguished for its exclusive dedication to the interests of Asian and African states. The core mission of AALCO, which revolves around the formulation and continual advancement of international law from an Afro-Asian standpoint, represents the commendable and deeply appreciated undertaking. This endeavour holds immense significance for all of us in Africa, as we proudly embrace our role as proud members of this esteemed institution. Over the years, AALCO has grown in strength and it is our duty to strengthen the organization further in the metaphor of Bandung. Let us take this occasion to collectively pledge our commitment

to the Afro-Asian solidarity in the best traditions of the founding fathers of this great institution, who laid the foundations of what would go on to become a truly outstanding institution of international relations. Allow me to seize this moment to express on behalf of the African delegations our heartfelt gratitude to the President, His Excellency Mr. Yassona Laoly, Minister of Law and Human Rights, for his meticulous chairmanship and the Government of the Republic of Indonesia for its gracious hospitality in hosting us in Bali and for orchestrating the Annual Session with unwavering excellence. The meticulous planning and methodical execution of the preparations and arrangements deserve our whole hearted appraisal. Additionally, I extend my sincere appreciation to His Excellency, Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO, the Deputy Secretaries-General of AALCO, and the dedicated team behind AALCO for their tireless efforts in preparing session documents and managing the event's coordination with our Members States. The collective dedication and synergy of countless individuals played a pivotal role in making this event a resounding success. Their unwavering commitment merits our deepest appreciation. In conclusion, this vote of thanks is given on behalf of African Member States for the Sixty-First session of AALCO with the hope that the bonds of cooperation and friendship formed during this session will continue to thrive and flourish in the years ahead. I thank each one of you for your unwavering commitment to the ideals and objectives of AALCO. Looking forward to seeing you all in Thailand. Thank you, Mr. President.

**President:** Thank you, Distinguished Delegate of Kenya, for your complimentary appreciation. Thank you very much. Now I invite any observer of the delegation of the international organization to present a vote of thanks. In my list, I see the distinguished observer Delegate from the Hague Conference on Private International Law to present a vote of thanks. The floor is yours, thank you.

**Secretary-General of HCCH:** Mr. President, Mr. Secretary-General, Excellencies, honourable ministers and judges, Distinguished Delegates. The Asian-African Legal Consultative Organization holds a paramount significance as an international organization representing the voice of Asia and Africa. It serves as a unique forum that bridges the legal perspectives of Asian and African countries, enriching the global discourse on international law. AALCO's mission of codifying and advancing international law from an Afro-Asian perspective is invaluable, fostering a more inclusive and diverse legal framework. By facilitating collaboration among Member States and international organizations, AALCO contributes to strengthening regional and international stability while promoting justice and equity. Its role in bridging continents and cultures underscores the importance of multicultural cooperation in shaping the future of global legal principles and practices. In light of this, and as the Secretary-General of the HCCH, the Hague Conference on Private International Law, it is my pleasure to deliver this vote of thanks on behalf of international organizations to AALCO for extending invitations to us to participate in this Annual Session. As international organizations, our involvement in this Annual Session has proven highly beneficial given the many areas of mutual interest we share with AALCO. Looking ahead, we eagerly anticipate further nurturing this professional relationship, aiming to elevate it to new heights, mutually benefiting from collaborative efforts on matters of common concern. I would also like to express our gratitude to the President and Vice-President of the Annual Session, and of course to the Secretary-General of AALCO, the Deputy Secretaries General, and their entire AALCO team for their outstanding leadership and professionalism, which played a pivotal role in ensuring the success of this Annual Session. In conclusion, it is fitting to extend our heartfelt appreciation to the Government of Indonesia for the exceptional organization of the Sixty-First Annual Session of AALCO. Their efforts were nothing short

of exemplary, and we are truly grateful for their dedication to making this event a resounding success. We wish AALCO continued success in its future endeavours, and we all look forward to joining you again in Thailand next year. Thank you, Mr. President.

**President:** Thank you, Dr. Bernasconi, the Delegate of the Hague Conference of Private International Law. Thank you for your complimentary appreciation. I now turn the floor to the Observer Delegate. I see that Tunisia will give the vote of thanks. Please, Delegation of Tunisia. The floor is yours.

**The Delegate of Tunisia:** Mr. President, Excellencies, Ladies and Gentlemen, on behalf of all Observer States and as the representative of Tunisia, I am honoured to convey our collective admiration and respect for the significant role AALCO plays on the international stage. This esteemed body, by virtue of its endeavours, continues to unite the legal aspirations of two of the world's most diverse continents, casting a profound influence on the global legal landscape. AALCO's commitment to fostering international law, infused with the values and perspectives of Afro-Asian heritage, is not only noteworthy, but also essential. In an era where inclusivity and diverse representation matter more than ever, AALCO's endeavours resonate deeply, championing the principles of global justice and equity. This effort to weave together diverse cultural and legal threads emphasizes the undeniable significance of cross-cultural understanding in involving global legal norms. We, the Observer States, are genuinely grateful for the opportunity to be present at this Annual Session. Our participation has enriched our understanding and has paved the way for synergies with AALCO on numerous fronts. We keenly look forward to fortifying this bond, channelling our collective strengths and embarking on future collaborations. It is also imperative to allow the exceptional leadership guiding this Annual Session. To the President and Vice-President, your unwavering commitment and stewardship have been instrumental in realizing the goals of this session. We reserve special applause for the Government of Indonesia. Their impeccable organization, warm hospitality and dedication have set a commendable standard, making the Sixty-First Annual Session of AALCO memorable for all. In conclusion, as we look down towards the horizon, we place our trust and hope in AALCO's continued stride in advancing the tenets of international law. Thank you very much.

**The President:** Thank you, distinguished Observer Delegate from Tunisia, for your complimentary appreciation. Distinguished guests, Ladies and Gentlemen, as the President of the Sixty-First Annual Sessions of AALCO, I will now deliver my closing remarks before Distinguished Delegates.

Honourable Secretary-General, Heads of Delegations, Distinguished Delegates, Ladies and Gentlemen, it is truly a great pleasure that during these five days of the Sixty-First Annual Session of AALCO, we have been able to complete our missions both as delegation of each country and as AALCO Member States collectively. We all together have witnessed that Member States have demonstrated their commitment to the spirit of solidarity of Asian African nations which finds its origin from the Bandung Conference in 1955. With this spirit of solidarity, we all have successfully deliberated on the organizational and substantial matters in a friendly manner. In these Annual Sessions of AALCO, through its works as well-established international organization, has shown a strong role and commitment in establishing common perspectives of Asian African nations in legal matters and has dutifully served their function and purposes. On substantial matters, we have deliberated on important topics related to the work of the International Law Commission, the law of the sea, environmental and sustainable development, and international trade and investment law. Furthermore, we all have found a common understanding on topics related to asset recovery,

expert forum, and legal issues in outer space. Last but not least, we have also cemented our unwavering support to the people of Palestine in the conflict rooted in the occupation of Israel. Distinguished Delegates, Ladies and Gentlemen, I would like to express my heartfelt gratitude to all AALCO Member States for their support and cooperation during this Sixty-First Annual Session. AALCO Member States have shown that despite differences in their perspectives, we can always find mutual understanding and to unite for the betterment of Asian African nations. Sincere gratitude also goes to the Secretary-General, Dr. Kamalinne Pinitpuvadol and his team of AALCO Secretariat for their excellent and valuable support in ensuring that this Annual Session runs smoothly. Again, thank you for your dedicated support and cooperation with the National Committee of the Republic of Indonesia. I also thank all members of the National Committee of the Republic of Indonesia for their hard work to make this Sixty-First Annual Session successful. To conclude, I would like to quote the first President of the Republic of Indonesia, Mr. Sukarno, President Sukarno, on his opening speech in the Bandung Conference. Asia and Africa can prosper only when they are united, and that even safe, and that even the safety of the world at large cannot be safeguarded without a united Asia-Africa. Thank you. Terima kasih. Syukron. Asante Sana. Thank you very much.

**President:** Distinguished Delegates, for your kind information, during the lunch break we have a side event, hosted and in advancing cooperation within AALCO and the Hague Conference on Private International Law. All Member States and observers are invited to attend the side event. The venue for event is at Tanjung Benoa Hall, upstairs level 1. In addition, we also would like to invite Distinguished Delegates to join our sightseeing event at the Garuda Wisnu Kencana an internationally popular and yet iconic Balinese statue at 4 p.m. so please don't miss it. For your information, during the G20 meeting dinner was also at Garuda Wisnu Kencana. I think, I recommend you to visit this iconic Balinese statue. Distinguished Delegates, with that, now I may call, the Sixty-First Annual Session of AALCO as adjourned. Thank you, Distinguished Delegates, members, observer states, the International Organizations for your participation until we meet again in the Sixty-Second AALCO Annual Session in Thailand. May God bless you all. Thank you. Thank you very much.

**President:** Thank you for us. All of us. So, the meeting will be later in Thailand. Thank you.

**Master of Ceremony:** Thank you very much, Mr. President, Excellencies, distinguished guests, Ladies and Gentlemen. We have finally reached the end of the Sixty-First AALCO Annual Session, today Friday 20th October 2023. I would like to extend our heartfelt gratitude to all the Delegates, experts and participants who have contributed to the success of this event. Your dedication to fostering legal cooperation among Asian and African nations is truly commendable.

We also would like to re-inform you about the lunch for head of delegation. It is served at Mengwi 6, 7 and 8 rooms, and for all Delegates, lunch will be served at Jimbaran Restaurant. And we would like to remind you once again that we have a side event with a theme of HCCH as a bridge for legal cooperation between AALCO Member States, and it is located in Tanjung Benoa Hall. We are also excited to announce that there will be a sightseeing trip to a symbol of the vibrant heritage of Indonesia, Garuda Wisnu Kencana. The shuttle will be ready at Pecatu Lobby at 4pm today. Once again, the shuttle for the sightseeing trip to the Garuda Wisnu Kencana statue will be ready at Pecatu Lobby at 4pm. And this sightseeing

will be followed by dinner at Jendela Bali Restaurant, where you will savour a breathtaking panoramic view. Thank you very much once again Ladies and Gentlemen. Matur Suksma and may you have a pleasant stay here in Bali.

**The Sixty-First Annual Session of AALCO was, thereafter, concluded**

**XXI. TEXT OF THE DOCUMENTS  
ADOPTED AT THE SIXTY-FIRST ANNUAL  
SESSION**

## **A. RESOLUTIONS**





**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,  
ADMINISTRATIVE AND FINANCIAL MATTERS**

*The Asian-African Legal Consultative Organization at its Sixty-First 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/61/BALI/2023/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 the 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 Sixtieth Annual Session held in New Delhi (Headquarters), the Republic of India from 26<sup>th</sup> September to 28<sup>th</sup> September 2022,

**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 1<sup>st</sup> December 2008, in New Delhi (Headquarters), India,

**Welcoming** the efforts by the Secretary-General for revitalizing and strengthening AALCO,

**Noting with satisfaction** the increased cooperation 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 encourage them to depute at least one senior official to the Secretariat as an Assistant Secretary-General or Deputy Secretary-General from each of the two regions;
5. **Further requests the** 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 20<sup>th</sup> 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. **Directs** the Secretariat to report on the progress achieved by the open-ended sub-committee of Liaison Officers to comprehensively review the scale of assessed contributions at the Sixty-Second Annual Session;
9. **Also directs** the Secretariat to report on the progress achieved by the open-ended sub-committee of Liaison Officers to review the Statutory Rules of AALCO at the Sixty-Second Annual Session; and
10. **Further requests** the Secretary-General to report on the activities of the Organization at its Sixty-Second Annual Session.

**AALCO'S BUDGET FOR THE YEAR 2024**

*The Asian-African Legal Consultative Organization at its Sixty-First Session,*

**Having heard** with appreciation the introductory statement of the Deputy Secretary-General on the Proposed Budget for the Year 2024 as contained in the Document No. AALCO/61/BALI/2023/ORG 2,

**Taking note** of the comments of the Member States on the Proposed Budget,

**Noting further** that the proposed budget for the year 2024 was placed before the 356<sup>th</sup> and 357<sup>th</sup> Meetings of Liaison Officers held on 1<sup>st</sup> December 2022 and 15<sup>th</sup> February 2023 respectively at the Headquarters, New Delhi and submitted to the Sixty-First Annual Session for the final approval,

**Considering** that the Proposed Budget for the year 2024 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 2024 as proposed;
2. **Requests** Member States who have not paid their annual contribution for the year 2023, 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 fulfil 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-Second Annual Session.

**RESOLUTION ON THE AGENDA ITEM**

**REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES**

*The Asian-African Legal Consultative Organization at its Sixty-First Session,*

**Considering** the Report on the AALCO's Regional Arbitration Centres contained in Document No. AALCO/61/BALI/2023/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** 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 the 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 the 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-Second Annual Session.

**VENUE OF THE SIXTY-SECOND ANNUAL SESSION**

*The Asian-African Legal Consultative Organization at its Sixty-First Session,*

**Taking note** with great appreciation, of the invitation received from the Government of the Kingdom of Thailand to host the Sixty-Second Annual Session of AALCO in 2024:

1. **Decides** to accept the invitation of the Kingdom of Thailand
2. **Requests** the Secretary-General to hold consultations with the Government of the Kingdom of Thailand to prepare administrative arrangements of the Session, including the dates of the Session and inform the Member States accordingly.

## **B. SUMMARY REPORT**







**AALCO**  
**Asian-African Legal Consultative Organization**  
**Sixty-First Annual Session**  
**16 to 20 October 2023**  
**Bali, Republic of Indonesia**

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**SUMMARY REPORT**  
**OF THE SIXTY-FIRST ANNUAL SESSION OF THE**  
**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

**1. Introduction**

- 1.1. 34 Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Sixty-First Annual Session (hereinafter “the Session”) namely, the Arab Republic of Egypt, the Kingdom of Bahrain, the People’s Republic of Bangladesh, Brunei Darussalam, the Republic of Cameroon, the People’s Republic of China, the Republic of Cyprus, the Democratic People’s Republic of Korea, the Republic of India, the Republic of Indonesia, the Islamic Republic of Iran, Japan, the Republic of Kenya, the State of Kuwait, the State of Libya, Malaysia, the Republic of the Union of Myanmar, Nepal, the Federal Republic of Nigeria, the Sultanate of Oman, the Islamic Republic of Pakistan, the Republic of the Philippines, the State of Qatar, the Republic of Korea, the Kingdom of Saudi Arabia, the Republic of Singapore, the Republic of South Africa, the Democratic Socialist Republic of Sri Lanka, the State of Palestine, the United Republic of Tanzania, the Kingdom of Thailand, the Republic of Türkiye, the Socialist Republic of Viet Nam 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), the Nairobi Centre for International Arbitration (NCIA) 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 of Non-Member States: Burkina Faso, the Russian Federation, the Republic of Seychelles, and the Republic of Tunisia.**
  - II. Representatives of International Organizations and other institutions: the Asian Academy of International Law (AAIL), the Hague Conference on Private**

**International Law (HCCH), the International Committee of the Red Cross (ICRC) and the Indonesian Academy of Independent Mediators and Arbitrators (MedArbId).**

## **2. Inaugural Session**

**2.1.** The Sixty-First Annual Session of AALCO commenced on 16 October 2023.

**2.2.** **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)** in his Welcome Remarks at the Sixty-First Annual Session, extended a warm welcome to the Distinguished Delegates and highlighted the importance of international cooperation and dialogue. On behalf of the AALCO Secretariat and on his own behalf he extended gratitude to **H.E. Prof. Yasonna H. Laoly, the Minister of Justice and Human Rights of the Republic of Indonesia** and emphasized Indonesia's historical support for AALCO. The choice of Bali as the venue of the Sixty-First Annual Session by the host Government was seen as a symbol of unity and cooperation. The Secretary-General of AALCO stressed the importance of diversity among Member States and outlined the agenda for the session. Further, he encouraged participation in the side events and emphasized the Bandung Spirit of solidarity and cooperation. The Secretary-General quoted the Former President of the **Republic of Indonesia**, Sukarno to highlight the potential of AALCO in promoting global governance and International Law. He concluded by expressing gratitude to the Member States for their commitment to AALCO's ideals and hoped for a fruitful session that would foster positive change through international cooperation.

**2.3.** **H.E. Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, Republic of India, the President of the Sixtieth Annual Session of AALCO** expressed her immense pleasure in being a part of the AALCO fraternity. On behalf of the Government of India, she extended her gratitude to the Government of the **Republic of Indonesia** for their warm hospitality and exceptional arrangements in Bali. The President of the Sixtieth Annual Session also thanked **H.E Mr. Mohammed Said Al Hilo, Minister of Justice of the Republic of Sudan and Vice-President of the Sixtieth Annual Session**, for his support and cooperation during her presidency. She recognized the significance and growth of the Organization, emphasizing its role in the progressive development of International Law. She also acknowledged the support she received from Member States and the AALCO Secretariat throughout her presidency, highlighting various events and capacity-building programs organized during her tenure. In conclusion, she assured the full support and cooperation of the Government of India in facilitating the activities of AALCO.

**2.4.** **H.E. Ms. Teresa Cheng, Former Secretary for Justice, Hong Kong SAR, People's Republic of China, the President of the Fifty-Ninth Annual Session of AALCO** proposed the vote of thanks during the inaugural session. She commenced her address by expressing that she was honoured to be present at the Sixty-First Annual Session of AALCO. She extended her heartfelt gratitude to the gracious host, the **Republic of Indonesia**, for their generous arrangements for the session, warm hospitality and efficient organization. In her address, she emphasized the significance of the Bandung Spirit, underscoring that since its inception in 1956, AALCO has expanded to include 47 Member States. She took pride in the Organization's growth and its role in ensuring for making the Afro-Asian voices heard in International Law making. She emphasized that it was now an integral part of the global community with shared futures. She

commended the exceptional work of the AALCO Arbitration Centres, acknowledging their contributions. Additionally, she expressed deep appreciation for the dedication of the Secretary-General of AALCO, who successfully navigated challenges like the COVID pandemic during his first term in office. Before concluding, she expressed her gratitude to the AALCO Secretariat for their unwavering commitment, which played a pivotal role in making the session a resounding success.

- 2.5. H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia** in his Inaugural Address at the Sixty-First Annual Session of AALCO warmly welcomed the Delegates and emphasized the significance of AALCO as a platform for Asian and African nations to address common concerns on matters of International Law. He expressed that the **Republic of Indonesia** was honoured to host the Annual Session of AALCO for the third time and conveyed the wishes of **H.E. Mr. Joko Widodo, the Hon'ble President of the Republic of Indonesia** for the resounding success of the session. He informed that due to some pressing engagements President Joko Widodo could not join them during the inaugural event. However, it was informed that **H.E. Prof. Dr. Ma'ruf Amin, the Hon'ble Vice-President of the Republic of Indonesia** would be delivering Special Remarks later during the day. He encouraged the delegations to actively participate during the fruitful discussions during the week ahead and officially declared the session open.

### **3. First Meeting of the Delegations of AALCO Member States**

- 3.1. H.E. Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, Republic of India, the President of the Sixtieth Annual Session of AALCO** called the Meeting to order.

- 3.2.** The following agenda was unanimously adopted.

### **3.3. 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 2024
9. Report on the Work of the AALCO's Regional Arbitration Centres
10. Venue of the Sixty-Second Annual Session

## **II. Substantive Matters**

1. Report on Matters related to the work of the International Law Commission at its Seventy-Fourth Session
2. The Law of the Sea
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
5. International Trade and Investment Law
  - Reforms related to Investor-State Dispute Settlement (ISDS), within the context of negotiation being currently conducted in UNCITRAL Working Group (WG III)
6. Asset Recovery Expert Forum
7. Legal Issues in Outer Space

## **III. Any Other Matter**

- Fifth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace

## **IV. Side Events**

5. Sharing Best Practices on the Implementation of International Humanitarian Law
6. Business and Investment Forum
7. Sharing Best Practices on Asset Recovery
8. Advancing Cooperation between AALCO and HCCH for promotion of Private International Law

**3.4. Admission of New Members:** No new Member was admitted to the Organization.

**3.5. Admission of Observers:** the following Non-Member States were admitted as observers: **Burkina Faso, the Russian Federation, the Republic of Seychelles, and the Republic of Tunisia.** The following International Organizations and other institutions were admitted as observers: the **Asian Academy of International Law (AAIL), the Hague Conference on Private International Law (HCCH), the International Committee of the Red Cross (ICRC), the Indonesia Academy of Independent Mediators and Arbitrators (MedArbId)**

**3.6. 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 of AALCO** invited the Member States to propose candidates for the posts of the President and the Vice-President of the Sixty-First Annual Session of AALCO. The Head of Delegation of the **Federal Republic of Nigeria** proposed the nomination of **H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia** as the President of the Sixty-First Annual Session of AALCO. The proposal was seconded by the Head of Delegation of **Japan** and thereafter the President was unanimously elected. The Head of Delegation of the **State of Qatar** proposed the nomination of **H.E. Mr. Ronald Ozzy Lamola, the Honourable Minister of Justice and Correctional Services, the Republic of South Africa** as the Vice-President of the Sixty-First Annual Session of AALCO. The proposal was seconded by the Head of Delegation of the **Islamic Republic of Pakistan** and thereafter the Vice-President was unanimously elected. Thereafter, **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 of AALCO** invited the **President** and the **Vice-President** of the Sixty-First Annual Session to assume their positions on the dais.

- 3.7. **H.E. Prof. Yasonna H. Laoly, Minister of Law and Human Rights, the Republic of Indonesia and the President of the Sixty-First Annual Session of AALCO** commenced his opening statement by expressing gratitude for being elected as the President of the Session. He thanked the President of the Sixtieth Annual Session, **H.E. Ms. Uma Sekhar, Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, the Republic of India**, and the **Secretary-General of AALCO, H.E. Dr. Kamalinne Pinitpuvadol**, for their efforts and contributions. The President underscored the importance of reinvigorating the spirit of cooperation between Asia and Africa, rooted in the historic Asia-Africa Conference of 1955 in Bandung. He emphasized that the session should not only focus on legal discussions but also reflect on the principles that guide the collaborative efforts of the two continents. Highlighting the session's agenda, he referred to a new proposal by Indonesia on inclusion of the topic “Illegal Fishing as a Transnational Organized Crime” and encouraged discussions on topics like “Strengthening Asian-African Collaboration on Climate Change”, “Legal Issues in Outer Space”, and “Reforms related to Investor-State Dispute Settlement”. The President concluded by welcoming all Delegates to engage actively in discussions.

## **Second Meeting of the Delegations of the AALCO Member States**

### ***Agenda Item: Report of the Secretary-General***

- 3.8. **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO** expressed his gratitude to the Member States for their support and cooperation in activities of the Organization. The Secretary-General expressed his gratitude to **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 of AALCO** for her able leadership of the Organization during her Presidency. The Secretary-General also thanked **H.E. Mr. Mohammed Said Al Hilo, Minister of Justice, the Republic of Sudan, and the Vice-President of the Sixtieth Annual Session** for serving as the Vice-President of AALCO. Thereafter, he provided a brief outline of the activities undertaken by the Secretariat, including activities undertaken in cooperation with other institutions and organizations as well as an outline of the financial and administrative matters of the Organization. The Secretary-General of AALCO, in his statement based on his report, discussed the Organization's activities and emphasized its significance in

the realm of International Law in the Asian and African regions. He expressed that efforts were underway to streamline AALCO's Statutory Rules and to harmonize them with the Statutes that were amended in 2004.

- 3.9.** The Secretary-General articulated a vision to make AALCO more proactive by strengthening cooperation with international institutions like the International Law Commission and by enhancing its presence at the UN General Assembly. Digital initiatives, such as webinars and the digitization of Secretariat records, are proposed for more effective operations. The Secretary-General also highlighted initiatives like the internship programme at the Secretariat, the AALCO Research Award Program, and the revival of the AALCO Eminent Persons Group. Capacity-building programmes backed by Member States and the importance of the AALCO website as a primary communication tool were also mentioned. In its journey, AALCO has focused on promoting international commercial arbitration, organizing seminars on International Law, and producing significant research publications. In his address, he also provided a brief introduction on the new topics included in the agenda of the Sixty-First Annual Session of AALCO. The address concluded with a reaffirmation of AALCO's commitment to upholding International Law and reflecting the views of its Asian and African Member States.
- 3.10.** The delegation of **Malaysia** extended its appreciation for the detailed Report of the Secretary-General setting out the works of AALCO since the conclusion of the Sixtieth Annual Session of AALCO until the end of September 2023. With regard to the appointment of Permanent Observers at UN Offices in Geneva and Nairobi, **Malaysia** called for carrying out a feasibility study to determine the overall benefits of this proposal to the AALCO Member States and any potential financial and human resources implications.

***Agenda Item: Discussions on the Budget for 2024***

- 3.11. Mr. Jun Yamada, Deputy Secretary-General of AALCO,** highlighted the details of the budget approved by the Liaison Officers for the year 2024. An amount to the tune of 702,800 US dollars was estimated as the budget taking into consideration the expenses likely to be incurred in 2024. He also made a brief presentation on the Subcommittee on the Review of the Scale of Assessed Contributions.

***Agenda Item: Fifth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace***

- 3.12. The Chairperson of the Open-ended Working Group (OEWG) on International Law in Cyberspace, Mr. Syed Ali Mousavi of the Islamic Republic of Iran** presented a report on the proceedings of the Fifth Meeting of the Open-ended Working Group on International Law in Cyberspace held on 15 October 2023. Referring to the introductory remarks of the Secretary-General of AALCO, H.E. Dr. Kamalinne Pinitpuvadol, the Chair noted that the meeting was held after a gap of four years with participation from Brunei Darussalam, the Democratic People's Republic of Korea, the Republic of Indonesia, the Islamic Republic of Iran, Japan, the Republic of Korea, Malaysia, Nepal, the People's Republic of China, the Republic of Singapore, the Socialist Republic of Viet Nam, the Republic of South Africa, the Kingdom of Thailand, the Republic of Türkiye, and the Republic of Yemen. This was followed by a brief history of the OEWG and its deliberations including the format of the fifth

meeting as well as the comments and observations of the Delegates. The Chair took note of the latest report of the Special Rapporteur, Prof. Huang Xixuang, of Wuhan University, People's Republic of China, containing the draft Consensual Nonbinding Basic Principles of International Law in Cyberspace, of July 2021. He further referred to the remarks of the Special Rapporteur on the context of the OEWG and his acknowledgment of the need for more Afro-Asian engagement in developing International Law principles in the field of cyberspace. The Chair concluded his report stating that the draft Consensual Nonbinding Basic Principles would be updated by the Special Rapporteur based on the comments made by Member States in the fifth meeting and by taking into account contemporary developments like the work of the United Nations Group of Governmental Experts (UNGGE) and other relevant bodies. The updated principles are expected to be presented by the Special Rapporteur to the Member States in advance for discussion in the next OEWG meeting.

***Agenda Item: Special Remarks delivered by H.E. Prof. Dr. Ma'ruf Amin, the Hon'ble Vice-President of the Republic of Indonesia***

**3.13. H.E. Prof. Dr. Ma'ruf Amin, the Hon'ble Vice-President of the Republic of Indonesia** commenced his Special Remarks by extending warm greetings on behalf of the **President of the Republic of Indonesia**, who could not attend due to conflicting commitments. He invoked the historical significance of the Asian-African Conference of 1955 in Bandung, which was instrumental in establishing AALCO. He further noted that this conference was centred on global peace and the roles Asia and Africa could play in worldwide development. He further referred to the spirit of AALCO, which is founded on the belief that the international political and legal order should represent Asian and African views and interests. It was also stated that despite wars elsewhere, the Sixty-First Annual Session of AALCO emphasized calls for peace, urging for an immediate end to wars and violence which hinder global progress. The Vice-President stressed the necessity of collaboration, creativity, and innovation to tackle contemporary global challenges, noting that these thrive in peace, not in environments marred by fear or hatred. In accordance with the constitutional mandate of the **Republic of Indonesia**, he continued, the country remains committed to peace, diplomacy and the rule of law. It was further mentioned that as the presiding nation of this AALCO session, the **Republic of Indonesia** urges the proper enforcement of International Law as a tool to achieve peace and safeguard human rights. Highlighting his wishes for the Session, the Vice-President urged AALCO to reinvigorate solidarity among Asian and African States, ensuring their voices influence International Law. He then emphasized tackling transnational sea crimes, which affect Asian and African economies, urging for integrated responses to these threats. He also encouraged AALCO to amplify its role in framing legal foundations that foster beneficial partnerships among nations, especially concerning global issues such as climate change, sustainable development, international trade and investments, maritime concerns, asset recovery, and the growth of artificial intelligence. It was also stated that as countries navigate the digital revolution, AALCO is expected to shape a legal structure that aligns technological advancements with the Asian-African Conference's core values. The Vice-President concluded by commending AALCO on its Sixty-First Session and inviting Delegates to experience Bali's unique charm.

**4. First General Meeting**

- 4.1. **Release of AALCO Publication:** The following AALCO publications were released: Yearbook of AALCO Vol. XIX (2022), AALCO Journal of International Law, Vol XI (2022-23), Report on the AALCO Webinar on Global Compact on Refugees and Report on the AALCO Webinar on General Principles of Law and AALCO Member States.
- 4.2. The following Member States of AALCO delivered General Statements at the First General Meeting of the Sixty-First Annual Session of AALCO: the **Islamic Republic of Iran**, the **Kingdom of Saudi Arabia**, the **State of Qatar**, the **Kingdom of Thailand**, the **Republic of the Philippines**, the **Sultanate of Oman**, the **Republic of the Union of Myanmar**, the **Kingdom of Bahrain**, **Japan**, **Nepal**, the **Republic of Kenya**, the **Republic of Korea**, the **United Republic of Tanzania**, the **Socialist Republic of Vietnam**, the **People's Republic of China**, the **Islamic Republic of Pakistan**, the **State of Palestine**, the **Republic of Indonesia** and the **Republic of India**.

## 5. Second General Meeting

- 5.1. The following Member States of AALCO delivered General Statements at the Second General Meeting of the Sixty-First Annual Session of AALCO: the **Democratic Socialist Republic of Sri Lanka**, **Brunei Darussalam**, **Malaysia**, the **People's Republic of Bangladesh** and the **Republic of South Africa**. The following Non-Member Observer States delivered General Statements at the Second General Meeting of the Sixty-First Annual Session of AALCO: the **Russian Federation** and **Burkina Faso**.
- 5.2. The delegations extended congratulations to the President and the Vice-President for their elections to the posts, and expressed their support and full confidence that the Annual Session would be conducted successfully under their able leadership. The Member States also commended the AALCO Secretariat and the Government of the Republic of Indonesia for the preparations undertaken for the Sixty-First Annual Session of AALCO under the astute stewardship of the Secretary-General. They emphasized the importance of reinforcing Asian-African solidarity pillared on the Bandung Spirit of friendship, cooperation and solidarity highlighting AALCO's role in promoting dialogue and cooperation among them.
- 5.3. Several Member States expressed deep concern regarding the deplorable situation in the Occupied Palestinian Territories and the ongoing conflict in Gaza, urging the international community to take immediate action to bring an end to the violence and commission of international crimes with impunity. Their statements also alluded to several other substantive topics on the agenda of Sixty-First Annual Session of AALCO including "Illegal, Unreported, and Unregulated Fishing", "Climate Change", "Reform of the Investor-State Dispute Settlement (ISDS) Mechanism", "Reform of the World Trade Organization", "General Principles of Law" and "Sea-level Rise in relation to International Law". A number of Member States stressed the primacy of an international rule-based order and the imminent need to strengthen multilateralism. Many Member States also provided insights into their national initiatives taken to further the achievement of their Sustainable Development Goals (SDGs) and other international obligations.



## 6. Third General Meeting

### *Agenda Item: Select Items on the Agenda of the International Law Commission*

- 6.1. **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, provided a brief account of the six topics that had been deliberated at the seventy-fourth session of the United Nations International Law Commission (hereinafter “the Commission”): (1) Succession of States in respect of State responsibility (2) General principles of law (3) Sea-level rise in relation to International Law (4) Settlement of international disputes to which international organizations are parties (5) Prevention and repression of piracy and armed robbery at sea and (6) Subsidiary means for the determination of rules of International Law. Prof. Dr. Bimal N. Patel and Prof. Masahiko Asada delivered statements on the topics on the agenda of the International Law Commission.
- 6.2. **Prof. Dr. Bimal N. Patel, Member, International Law Commission** delivered a presentation on the seventy-fourth session of the Commission, providing a preliminary assessment of the work of the Commission during the session, a brief historical overview of the regional representation of the Asian and African States and concluded with concrete suggestions to enhance the participation of Asian and African States in the work of the Commission. Relying on empirical data, as compared to other regional groupings, he adduced reasons to conclude that Asian and African States which were underrepresented in key positions in the Commission such as the Chairs for the Long-term Programme of Work of the Commission and Special Rapporteurs on topics under consideration by the Commission. Among other suggestions and comments that were provided to enhance the reliance of the Commission on the State practice of Asian and African States, he stated that AALCO may consider establishing an Open-ended working group focused on selected ILC topics to generate valuable inputs to the Commission.
- 6.3. **Prof. Masahiko Asada, Member, International Law Commission** delivered a presentation on the topic “Sea-level Rise in relation to International Law” with a focus on its implications for the law of the sea. In this backdrop, it was noted that there were two kinds of issues, namely, regression of coastlines of States, and secondly, the submergence of maritime features that pose challenges when sea-level rise. It was noted by Prof. Asada that the fixed baseline approach would be the best solution to the issue. States could adopt a resolution at the Meeting of States Parties of the UNCLOS and subsequently at the UN General Assembly, to the effect that they would be encouraged to deposit charts indicating their normal baselines as well as other baselines as part of the overall resolution of the issue. To cover non-State Parties to the UNCLOS, adoption of a UN General Assembly resolution to the same effect as a declaration of rules of customary International Law or its interpretation was ideal. It was hoped that AALCO could play a role in this regard.
- 6.4. The following delegations presented their statements on the topics under discussion: the **Republic of India**, the **Islamic Republic of Iran**, **Malaysia**, the **Republic of Indonesia**, the **People’s Republic of China**, the **Kingdom of Thailand**, **Japan**, the **Republic of Kenya**, the **Socialist Republic of Viet Nam**, and the **Republic of Korea**. The following Observer Non-Member State also delivered its statement: the **Russian Federation**.

- 6.5. During the deliberations, numerous commonalities and shared concerns emerged from the statements delivered by Member States. Member States expressed their appreciation for the work of the Commission and its role in codifying and progressively developing International Law. They acknowledged the contributions of Special Rapporteurs and the importance of their topics and engagements. Several delegations provided detailed comments on specific topics, including “General Principles of Law” and “Sea-level rise in relation to International Law”. The issue of Sea-level rise garnered particular attention, with multiple Member States highlighting its significance and potential impacts on maritime boundaries and coastal communities. Additionally, there was a recurring emphasis on the need for the Commission’s work to reflect State practice and the importance of ensuring that the final products of the Commission align with the perspectives of Member States. Delegations also underscored the value of engagement with the Commission in addressing contemporary challenges, including issues related to international organizations, subsidiary means for determining rules of International Law, and the prevention and repression of piracy and armed robbery at sea. A Member State, in response to the suggestion of Prof. Bimal N. Patel to establish an Open-ended working group in AALCO to discuss the work of the Commission on specific topics, enquired about the modalities and operationalization of such working groups. Overall, delegations expressed a collective commitment to advancing the progressive development and codification of International Law through active participation in the work of the Commission.

## 7. Fourth 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*

- 7.1. **Dr. Ali Garshasbi, Deputy Secretary-General of AALCO**, in his introductory statement elaborated AALCO’s engagement with the topic to which AALCO has steadily committed itself to over the years. While referring to the Secretariat Report prepared on the topic, which presents the reports submitted to the UN bodies and request for an advisory opinion to the International Court of Justice, it was underscored that concerns in the Occupied Palestinian Territories have only become more alarming with the recent escalation of tensions in Gaza.
- 7.2. The delegations of the **State of Palestine**, the **Republic of India**, the **Islamic Republic of Iran**, **Malaysia**, the **Republic of Indonesia**, the **People’s Republic of Bangladesh**, the **Arab Republic of Egypt**, the **People’s Republic of China**, the **Republic of Türkiye**, the **Islamic Republic of Pakistan**, the **United Republic of Tanzania**, the **Socialist Republic of Viet Nam**, **Japan**, and the **Kingdom of Bahrain delivered statements**. The following Observer Non-Member State also delivered a statement: the **Russian Federation**.
- 7.3. Several Member States expressed their solidarity with the **State of Palestine** and supported the just cause of the Palestinian people in their struggle for realization of basic and fundamental human rights. All delegations that delivered statements on the topic unequivocally condemned the violence targeted against civilians especially against women and children and other vulnerable members of society. The Member States expressed severe condemnation of the disregard for the fundamental norm of distinction between military and civilian targets in the conflict. In particular, many

Member States strongly deplored the recent attack on a hospital in Gaza killing hundreds of civilians. Many delegations reiterated their call for the implementation of the Two-State solution and a viable sovereign State of Palestine respecting the legitimate rights of the people of Palestine to self-determination. Some Member States also expressed that they would strongly press their legal position in the proceedings of the International Court of Justice on the Advisory Opinion. An overwhelming majority of Member States expressed their sympathies for the families of the victims of the ongoing conflict in the region, calling for a ceasefire and immediate access of the civilians to humanitarian relief.

***Agenda item: Legal Issues in Outer Space***

- 7.4. H.E. Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO**, while introducing this new topic, highlighted the increasing significance and complexity of outer space activities. He emphasized that with the expansion of space ventures by various States, there arise unparalleled challenges related to safety, security, environmental protection, and the pressing legal issues accompanying them. Calling upon the AALCO Member States, he stressed the importance of collaborative dialogue to frame future-centric governance for outer space that upholds peaceful and inclusive principles.
- 7.5.** The following Member States delivered statements on the agenda item: the **Republic of India**, the **Islamic Republic of Iran**, **Malaysia**, **Japan**, the **Republic of Indonesia**, the **Republic of Korea**, the **People's Republic of China**, the **Socialist Republic of Vietnam**, and the **Republic of Kenya**.
- 7.6.** Member States expressed their appreciation towards the Republic of India for proposing the topic in the substantive agenda of AALCO. A majority of Member States emphasized the importance of maintaining outer space exclusively for peaceful uses. The overarching sentiment was concern over the weaponization of outer space, with calls for AALCO to research and establish guidelines to ensure space remains dedicated to peaceful uses, exploration, and exploitation. Many States spotlighted the need to delve into the legal facets governing space resources, drawing attention to the principle of non-appropriation, the freedom of access, and benefit-sharing as stipulated in the 1967 Outer Space Treaty. There was a notable mention of the ongoing efforts by the UN working group on space resources within the Legal Subcommittee of the UN Committee on the Peaceful Uses of Outer Space (UNCOPUOS). Further, Member States shared their national efforts in mitigating orbital debris and emphasized the significance of space traffic management. While discussing national laws, policies, and institutional mechanisms, several Member States underscored their dedication to fulfilling obligations under International Law. Some statements highlighted various initiatives, such as capacity-building in space law, which is seen as vital for national development. Some advocated for a legally binding law to prevent an arms race in space, while others proposed non-legally binding norms to address current challenges, including the proliferation of space debris. The overarching theme was a call for peaceful engagement, active participation at UNCOPOUS, and collaborative capacity-building initiatives.

***Agenda Item: Asset Recovery Expert Forum***

- 7.7. **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, introduced the new agenda item “Asset Recovery Expert Forum” proposed for inclusion by the Government of the Republic of Indonesia in the agenda of the Sixty-First Annual Session of AALCO. He shed light on the significance of the topic for Afro-Asian countries while also noting the interest of the international community at large on this issue. He called for the creation of a common technical and expert forum and encouraged the Member States for further discussion on this topic.
- 7.8. The following delegations presented their statements on the topic under discussion: the **Republic of Indonesia**, the **Republic of India**, the **Islamic Republic of Iran**, **Malaysia**, the **People’s Republic of China**, and **Japan**. The following Observer Non-Member State also delivered its statement on the agenda item: the **Republic of Tunisia**.
- 7.9. Member States expressed their appreciation towards the Republic of Indonesia for proposing the topic in the substantive agenda of AALCO. Some Members States recognized the importance of the issue of asset recovery in combating corruption and underscored the need for the establishment of a common expert forum within AALCO given the severity and complexity of the process of asset recovery. Reference was also made to the domestic and regional practices as well as international instruments dealing with transnational corruption such as United Nations Convention against Corruption (UNCAC, 2005). A few Member States sought further details on the modalities of the Asset Recovery Expert Forum. A number of Member States mentioned with caution that duplicity with other existing Asset Recovery forums should be avoided and it should complement the work of other existing fora. Member States requested the AALCO Secretariat for suggestions on the way forward on the expert group.

***Agenda Item: Environment and Sustainable Development***

- 7.10. **Mr. Jun Yamada, Deputy Secretary-General of AALCO**, delivered the introductory statement, shedding light on the fact that the pressing issue of environmental protection has been on AALCO's agenda since as far back as 1974. The Secretariat Report for the current session zeroed in on two crucial facets of environmental protection. Firstly, it touched upon the ongoing discussions within the Inter-governmental Negotiating Committee (INC) regarding the establishment of an international legally binding instrument addressing plastic pollution, notably in marine habitats. Secondly, it brought into focus the worldwide initiatives combating climate change, particularly set against the backdrop of the forthcoming United Nations Climate Change Conference slated for November-December 2023 in Dubai.
- 7.11. The following delegations delivered their statements on the agenda item: the **Republic of India**, the **Islamic Republic of Iran**, **Malaysia**, the **Republic of Indonesia**, the **Republic of the Union of Myanmar**, **Nepal**, the **Sultanate of Oman**, the **Kingdom of Bahrain**, **Japan**, the **Socialist Republic of Vietnam**, the **People’s Republic of China**, the **People’s Republic of Bangladesh**, and the **Republic of Kenya**.
- 7.12. A paramount concern echoed across the statements was the alarming issue of plastic pollution. Many Member States expressed their alarm over the global and enduring challenges such pollution poses. Strong advocacy emerged for a circular economy and a thorough life-cycle approach as potent solutions. Emphasizing the universal nature of plastic pollution, there was pronounced support for the ongoing negotiations on an

internationally binding instrument on the matter. This became evident as many delegations brought attention to the imminent draft of a proposed treaty set for evaluation at the INC-3 meeting later this year. An urgent call was made for meaningful participation of the Afro-Asian States in these consequential negotiations, given the magnitude of the issue. Shifting gears to the realm of climate change, the discourse saw unanimous recognition of the pivotal roles played by global frameworks, notably the UNFCCC and its Paris Agreement. Delegates provided insights into the proactive measures being adopted in their respective States to curtail greenhouse gas emissions. They underscored the significance of global stocktake, climate adaptation goals, and the need for robust financing mechanisms. In particular, emphasis was laid on the challenges related to the ambitious goal of mobilizing a fund of USD 100 billion to support climate mitigation and adaptation initiatives.

## 8. Fifth General Meeting

### *Agenda Item: International Trade and Investment Law*

- 8.1. **H.E. Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO**, delivered an introductory statement on the topic providing a brief overview of the historical engagement of AALCO with the topics covered over the years. It was expressed that in addition to continuing the practice of reporting on the work of the World Trade Organization (WTO), United Nations Commission on International Trade Law (UNCITRAL), and the United Nations Conference on Trade and Development (UNCTAD), the Secretariat returned to its prior practice of reporting on work of the institutions that address issues concerning legislative work on the law concerning international trade. In this regard, the Secretariat reports on the activities of the International Institute for the Unification of Private Law (UNIDROIT) and the Hague Conference on Private International Law (HCCH). In his statement, the Secretary-General of AALCO informed the Delegates at the Annual Session that the topic proposed by the **Islamic Republic of Pakistan** titled “reforms related to Investor-State Dispute Settlement (ISDS) within the context of the negotiations currently being conducted by the UNCITRAL Working Group III” would be considered under the agenda item under deliberation.
- 8.2. The following delegations delivered statements on the agenda item: the **Islamic Republic of Iran, Malaysia, the Republic of Cameroon, the Republic of Indonesia, the Republic of India, Japan, the Kingdom of Thailand, the United Republic of Tanzania, the Social Republic of Viet Nam, the Kingdom of Bahrain, the People’s Republic of China, and the Republic of the Philippines**. The following Observers delivered statements on the agenda item: the **Asian Academy of International Law (AAIL)** and the **Nairobi Centre for International Arbitration (NCIA)**
- 8.3. On international trade law, several delegations expressed support for reviving the Appellate Body of the World Trade Organization (WTO) and the need to pursue reforms in the WTO to respond to needs of Member States. A few delegations took note of the progress achieved at the Twelfth Ministerial Conference on topics such as agriculture, intellectual property, fisheries subsidies and e-commerce. A number of Member States expressed support for the Agreement on Fisheries Subsidies which addresses environmental sustainability and also prohibits illegal, unreported and unregulated fishing and bans overfished stocks. A majority of Member States that took

the floor affirmed their commitment to a rule-based multilateral trading system which is currently embodied in the WTO.

- 8.4. With respect to issues concerning ISDS several delegations delivered statements on the reform of the mechanism and expressed staunch support for the work of the Working Group III of the United Nations Commission on International Trade Law. In light of the concerns regarding ISDS particularly for developing countries, many Member States welcomed the instruments adopted by the UNCITRAL this year including the Model Provisions on Mediation, the Guidelines on Mediation for International Investment Disputes, the Code of Conduct for Arbitrators, and the Code of Conduct for Judges. Further, some Member States also expressed support for the draft instruments that are under deliberation at the Working Group III of the UNCITRAL such as the draft provisions on the procedural and cross-cutting issues and the draft provisions on the International Advisory Centre.

*Agenda item: The Law of the Sea*

- 8.5. **Mr. Jun Yamada, Deputy Secretary-General of AALCO**, while introducing the agenda item noted that the topic “the Law of the Sea” was introduced by the Government of Indonesia in the year 1970. He pointed out that AALCO’s Annual Sessions have historically played a pivotal role in the development of ground-breaking concepts such as the Exclusive Economic Zone (EEZ), the status of Archipelago States, and the rights of Landlocked States, all of which were later codified in the United Nations Convention on the Law of the Sea (UNCLOS, 1982). The DSG noted that there were two themes for discussion during the Sixty-First Annual Session of AALCO namely, the preservation and responsible utilization of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ); and Illegal, Unreported and Unregulated (IUU) fishing. It was hoped that deliberations on these themes would bolster AALCO’s engagement with ocean and marine sustainability, paving the way for coordinated international efforts on this front.
- 8.6. The delegations of the **Republic of Indonesia, the Islamic Republic of Iran, the Kingdom of Thailand, Japan, the Republic of India, the Republic of Kenya, the Socialist Republic of Viet Nam, Malaysia, the People’s Republic of Bangladesh, the Republic of the Philippines, the Republic of Türkiye, the Kingdom of Bahrain, the Republic of Cyprus and the People’s Republic of China** delivered statements on the topic. The following Observer Non-Member State also delivered a statement: the **Russian Federation**.
- 8.7. Member States in their statements appreciated the report prepared by the Secretariat while noting the significance of ocean and marine sustainability as a common concern for the international community. Member States had in-depth exchanges on “Agreement under the United Nations Convention on the Law of the Sea on Conservation and Sustainable Use of Marine Biodiversity in Area Beyond National Jurisdiction (BBNJ Agreement)” and “Illegal, Unreported and Unregulated (IUU) Fishing.” Member States highlighted that the BBNJ Agreement was a landmark addition to the international legal framework regulating the world’s oceans supplementing the UNCLOS. Member States, in general, acknowledged that the treaty with its focus on conservation and scientific management of marine resources in areas beyond national jurisdiction was essential for biodiversity conservation. As regards IUU fishing, Member States noted the importance of the topic from the perspective of

marine sustainability and other aspects. Member States highlighted their domestic legal and policy frameworks dealing with IUU fishing while emphasizing the importance of strengthening transnational cooperation to tackle the problem. The importance of fisheries conservation and the international legal framework on regulating IUU fishing was also highlighted by Member States. The proposal of the **Republic of Indonesia** to consider illegal fishing as a Transnational Organized Crime (TOC) was noted by Member States.

### **Third Meeting of Delegates of the AALCO Member States**

#### ***Agenda Item: Report on the work of AALCO's Regional Arbitration Centres***

**8.8. 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. The Asian International Arbitration Centre (AIAC) at Kuala Lumpur, the Nairobi Centre for International Arbitration (NCIA), the Cairo Regional Centre for International Commercial Arbitration (CRCICA), and the AALCO Hong Kong Regional Arbitration Centre have reported on their activities. He congratulated the Regional Arbitration Centres under the auspices of AALCO which are among the most successful undertakings of the Organization. In his presentation, he also thanked 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.

**Dr. Sundra Rajoo** presented the report of the **Asian International Arbitration Centre (AIAC)** at the Annual Session. **Mr. Nick Chan** presented the report of the **AALCO Hong Kong Regional Arbitration Centre**. **Mr. Lawrence Muiruri Ngugi** presented the report for the **Nairobi Centre for International Arbitration (NCIA)**. They apprised the meeting of the volume, nature, and subject-matter of the disputes as well as other crucial statistics **of their respective arbitration centres in addition to other details.**

### **9. Sixth General Meeting and Concluding Session**

#### ***Adoption of Message of Thanks to the Host Government***

**9.1. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO** presented a message of thanks on behalf of the AALCO Member States to **H.E. Mr. Joko Widodo, the Honourable President of the Republic of Indonesia, the host of the Sixty-First Annual Session.**

#### ***Adoption of Resolutions***

The following resolutions were adopted on 20 October 2023.

#### **Organizational Matters**

1. AALCO/RES/61/ORG 1  
Report of the Secretary-General on Organizational, Administrative and Financial Matters.
2. AALCO/RES/61/ORG 2

- AALCO's Budget for the year 2024.
- 3. AALCO/RES/61/ORG 3  
Report on AALCO's Regional Centres for Arbitration.
- 4. AALCO/RES/61/ORG 4  
Venue of the Sixty-Second Annual Session

*Venue of AALCO's Sixty-Second Annual Session*

- 9.2. The venue for the Sixty-Second Annual Session will be the Kingdom of Thailand

*Adoption of Summary Report of the Session, and General Recommendations*

- 9.3. The draft summary report of the Sixty-First 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 **19 November 2023**.

*Vote of thanks*

- 9.4. A vote of thanks on behalf of Asian Member States was proposed by the Head of Delegation of **Malaysia**, a vote of thanks on behalf of the African Member States was delivered by the Head of Delegation of the **Republic of Kenya**, a vote of thanks on behalf of the Observer Non-Member States was delivered by the **Republic of Tunisia**, and a vote of thanks on behalf of the Observer International Organizations and other institutions was delivered by the Hague Conference on Private International Law (**HCCH**).
- 9.5. **H.E. Prof. Yasonna H. Laoly, the Minister of Justice and Human Rights of the Republic of Indonesia** and the President of the Sixty-First Annual Session delivered the concluding remarks.

*The Sixty-First Annual Session of AALCO was thereafter concluded.*



## **XXIII. LIST OF PARTICIPANTS**



# LIST OF DELEGATES AT THE 61<sup>st</sup> ANNUAL SESSION OF AALCO

## MEMBER STATES

- |    |                        |   |
|----|------------------------|---|
| 1. | Arab Republic of Egypt | H.E. Mr. Ashraf Mohammed M. Sultan<br>Embassy of the Arab Republic of Egypt, Jakarta  |
| 2. | Kingdom of Bahrain     | H.E. Dr. Yusuf Abdulkarim Mohamed Bucheeri (HOD)<br>Director-General of Legal Affairs and Human Rights<br><br>Mr. Thaer Abdullah Ismaeel Abdullatif<br>Counsellor<br>Embassy of the Kingdom of Bahrain, Jakarta<br><br>Ms. Rania Ahmed Abdullatif Alsherooqi<br>Second Secretary<br>Ministry of Foreign Affairs   |
| 3. | Bangladesh             | H.E. Mr. Md. Mustafizur Rahman (HOD)<br>High Commissioner<br>Bangladesh High Commission, New Delhi<br><br>Mr. S Mohammad Ali<br>Deputy Secretary (District and Sessions Judge)<br>Law and Justice Division<br>Ministry of Law, Justice & Parliamentary Affairs<br><br>Mr. Md Shajebur Rahman<br>Charge d'Affaires ad interim<br>Embassy of the People's Republic of Bangladesh, Jakarta |
| 4. | Brunei Darusaalam      | Ms. Pengiran Hajah Siti Rahmah Pengiran Haji Mohammad (HOD)<br>Assistant Solicitor General<br>Attorney General's Chambers<br><br>Ms. Fauziah Sulaiman<br>Deputy Senior Counsel<br>Attorney General's Chambers   |
| 5. | Republic of Cameroon   | Dr. Jean De Dieu Momo (HOD)   |

- Minister Delegate  
Ministry Of Justice Keeper Of The  
Seals
6. People's Republic of China
- Mr. Chen Wang (HOD)  
Counsellor  
Department of Treaty and Law  
Ministry of Foreign Affairs
- Mr. Jing Li  
Counsellor  
Embassy of the People's Republic of  
China, New Delhi
- Mr. Yong Zhu  
Counsellor  
Department of Treaty and Law  
Ministry of Foreign Affairs
- Ms. Xiaoyuan Liu  
Deputy Director  
Department of Treaty and Law  
Ministry of Foreign Affairs
- Ms. Chang Tan  
Third Secretary  
Department of Treaty and Law  
Ministry of Foreign Affairs
- Ms. Junnan Dong  
Attache  
Department of Law and Treaty  
Ministry of Foreign Affairs
- Dr. James Ding  
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- Mr. Cheuk Lun Yuen  
Senior Government Counsel  
(Treaties & Law)  
Department of Justice, Government  
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Administrative  
Region of the People's Republic of  
China
7. Cyprus
- H.E. Mr. Nikos Panayiotou (HOD)  
Ambassador-designate of the  
Republic of Cyprus to the Republic  
of Indonesia

- Embassy of the Republic of Cyprus,  
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8. Democratic People's Republic of Korea
- Mr. So Kwang Yun (HOD)  
Counsellor  
Embassy of the Democratic People's  
Republic of Korea
- Mr. Ri Chol Min  
First Secretary  
Embassy of the Democratic People's  
Republic of Korea
9. India
- Ms. Uma Sekhar (HOD)  
Additional Secretary  
Legal and Treaties Division  
Ministry of External Affairs
- Dr. Kumar Abhijeet  
Legal Officer  
Legal and Treaties Division  
Ministry of External Affairs
10. Indonesia  
(HOD)
- Mr. Cahyo Rahadian Muzhar
- Director General of Legal  
Administrative Affairs  
Central Authority and International  
Law  
Ministry of Law and Human Rights
- Mr. Ary Sudijanto  
Director General  
Agency of Standardization of  
Environment Forestry Instruments
- Ms. Rosa Vivien Ratnawati  
Director-General  
Solid Waste, Hazardous Waste and  
Hazardous Substance Management  
Ministry of Environment and  
Forestry
- Mr. Rasio Ridho Sani  
Director General of Law  
Enforcement  
Ministry of Environment and  
Forestry
- Dr. Mas Achmad Santosa  
Senior Advisor to the Minister on  
Judicial Law and Regulation  
Ministry of Environment and  
Forestry  
Mrs. Novia Widyaningtyas

Expert Staff to the Minister for  
Industry and International Trade  
Ministry of Environment and  
Forestry

Mr. Indra Rosandry  
Director for Legal Affairs and  
Political and Security Treaties  
Directorate General of Legal Affairs  
and International Treaties, Ministry  
of Foreign Affairs

Ms. Vinda Damayanti Ansjar  
Director for Solid Waste Reduction  
Ministry of Environment and  
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Mr. Dida Migfer Ridha  
Head of International Cooperation  
Bureau  
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Ms. Agrita Armilia Sativa  
Acting Director of Central Authority  
and International Law  
Ministry of Law and Human Rights

Mr. Kresno Buntoro  
Armed Forces

Mr. Adhimantara Nugraha  
Secretariat of Indonesian Space  
Agency  
National Research and Innovation  
Agency

Dr. Mardianis Djamaan  
National Research and Innovation  
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Mr. Adrianus Adityo Vito Ramon  
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Mr. Joko Sulistyanto  
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Mr. Ferry Indrawan  
Drafting of Legislative Regulations  
Associate,  
National Cyber and Crypto Agency

- Ms. Ratih Seftiariski  
Fisheries Supervisor,  
Ministry of Marine Affairs and  
Fisheries
- Ms. Vienna Adza  
Foreign Service Officer  
Ministry of Foreign Affairs
- Ms. Deandra C. Raryarasmi  
Foreign Service Officer  
Ministry of Foreign Affairs
- Mr. Ariawan Agustiariono  
Senior Prosecutor  
Corruption Eradication Commission
11. Islamic Republic of Iran
- Dr. Reza Najafi (HOD)  
Deputy Minister  
International Legal Affairs  
Ministry of Foreign Affairs
- Dr. Seyed Ali Mousavi (AHOD)  
Director-General for International  
Legal Affairs  
Ministry of Foreign Affairs
- H.E. Mohammad Boroujerdi  
(AHOD)  
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Embassy of the Islamic Republic of  
Iran, Jakarta
- Dr. Hassan Soleimani  
Director of the Division  
Treaty and Public International Law  
Division  
Ministry of Foreign Affairs
- Dr. Ali Hasankhani  
Ministry of Foreign Affairs
- Mrs. Faezeh Jannati Moheb  
Embassy of the Islamic Republic of  
Iran, Jakarta
- Mr. Amir Rostam Dokht  
Assistant  
Embassy of the Islamic Republic of  
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12. Japan
- Mr. Masahiko Kiya (HOD)  
Ambassador of Japan to ASEAN  
Mission of Japan to ASEAN

- Mr. Zentaro Naganuma (AHOD)  
Director  
International Judicial Proceedings  
Division  
Ministry of Foreign Affairs
- Ms. Yukiko Constantinescu  
Deputy Director  
International Legal Affairs Division  
Ministry of Foreign Affairs
13. Kenya
- Ms. Leah Aywah (HOD)  
Chief State Counsel  
Office of the Attorney General  
Department of Justice
- Mr. Barako Qatamur  
Adviser to AG  
Office of the Attorney General and  
Department of Justice
- Ms. Diana Sang  
Senior State Counsel  
Ministry of Foreign & Dispora  
Affairs
- Ms. Maurine Abungu  
Commercial Attache  
Embassy of the Republic of Kenya,  
Jakarta
14. State of Kuwait
- Mr. Mohammad AlNuaimi (HOD)  
Minister Plenipotentiary  
Ministry of Foreign Affairs
15. State of Libya
- H.E. Mr. Zakharia El Maghrobi  
Ambassador  
Embassy of the State of Libya,  
Jakarta
- Mr. Harry Manurung  
Secretary Staff  
Embassy of the State of Libya  
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16. Malaysia
- Mr. Muhammad Rushdan Bin  
Mohamed (HOD)  
Deputy Head of International Affairs  
Division III  
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- Mr. Muhammad Zuhaili Bin Mat  
Rani  
Federal Counsel



- Attorney General's Chambers
- Mr. Adlan Mohamed Shaffieq  
Deputy Chief of Mission  
Malaysia High Commission, Jakarta
17. Union of Myanmar
- Dr. Htain Lin Oo (HOD)  
Deputy Minister and Deputy  
Attorney  
General  
Ministry of Legal Affairs
- Mr. Sunn Linn  
Director  
Ministry of Legal Affairs
- Mrs. Lei Yi Win  
Deputy Director  
Ministry of Foreign Affairs
- Mr. Hlaing Htet Kyaw  
Staff Officer  
Ministry of Foreign Affairs
18. Nepal
- H.E. Mr. Dhan Raj Gurung (HOD)  
Minister for Law, Justice and  
Parliamentary Affairs  
Ministry of Law, Justice and  
Parliamentary Affairs
- Mr. Koshal Chandra Subedi  
Joint Secretary  
Ministry of Law, Justice and  
Parliamentary Affairs
19. Federal Republic of Nigeria
- H.E. Mr. Usman Ari Ogah (HOD)  
High Commissioner  
Nigeria High Commission, Jakarta
- Mr. Mr. Yilkes Yilfwang  
Counsellor  
Nigeria High Commission, Jakarta
20. Sultanate of Oman
- H.E. Dr. Abdullah bin Mohammed  
bin Said Al Saidi (HOD)  
Minister of Justice and Legal Affairs  
Ministry of Justice and Legal Affairs
- H.E. Sheikh Mohamed Ahmed  
Salim Al Shanfari  
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- Mr. Saif bin Nasser Al Humaidi  
Head of Minister's Office  
Ministry of Justice
- Mr. Husain Abdul Rasheed Abdul Wahid  
Legal Researcher
21. Pakistan
- Mr. Raja Naeem Akbar (HOD)  
Federal Secretary  
Ministry of Law and Justice
22. State of Qatar
- H.E. Masoud Mohamed Al-Ameri (HOD)  
Minister of Justice  
Ministry of Justice
- Mr. Ahmad Hassan Al-Kuwari  
Assistant Undersecretary in the Minister's Office  
Ministry of Justice
- Mr. Mohamed Rashid Alnaimi  
Minister's Office Director  
Ministry of Justice
- Mr. Salem Fahad Al-Marri  
Director of the Lawyers Affairs Department  
Ministry of Justice
- Mr. A.Aziz Ghareeb Abualfain  
Director of Expert Department  
Ministry of Justice
- Sheika Hend Falih Al-Thani  
Assistant Undersecretary for Legal Affairs  
Ministry of Justice
- H.E. Ms. Fauziya Edress Al Sulaiti  
Ambassador,  
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- Mr. Saad Mohammed Al-Emadi  
Third Secretary  
Embassy of the State of Qatar,  
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23. Republic of Korea
- Mr. Seung-in Hong (HOD)  
Deputy Director-General for International Legal Affairs  
Ministry of Foreign Affairs

24. Kingdom of Saudi Arabia

Ms. So Hyun Jung (AHOD)  
Director of the international legal  
affairs  
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Dr. Keebong Paek  
Attorney  
K&C LLP

Ms. Wonjeong Yoo  
Second Secretary  
Ministry of Foreign Affairs

Ms. Juyeong Jang  
Second Secretary  
Ministry of Foreign Affairs

H.E. Dr. Najem Alzaid (HOD)  
Vice Minister  
Ministry of Justice

Mr. Abdullah Alhaylan (AHOD)  
General Supervisor  
Office of the Vice Minister  
Ministry of Justice

Prince Fahad Al Saud  
Law consultant  
Ministry of Interior

Mr. Abdallah Alforihi  
Director-General  
Ministry of Justice

Mr. Ali Altheiban  
Public Relations & Protocol Officer  
Office of the Vice Minister  
Ministry of Justice

Mr. Almuhaysin Adbdulmohsen  
Public Relations & Protocol Officer  
Office of the Vice Minister  
Ministry of Justice

Mr. Fehaid Aldosari  
Director-General  
Ministry of Interior

Ms. Seham Alharbi  
Legal Specialist  
Ministry of Justice

Mr. Mohammad Bin Hazzaa  
Legal Counsel

|     |  |  |
|-----|--|--|
|     |  | Ministry of Interior   |
|     |  | Mr. Abdullah Khalid Almutairi<br>Legal Advisor<br>Ministry of Foreign Affairs  |
| 25. | Singapore                                  | Ms. Yihong Li (HOD)<br>Senior Assistant Director<br>Ministry of Law  |
| 26. | South Africa                               | Mr. Ronald Ozzy Lamola (HOD)<br>Minister<br>Ministry of Justice and Correctional<br>Service                          |
|     |  | Mr. Chrispin Phiri<br>Spokesperson<br>Ministry of Justice and Correctional<br>Services                               |
| 27. | Democratic Socialist Republic of Sri Lanka | Mr. Anuradha Jayaratne (HOD)<br>State Minister<br>Ministry of Justice, Prison Affairs,<br>and Constitutional Reforms |
| 28. | State of Palestine                         | H.E. Mr. Mohammed Al-Shaladeh<br>(HOD)<br>Minister of Justice<br>Ministry of Justice                                 |
|     |  | Dr. Zuhair SM Alshun<br>Ambassador<br>Embassy of the State of Palestine,<br>Jakarta                                  |
|     |  | Mr. Mohammed A.M.<br>Abukhader<br>Director<br>Ministry of Justice  |
|     |  | Ms. Haya Siyam<br>International relation officer in<br>Minister's Bureau<br>Ministry of Justice                      |
| 29. | United Republic of Tanzania                | Dr. Khatibu Malimi Kazungu<br>(HOD)<br>Deputy Permanent Secretary<br>Ministry of Constitutional Affairs              |
|     |  | H.E. Amb. Prof. Dr. Kennedy<br>Gastorn<br>Deputy Attorney General<br>Attorney General's Chambers                     |

|     |                     |  |
|-----|---------------------|--|
|     |                     | <p>Mr. Suleiman Saleh<br/>Minister Plenipotentiary<br/>Embassy of The United Republic of<br/>Tanzania, Jakarta</p> <p>Mr. Deogratius Dotto<br/>Counsellor<br/>Tanzania High Commission, New<br/>Delhi</p> <p>Ms. Felista Lelo<br/>Senior State Attorney<br/>Attorney General's Chambers</p> <p>Mr. Hassan Nkya<br/>Senior State Attorney<br/>General<br/>Attorney General's Chambers</p> <p>Mr. Elia Athanas<br/>Principal Attorney<br/>Ministry of Constitutional and Legal<br/>Affairs</p> |
| 30. | Kingdom of Thailand | <p>Ms. Suphanvasa Chotikajan<br/>Tang (HOD)<br/>Director-General<br/>Department of Treaties and Legal<br/>Affairs<br/>Ministry of Foreign Affairs</p> <p>Ms. Arisa Sukontasap<br/>First Secretary<br/>Department of Treaties and Legal<br/>Affairs<br/>Ministry of Foreign Affairs</p> <p>Ms. Naruedee Chamaroke<br/>Attaché<br/>Department of Treaties and Legal<br/>Affairs<br/>Ministry of Foreign Affairs</p>  |
| 31. | Türkiye             | <p>H.E. Prof. Dr. Talip Kucukcan<br/>(HOD)<br/>Ambassador<br/>Embassy of the Republic of Türkiye,<br/>Jakarta</p>  |
| 32. | Philippines         | <p>H.E. Ms. Gina A. Jamoralin (HOD)<br/>Ambassador<br/>Embassy of the Republic of<br/>Philippines,<br/>Jakarta</p>   |

- Ms. Marissa B. dela Cruz  
Galandines  
Assistant Solicitor General  
Office of the Solicitor General
- Mr. Carlos G. Reynes Jr.  
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Office of the Solicitor General
- Ms. Maricar S. Yambao  
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- Mr. Mark Anthony G. Articulo  
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33. Yemen
- H.E. Dr. Abdulghani Nassr Al-Shamiri (HOD)  
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- Mr. Ayatullah Husaini  
Ambassador's Special Staffer  
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34. Socialist Republic of Viet Nam
- H.E. Mr. Minh Vu Nguyen (HOD)  
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- Mr. Huu Phu Nguyen  
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- Mr. Quang Huy Pham  
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## **OBSERVER STATES**

### **1. Seychelles**

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Mr. Jordy Pratama

Mr. Eric Harivani

### **2. Burkina Faso**

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(HOD)  
Ambassador  
Embassy of Burkina Faso, New  
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Mr. Eddie Gunadirdja  
Honorary Counsl Burkina Faso,  
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### **3. Russian Federation**

Mr. Evgeny Zagaynov (HOD)  
Ambassador of the Russian  
Federation to ASEAN

Mr. Ivan Volodin  
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### **4. Tunisia**

Mr. Chaouki Maouley  
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## **INTERNATIONAL ORGANIZATIONS**

### **1. AAIL**

Prof. Teresa Cheng (HOD)  
Co-Chair

- |         |  |
|---------|--|
|         | Ms. Dora Sze<br>Chief Operating Officer            |
|         | Mr. Adrian Yat Hin Lai<br>Deputy Secretary-General |
|         | Ms. Li Wang<br>Researcher                          |
| 2. ICRC | Mr. Christian Donny Putranto<br>Legal Adviser      |
|         | Ms. Adhiningtyas Sahasrakirana<br>Djarmiko         |
| 3. HCCH | Dr. Christophe Bernasconi<br>Secretary-General     |

#### **ARBITRATION CENTERS**

- |          |   |
|----------|---|
| 1. NCIA  | Mr. Lawrence Ngugi<br>Registrar/Chief Executive Officer   |
| 2. HKRAC | Mr. MH, JP Nicholas Chan<br>Director  |
| 3. AIAC  | Datuk Prof. Sundra Rajoo<br>Director  |
|          | Professor Dato' Dr. Rahmat<br>Mohamad<br>Chairman<br>Chairman of the AIAC Advisory<br>Board and Former Secretary-<br>General of AALCO |

#### **EXPERTS**

1. Prof..(Dr.) Bimal N. Patel  
ILC Member
2. Prof. Masahiko Asada  
ILC Member
3. Prof. Zhixiong Huang  
Special Rapporteur for the Open-Ended Working Group Meeting on Cyberspace



## **AALCO Secretariat**

1. H.E. Dr. Kamalinne Pinitpuvadol  
Secretary-General
2. Dr. Ali Garshasbi  
Deputy Secretary-General
3. Mr. Jun Yamada  
Deputy Secretary-General
4. Dr. Shikhar Ranjan  
Director
5. Mr. Kiran Mohan  
Senior Legal Officer
6. Mr. Shujoy Mazumdar  
Legal Officer
7. Mr. Abraham Joseph  
Legal Officer
8. Dr. Sumi Pant  
Legal Officer
9. Ms. Nuzhat Nasreen Islam  
Legal Officer
10. Mr. Nihal Chand  
Administrative Officer
11. Ms. Geetika Sharma  
Senior Private Secretary & Head of Policy, Planning and Communication
12. Dr. Azizur Rahman  
Arabic Translator
13. Prof. Habibullah Khan  
Interpreter
14. Prof. Mujeibur Rahman  
Interpreter