

**AALCO/59/HONG KONG/2021/VR**

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## **Asian-African Legal Consultative Organization**



# **Verbatim Record of Discussions**

## **Fifty-Ninth Annual Session**

29 November-1 December 2021

Hong Kong SAR, the People's Republic of China

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





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## **PREFACE**

The Asian-African Legal Consultative Organization (AALCO) holds a special place in the practice of contemporary international law and relations. As the only organization of its kind created to foster a deeper appreciation of international law from Afro-Asian perspectives and thereby facilitate its codification and progressive development, the Organization is a standing testimony to the deep and abiding faith of our Member States that international law is not merely a product of Eurocentric vintage but a moral and intellectual mission rooted in the ethos of Asian and African imagination. Taking this mission forward has been the responsibility of our Organization and over the decades we have made great strides in helping our Member States engage with international law on terms that are equitable, democratic and fair, and in doing so appropriately reflecting their position and views on various issues of global concern.

The years 2020 and 2021 have thrown extraordinary challenges to the international community. The Covid-19 pandemic has affected one and all and has altered the very course of diplomatic engagement, albeit temporarily. As it is well known, the dangers posed by the pandemic and the international travel restrictions put in place by various States and regions to deal with the spread prevented us from having an Annual Session in the year 2020. This year, the People's Republic of China was graceful enough to host the Fifty-Ninth Annual Session in the Hong Kong Special Administrative Region (SAR) in a hybrid format according highest priority to the safety and well-being of all delegations and participants. This was a first for AALCO and I thank the People's Republic of China for their systematic and diligent efforts in organizing the Annual Session under these difficult circumstances.

This Annual Session is special for me as I am completing my tenure as the Secretary-General of this august Organization. My tenure as Secretary-General was successful primarily on account of the sound cooperation and support received from our Member States who left no stone unturned in facilitating the performance of our duties. As I leave my position, I am extremely delighted that the reigns of AALCO would now be managed by H.E. Dr. Kamalinne Pinitpuvadol of the Kingdom of Thailand, an illustrious international lawyer committed to the vision of Afro-Asian solidarity and friendship.

The Verbatim is placed before you as a full and final record of the proceeding of the Fifty-Ninth Annual Session. The Verbatim is primarily based on the transcripts submitted for translation by the delegations, as well as the official recordings of the proceedings during the Session. It contains the texts of statements of the Inaugural Session, Three Meetings of Delegations of Member States, the Four General Meetings and Concluding Session, the Summary Report of the Fifty- Ninth Annual Session, Resolutions on Organizational Matters along with the Message of Thanks on behalf of the AALCO Secretariat and the List of Participants. In addition, the Verbatim also captures the proceedings of the Election of the new Secretary-General of AALCO. While the preparation of the Verbatim commenced before the new Secretary-General assumed office, the release of the Verbatim will take place subsequently and accordingly the same will happen with the approval and under the leadership of H.E. Dr. Kamalinne Pinitpuvadol.

As I conclude, I would also like to place on record my deepest appreciation to Mr. Yukihiro Takeya, Dr. Ali Garshasbi and Mr. Sun Guoshun, the Deputy Secretaries-General of AALCO for their strong and experienced support in making the Fifty- Ninth Annual Session a success.

I also wish to express my deep appreciation to Mrs. Anuradha Bakshi, Deputy-Director and Mr. Kiran Mohan, Ms. Amrita Chakravorty, Ms. Devdatta Mukherjee, Mr. Shujoy Mazumdar, Mr. Abraham Joseph, Legal Officers along with other staff of the Secretariat for their sincere and dedicated efforts in making the Annual Session successful.

We in AALCO, continue to remain, as always, in the service of our Member States.

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

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



## **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. Election of the next Secretary-General
7. Speech by the newly elected Secretary-General
8. Report of the Secretary-General on the Work of AALCO
9. Release of AALCO Publications
  - Yearbook of AALCO Vol XVII 2019-2020
  - AALCO Journal of International Law
  - Newsletter Vol 13
  - Special Issue on “International Law and Global Pandemics”
  - Special Study on Extraterritorial Application of National Legislation
10. Presentation of Draft Budget for 2022
11. Report on the Work of the AALCO’s Regional Arbitration Centres
12. Venue of the Sixtieth Annual Session

### **II. Substantive Matters<sup>1</sup>**

1. Topics on the Agenda of the International Law Commission
2. International Law in Cyberspace
3. Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine

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

### **IV. Side Event on Dispute Settlement**

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<sup>1</sup> The following agenda items (i.e. 1. Law of the Sea, 2. Peaceful Settlement of Disputes, 3. International Trade and Investment Law, 4. Extraterritorial Application of National Legislation: sanctions imposed Against Third Parties) are postponed to the next Annual Session for consideration. However, in order to enable Member States to follow the latest developments on these subjects, the Secretariat has prepared a brief on each of them.





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



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

### **PRESIDENT**

**Her Excellency, Ms. Teresa Cheng,**  
Secretary for Justice of Hong Kong SAR  
of the People's Republic of China

### **VICE-PRESIDENT**

**His Excellency, Dr. Gaston Kenfack  
Douajni,** Director of Legislation,  
Ministry of Justice, Cameroon

### **SECRETARY-GENERAL**

**His Excellency, Prof. (Dr.) Kennedy  
Gastorn**

### **DEPUTY SECRETARIES-GENERAL**

**Mr. Yukihiro Takeya**

**Dr. Ali Garshasbi**

**Mr. Sun Guoshun**



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



**III. VERBATIM RECORD OF THE INAUGURAL SESSION OF THE FIFTY-NINTH ANNUAL SESSION HELD ON MONDAY, 21 NOVEMBER 2021, AT 03:30 PM HONG KONG TIME IN HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA**

**(i) Opening Statement by His Excellency, Mr. Geoffrey Mizengo Pinda, Deputy Minister for Constitutional and Legal Affairs, the United Republic of Tanzania, on behalf of late His Excellency, Dr. Augustine Mahiga, Minister for Constitutional and Legal Affairs of the United Republic of Tanzania and the President of the Fifty-Eighth Annual Session**

Excellencies, Distinguished Delegates, Ladies and Gentlemen,

It is with a heavy heart I stand before you today to deliver the opening speech on behalf of the United Republic of Tanzania as the President of the Fifty-Eighth Annual Session of AALCO, and in the name of H.E. Dr. Augustine P. Mahiga, the then Minister for Constitutional and Legal Affairs of the United Republic of Tanzania, who presided over the Fifty-Eighth Annual Session in Dar es Salaam, and who is no longer with us. He passed away on 1 May 2020 in Dodoma. A legendary and accomplished diplomat, seasoned politician and an illustrious son of Tanzania and the Afro-Asian region, his absence is more deeply felt by us with each passing day.

Please join me in observing a moment's silence for H.E. Dr. Augustine P. Mahiga. Let's remember him.

*[ The Fifty-Ninth Annual Session of AALCO observed a moment's silence ]*

Thank you.

During the Fifty-Eighth Annual Session of AALCO, held in Dar es Salaam, the United Republic of Tanzania in 2019, whose Chief Guest was the then Vice President of the United Republic of Tanzania and now the President of the United Republic of Tanzania, H.E. Samia Suluhu Hassan, had reaffirmed "*Tanzania's commitment to the letter and spirit for the establishment of AALCO*", and reiterated "our readiness to partner with all State Members in realizing the objectives of our Organization", continuing to "render all the necessary support to the Secretary-General and his team as they pursue the noble goals of our Organization".<sup>2</sup> With these words in mind, I seek to undertake this honourable task of addressing this august gathering at this auspicious occasion of the Fifty-Ninth Annual Session of AALCO.

Allow me, on behalf of the Government and the people of the United Republic of Tanzania to extend our sincere gratitude to all the distinguished delegates from the Member States of AALCO who graced the Session in Dar es Salaam in 2019. I also wish to extend our thanks to the Vice-President of the Fifty-Eighth Session, the Secretary-General of AALCO and the AALCO Secretariat for the cordial support and cooperation extended to H.E. Dr. Mahiga during his tenure as the President of the Organization.

Excellencies, this is also an opportune moment to express our profound gratitude to the Government of the People's Republic of China for hosting the Fifty-Ninth Annual Session of AALCO. Over the years, China has proactively participated in substantive deliberations at

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<sup>2</sup> Verbatim Record of the Fifty-Eighth Annual Session, Dar es Salaam, 2019, p. 13

AALCO, sponsored seminars and workshops, and, in addition, has wholeheartedly supported the Organization, both financially and in administrative matters. This includes regularly deputing a senior diplomat to the Secretariat of AALCO. In recognition and celebration of this unique long bond between AALCO and China, the latter had expressed its willingness to host the Fifty-Ninth Session during the 2019 Session itself.<sup>3</sup>

The pandemic has incapacitated the humanity on several counts and necessitated taking prudent and pragmatic steps while organizing any interactive event to ensure safety of persons without compromising on the promised output of the event.

I applaud the host Government and the Secretariat on opting for a hybrid format to conduct this year's proceedings. I thank the host Government of Hong Kong Special Administrative Region, the People's Republic of China for hosting the event in the beautiful city of Hong Kong and for the very warm welcome extended to all delegates attending this conference in person. Appreciation of no mean order is also due to the host Government for providing tremendous technical support for conducting the proceedings online.

Owing to the niche that AALCO has carved out for itself in the group of intergovernmental organizations, Member States continue to attach great significance to the work of AALCO and are committed to use it as a platform for deliberations on critical legal questions of common concern.

The Fifty-Ninth Annual Session is of exceptional importance as we are about to elect a new Secretary-General; a new leader shall now assume the responsibility of heading the march of the Organization as it keeps on attaining new landmarks. The moment is apt for expressing our appreciation to the outgoing Secretary-General for his meticulous efforts and noteworthy accomplishments since his assumption of office in August 2016. His spirited leadership and his steadfast commitment towards fulfilling the mandate entrusted on him by the Member States have been commendable.

Being guided by the mighty Bandung spirit, AALCO has unfalteringly discharged its mandate of facilitating infusion of deliberative democracy in the development and the codification of international law. Endorsing an approach which is ambitious, yet rooted in pragmatism, the Organization has always strived to meet the aspirations and the expectations of its Member States in Asian and African continents. Guided by such pragmatism, in a world order that is ever in flux, important topics/areas of contemporary relevance such as Selected Items on the Agenda of the International Law Commission; International Law in Cyberspace and Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine will be deliberated upon in the next few days. I am confident that these deliberations will contribute in enriching the discussions happening at the United Nations and other multilateral forums.

Excellencies, Distinguished Guests, Ladies and Gentlemen, to this end, I now wish to declare the opening of the Fifty- Ninth Annual Session of AALCO.

Given the hybrid nature of this meeting, I would also like to ask the Secretary General to preside over the remainder of this inaugural session to the election of the President of the Fifty- Ninth Annual Session of AALCO.

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<sup>3</sup>*Id.* at p. 228



I would like to conclude my remarks by wishing all attendees constructive discussions over the coming three days. Also, to those attending in-person, I wish you a pleasant and safe stay in Hong Kong.

Thank you.

**(ii) Inaugural Address by the Chief Guest, His Excellency, Mr. Li Keqiang, Premier of the State Council of the People's Republic of China<sup>4</sup>**

Mr. President, Mr. Secretary-General, Distinguished delegates, and guests, Ladies and Gentlemen,

It gives me great pleasure to once again attend the annual session of the Asian-African Legal Consultative Organization (AALCO) after six years. Let me extend, on behalf of the Chinese Government, a warm welcome to all friends attending the conference online and offline.

As an important outcome of the Bandung Conference, AALCO is the only platform covering both Asia and Africa for cooperation on international law. Over the past 60-plus years, Asian and African countries have engaged in full consultations and forged a stronger consensus. We have facilitated the establishment of major concepts of international law including the Five Principles of Peaceful Coexistence and Common but Differentiated Responsibilities, enriched the basic principles of international law with the UN Charter at its core, and made our indelible contribution to the development of international law. AALCO has maintained close cooperation with the UN General Assembly, the UN International Law Commission and other international organizations, assisted its Member States in participating in the codification of customary international law and formulation of major international treaties, and greatly boosted the influence of Asian and African countries in the field of international law.

As we meet, COVID-19 infections keep recurring, world economic recovery is sluggish, and multilateralism and multilateral institutions suffer disruptions. Chinese President Xi Jinping has called for working toward a community with a shared future for mankind and jointly creating a better future. Asian and African countries, whose combined population takes up three-fourth of the world's total, are an important force for upholding international rule of law and practicing multilateralism. Here, I wish to make five proposals as follows:

First, we need to uphold sovereign equality and jointly practice multilateralism. Histories of Asian and African countries have shown time and again that external interference has repeatedly entailed regional turmoil, unilateral sanctions jeopardize national development and people's livelihood, and abuse of force would only cause humanitarian crisis. We need to remain committed to equality of countries regardless of size, fully respect the right of all countries to independently choose their own development paths and models, and fully respect the diversity of civilizations and social systems. Matters of a country should be decided by its own people and matters of the international community should be addressed through consultation among all. We must unswervingly pursue multilateralism and always be a just force for sovereign equality and for peace and stability.

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<sup>4</sup> English translation of the speech as provided by the Ministry of Foreign Affairs, People's Republic of China.

Second, we need to strengthen connectivity and jointly advance opening-up for mutual benefit. Asian and African countries are participants, builders and beneficiaries of globalization. That is all the more reason for us to jointly uphold the globalization process. The security and stability of industrial and supply chains bear on the overall interests of the international community. We need to deepen our mutually beneficial, open and inclusive partnership, and continue to level up regional economic integration. We need to safeguard the WTO-centered multilateral trading system, and raise the voice of developing countries in the making of international economic and trade rules. China will fully implement the Regional Comprehensive Economic Partnership Agreement and promote the Initiative on Partnership for Africa's Development. China will work with all parties to enhance the synergy of development strategies, and bolster world economic recovery and growth.

Third, we need to build a strong line of defence against the coronavirus and jointly strengthen global health governance. People and life matter the most, regardless of wealth or race. When faced with the serious impact of the pandemic, Asian and African countries have looked out for each other and met the difficulty together. Countries need to embrace the spirit of science, follow its laws and come together in fighting the pandemic. We need to work for a fair and equitable system of vaccine distribution, support the development of regional hubs for vaccine production and distribution, intensify the research, development, production and technology transfer of vaccines and medicines, and ensure the accessibility and affordability of vaccines in developing countries. The global mechanisms and legal framework for pandemic response need to be improved so that humanity will be better prepared for preventing and addressing outbreaks of communicable diseases.

Fourth, we need to accelerate a green transition and jointly promote sustainable development. The adverse impact of the high-pollution and high-emission model of development over the past hundreds of years is becoming increasingly apparent, and the eco-environment of our planet faces grave challenges. The UN Framework Convention on Climate Change and the Paris Agreement should serve as an important guide for action. Developed countries need to take the lead in cutting emissions and stopping pollution, and provide support to developing countries in capital, technology and capacity building in real earnest. Developing countries also need to pursue a green and low-carbon transition in a balanced and well-paced manner in light of their national conditions.

Fifth, we need to uphold fairness and justice, and jointly strengthen international rule of law. International law is crucial in upholding the cause of fairness and justice and safeguarding the environment for peaceful development. We need to firmly uphold the UN-centered international system, the international order underpinned by international law, and the basic norms of international relations based on the purposes and principles of the UN Charter. We need to promote good governance through good law, fully consider the interests and needs of the Asian and African people and increase the representation and say of developing countries in reforming multilateral institutions. We need to accommodate each other's concerns, and actively participate in the development of new mechanisms and rules in deep sea, polar region, outer space, cyberspace, digital and other emerging fields to protect the right of Asian and African people in sharing the fruits of development.

Ladies and Gentlemen, China is an important member of the Asia-Africa family and has been a reliable friend standing with fellow Asian and African countries through thick and thin. China is also a staunch supporter of and important contributor to AALCO. At the 2015 meeting, I announced the establishment of the China-AALCO Exchange and Research

Program on International Law. Nearly 200 legal officials from over 40 countries have participated in this program. I wish to take this opportunity to announce that China, together with AALCO, will set up a regional arbitration center in the Hong Kong Special Administrative Region. We remain committed to One Country, Two Systems and to Hong Kong's long-term prosperity and stability. The UN Commission on International Trade Law, the Hague Conference on Private International Law and other international legal institutions have set up offices in Hong Kong. I believe that the Hong Kong regional arbitration center, once established, will provide more accessible and efficient dispute settlement services to Asian and African countries, and add more brilliance to Hong Kong as the Pearl of the East.

Ladies and Gentlemen, a Chinese adage says, "A just cause should be pursued for the common good." Faced with challenges to all humanity, Asian and African countries share an important responsibility to uphold international rule of law and practice multilateralism. I am convinced that AALCO will further pool the strength of developing countries, and make new, important contributions to building a better world.

I wish the Fifty-Ninth Session of AALCO a full success.

Thank you.

**(iii) Welcome Remarks by His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)**

Excellencies, Heads of Delegations, Delegates, Distinguished Participants, Ladies and Gentlemen,

It gives me immense pleasure and honour to welcome you all to the Fifty- Ninth Annual Session of AALCO. It is a pleasure to be having the Fifty- Ninth Annual Session in Hong Kong, which is a special administrative region of the People's Republic of China, under the 'one country, two systems' formula. The Hong Kong SAR is today one of the world's most beautiful cities in the world. It is also one of the significant transformative financial centres and commercial ports.

Let me also acknowledge that this is the third time that the People's Republic of China is hosting an Annual Session of AALCO since it joined the Organization in 1983. The other two Sessions were in 1990 and in 2015.

Excellencies, today, we are conducting the present Session in hybrid format due to the realities on the ongoing crisis of the COVID-19. It was also due to COVID-19 that this session ought to take place last year in 2020 was postponed to this year. This is not unique to AALCO. Many other international organizations, including the UN bodies such as the International Law Commission, also postponed part of their activities and sessions, and continue to conduct some of their meetings virtually or in hybrid.

Indeed, COVID-19 has produced great impact on human life in the past two years and continues to do so. There is no simple way to sum up these two years. Tumultuous, terrifying, wearisome; and at the same time, resilient, heroic, and hopeful. The phrase 'we are all in this together' has been used, both domestically and internationally, throughout the pandemic to highlight the sense that COVID-19 is uniting us in shared experiences. It has in many ways

brought forth the pressing need of continued reliance on and compliance with international law, accentuating the necessity of inter-dependence, cooperation and multilateralism.

Excellencies, the purposes of AALCO remain unchanged— to serve as an advisory body to Member States in the field of international law and as a forum for Asian-African cooperation in legal matters of common concern. In general, AALCO remains vested with duality of functions, mainly as a platform for legal consultations and a framework to collaborate with the UN ILC and legal advisers of Member States mainly working with the Sixth Committee of the UN on issues of international law of common concern to Member States.

The Annual Session offers an opportunity to the Member States to reflect and refocus on the activities of AALCO and examine how much AALCO has, with its Member States, contributed to its core mission: to the progressive development of international law with Afro-Asian values. As an inter-governmental organization, so long as Member States remain supportive of AALCO, the Secretariat will tirelessly work and dedicate its human resources to the work of AALCO in the progressive development of international law.

Excellencies, with regard to the agenda of the Fifty-Ninth Annual Session, I would like to inform you that owing to the exigencies imposed by the pandemic, and accordingly, to ensure the safety of all participants, we have shortened the duration of the Session, and have only three agenda items for deliberation, namely:

- (a) Topics on the Agenda of the ILC,
- (b) International Law in Cyberspace, and
- (c) Violations of International Law in Palestine and other Occupied Territories by Israel and Other Legal Issues related to the Question of Palestine.

However, Member States are welcome to include their views on items in the agenda of the Organization, which are not to be deliberated during this Annual Session especially during their General Statements.

Given the tight schedule and the hybrid mode of participation, it is particularly important to keep the discussion on each item on the agenda within the time allocated.

With this short note, once again I welcome you all to this Fifty-Ninth Annual Session of AALCO, and once again, thank the Government of People's Republic of China, for hosting this Annual Session. I sincerely hope that with your meaningful cooperation, this Session would be a grand success.

I thank you very much.

**(iv) Address by Her Excellency, Ms. Carrie Lam, Chief Executive of the Hong Kong SAR of the People's Republic of China<sup>5</sup>**

Your Excellency Premier Li Keqiang, Mr Kennedy Gastorn (Secretary-General of AALCO), Distinguished Guests, Ladies and Gentlemen,

Greetings. May I welcome all of you to attend the Fifty-Ninth Annual Session of the Asian-

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<sup>5</sup> English translation of the speech as provided by the Ministry of Foreign Affairs, People's Republic of China.

African Legal Consultative Organization hosted at the Hong Kong Special Administrative Region of the People's Republic of China.

Owing to the outbreak of the COVID-19 pandemic, the Fifty- Ninth Annual Session, originally scheduled for last year, is postponed to this year. While the pandemic has seriously interrupted the cross-boundary flow of people, the international community has demonstrated an unprecedented resilience, and with the assistance of technology, maintained close communication and collaboration, facing the unprecedented challenges brought by the COVID-19 pandemic across the globe.

This Annual Session is conducted in a hybrid mode for the very first time in the history of AALCO. For this Annual Session could smoothly take place in Hong Kong, I would like to first express my gratitude to the Central People's Government and AALCO for their support. I must also express my gratitude to the Secretariat of AALCO and the Department of Justice of the Hong Kong SAR Government in making the necessary arrangements, as well as the Asian Academy of International Law for providing organizational and logistic support for around 200 delegates from over 40 Member States of AALCO and Observers to make this happen.

Successfully hosting internationally influential events of this kind is important for Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region. It fully reflects the staunch national support of "One Country, Two Systems" for Hong Kong to preserve the existing legal system, and to support, strengthen and enhance Hong Kong's international competitiveness. The Hong Kong SAR Government will continue to implement the National Strategic Plan, including attracting international legal and dispute resolution institutions to set up offices in the Hong Kong Legal Hub, promoting international legal co-operation and exchanges, as well as securing international organisations to hold decision-making meetings in the Hong Kong SAR, etc.

The Annual Session of AALCO is an important international inter-governmental decision-making conference. AALCO has been pursuing multilateralism, advocating international matters be resolved by collaboration among countries. It is an active promotor of the international rule of law and is to be commended for providing an important platform for Member States to exchange views and information on a wide range of international law related issues. This is internationally acclaimed.

China's persistence in building a "community with shared future for mankind" is highly congruent with the values advocated by AALCO and United Nations 2030 Agenda for Sustainable Development. China has taken a proactive role in integrating the implementation of sustainable development goals with its own national development strategy, promoting rule of law infrastructure across the globe and sustainable development through collaboration of countries. Inspired by this, last year, the Department of Justice of the Hong Kong SAR Government officially launched a 10-year visionary initiative, Vision 2030 for Rule of Law, through collaboration with stakeholders, to build and maintain a fair and rule-based society underpinned by the rule of law towards sustainable development for all.

One of the major achievements of AALCO was the establishment of regional arbitration centres to encourage peaceful disputes resolution, promoting international commercial arbitration in the Asian-African regions and providing for conducting international arbitration under these centres. China has been a staunch promoter of peaceful settlement of disputes, as



President Xi at the Conference Marking the 50th Anniversary of the Restoration of the Lawful Seat of the People's Republic of China in the United Nations remarked, *“China has stood actively for political settlement of disputes through peaceful means...We should vigorously advocate peace, development, equity, justice, democracy and freedom, which are the common values of humanity, and work together to provide the right guiding philosophy for building a better world.”*

Further to AALCO's work plan approved in the Fifty-Seventh Annual Session in relation to the establishment of another arbitration centre, the Secretary-General of AALCO and the Government of the People's Republic of China have agreed on the establishment of a regional centre for arbitration in the Hong Kong SAR, with a host country agreement for the centre signed on 10 November of this year. The HKSAR Government is deeply encouraged by this initiative, and will be committed to taking up the responsibility.

With the prevalence of the COVID-19 pandemic, one of the major objectives of the Hong Kong regional arbitration centre is to promote online dispute resolution (ODR). The Hong Kong SAR has been fostering the development of ODR on various fronts, and opted into the APEC Collaborative Framework on ODR which promotes the use of ODR to resolve cross border disputes.

Besides, we have also launched the Inclusive Global Legal Innovation Platform on ODR (“iGLIP on ODR”), which comprises top experts from around the globe, to keep track of and conduct studies in the international developments on ODR in collaboration with the United Nations Commission on International Trade Law. There would be a side event on dispute settlement tomorrow discussing the topic of ODR. I cordially invite all of you to attend.

The Hong Kong SAR has an abundance of legal and dispute resolution talents as well as a mature and robust legal system and legal infrastructure. As the only common law jurisdiction within China, the Hong Kong SAR's common law system has a long history with rich jurisprudence. Judgments of our Court of Final Appeal are frequently cited in overseas common law jurisdictions, demonstrating the international recognition of the quality of our laws and judicial system. According to the International Arbitration Surveys conducted by Queen Mary University of London, since 2015, the Hong Kong SAR has been continuously ranked among the top five preferred seats for arbitration globally. This year, the Hong Kong SAR has surpassed Paris, and is ranked as the third. We are committed to fully harnessing the strength of our legal and dispute resolution services to promote related services with the Member States of AALCO.

To close, may I wish the Fifty-Ninth Annual Session of the Asian-African Legal Consultative Organization fruitful and successful deliberations and wish you all the best of health. For our online participants, I look forward to welcoming you physically to the Hong Kong SAR, and visit the newly established regional arbitration centre of AALCO in the Hong Kong SAR which will soon be in operation.

Thank you very much.

**(v) Vote of thanks by His Excellency, Mr. Hiroyuki Namazu, Assistant Minister/Director General, International Legal Affairs Bureau, Ministry of Foreign Affairs of Japan on behalf of the President of the Fifty-Seventh Annual Session**

Honourable Ministers, Attorney Generals, Secretary-General, Distinguished Delegates, Ladies and Gentlemen,

It is a great honour and privilege for me to address you on the occasion of the Fifty-Ninth Annual Session of AALCO. The Fifty-Seventh Annual Session was held in Japan in October 2018. Mr. Masahiro Mikami, then the legal advisor of the Ministry of Foreign Affairs, Japan was elected President of that Session. It is on his behalf that I take the floor and deliver this customary address at the present Annual Session.

I take this opportunity to express gratitude on behalf of all participants in the Session to the Government of the People's Republic of China for graciously hosting this Session. Since its inception in 1956, AALCO has emerged as one of the largest regional forums in the world to facilitate the growth and development of international law. Undoubtedly, it is a unique organization in its field without any parallel, bringing together the diversity of the Afro-Asian community.

Strengthening the rule of law in the region and international community is a collective commitment, and I am sure that AALCO is destined for even greater heights in the days and months to come with the sustained efforts of each and every nation. The United Nations plays a central role in promoting the rule of law. In this context, I would like to appreciate AALCO's close working relationship with the UN and its International Law Commission, whose work the AALCO Secretariat monitors on a regular basis. I am confident that AALCO will greatly contribute to the realization of the purposes and principles of the UN with close cooperation with the organization.

Excellencies, let me also place on record my deep sense of appreciation for His Excellency Prof. (Dr.) Kennedy Gastorn, the Secretary-General of AALCO, for his meticulous and focused efforts in realizing the objectives of AALCO. Under his visionary leadership, AALCO is doing extremely well, augmenting its resources in the most efficient manner to perform its functions. A range of new topics and initiatives were introduced by the Secretary-General in the work of AALCO, and I request Member States to make full use of Secretariat's diligence and commitment to their work.

I wish to thank all distinguished delegates who are participating in the Fifty-Ninth Annual Session, and hope that the deliberations will further strengthen the bonds amongst ourselves.

Thank you.

**The Meeting was thereafter adjourned**





#### **IV. VERBATIM RECORD OF THE FIRST MEETING OF DELEGATIONS**



**IV. VERBATIM RECORD OF THE FIRST MEETING OF DELEGATIONS OF  
AALCO MEMBER STATES HELD ON MONDAY, 29 NOVEMBER 2021, AT 04:45  
PM HONG KONG TIME**

**His Excellency, Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO, presiding on behalf of the President of the Fifty-Eighth Annual Session**

**Chair:** Excellencies, Distinguished Delegates, Ladies and Gentlemen, I would like to call the first meetings of delegations to order. And I would be going through some organizational, administrative and financial matters. The first item will be the **“Adoption of the provisional agenda and the tentative schedule of meetings and events”**. These documents were circulated earlier by the Secretariat, and it needs to be pointed out once again that due to the risks posed by the ongoing pandemic and taking into consideration the practices of other international meetings, and in consultation with the Government of the People’s Republic of China, the host government, this Session is being held in hybrid format and its duration shortened to three days. Therefore, in addition to organizational matters, including the appointment of the new Secretary-General, only three substantive matters will be deliberated during this Session—namely, Selected Items on the Agenda of the International Law Commission, International Law in Cyberspace, and the Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine.

Is there any comment with regard to the adoption of the provisional agenda and tentative schedule of meetings and events? If there are none, then we shall consider as adopted the agenda and the schedule of meetings and events.

Excellencies, I see the distinguished representative of the Republic of India has raised the hand and I wish to give the floor to the distinguished representative.

**The Head of the Delegation of the Republic of India:** Thank you very much, Mr. Chair. Regarding the issue on provisional agenda, and before that let me just reflect on what I have been hearing since morning from the speakers. All of them, without exception, have been talking about the importance of this august forum and the spirit in which the Organization came into force— the spirit of the Bandung Conference. The forum was created to discuss international law of common concern. This is exactly where my delegation is coming from, Mr. Chair, while expressing our concerns about the suggested theme for the general statement.

Mr. Chair, as I stated during the Heads of Delegations meeting, this theme is totally outside the scope and mandate of the Organization, as well as the Bandung Conference outcome document. As a founding member of this Organization, we reiterate our concerns, and we are of the view that the provisional agenda of this Session should be in line with as stipulated in the Statutory Rules. Therefore, the theme for the general statements highlighted in the provisional agenda circulated by the Secretariat is not acceptable to my delegation, since this is outside the scope and mandate of this august forum.

Mr. Chair, the previous speaker also highlighted about India’s efforts ever since this provisional agenda was circulated. We are fully committed to the mandate of this Organization. This is precisely why we immediately brought our concern to the attention of the Secretariat. Mr. Chair, in this connection, on 16 November, my delegation has formally

conveyed our position to the Secretariat to change the theme or to consider not to have a theme for the general statements. We also proposed, in this context, a theme which is more relevant in the context of AALCO, and I quote “Upholding International Law for Global Peace and Prosperity: The Role of Asian and African Continents”.

Mr. Chair, let me take this opportunity to reiterate our concerns and request this august forum to delete or not to have a theme or alternatively, to address our concerns and uphold the mandate of AALCO. I thank you, Chair.

**Chair:** I thank the distinguished representative of India. At this stage, I note also that there are other delegations who want to take the floor. But before we go further, allow me to read Rule 11 (3) of the Statutory Rules pertaining to the powers of the meeting of the Heads of Delegations. During the Heads of the Delegations meetings, views were presented for and against the suggested theme for the general statements. And the same, we noted that will be reported in the summary report of that particular meeting. In the end, the consensus was that the minutes should be presented for adoption at least. So, at the Secretariat, the understanding is that that concern has been duly noted, and so are the concerns of those who were in favour of that particular suggestion. I wonder whether that will bring this matter to a point that we proceed with the adoption of the agenda on that understanding. And to that end, do we have any other Member States wishing to take the floor? I see Japan. You have the floor.

**The Head of the Delegation of Japan:** Thank you, Mr. President. While I share the concern on the suggested theme, I now heard President’s decision and would like to respect your decision.

**Chair:** Thank you very much. I see the distinguished representative of India. You have the floor.

**The Head of the Delegation of the Republic of India:** Thank you, Mr. Chair. We have reiterated our concerns and positions very clearly to this august forum. However, as a Member State committed to the Organization’s mandate, we would not want to come in the way, but I am glad to come on board with the consensus with a clear understanding that the theme will continue as a suggestion. We urge the Secretariat to reflect our position in the report and the record. Thank you, Chair.

**Chair:** Thank you very much. I see that the representative of the People’s Republic of China wishes to take the floor. I give you the floor, Sir.

**The Head of the Delegation of the People’s Republic of China:** Thank you, Secretary-General. I would like to reiterate that the theme of the general statements was proposed in line with the practice of AALCO and was circulated in line with the Statutory Rules. China and the Secretariat have taken efforts in addressing the concerns of India and Japan, and after their consideration during the meeting of the Heads of Delegations, the provisional agenda of the Annual Session has been approved. And I want to bring to the attention of the meeting that according to Rule 11 (4) of the Statutory Rules, the provisional agenda, upon its approval at the meeting of the Heads of Delegations shall be adopted as the agenda of the Session. We hope that Member States would work together to enhance the solidarity of the Organization and China would like to reiterate its support to AALCO and is committed to work with other Member States to promote the development of international law. Thank you.

**Chair:** Thank you very much for your intervention. Excellencies, Ladies and gentlemen, I think we stand by the decision of the meeting of the Heads of Delegations who have approved the provisional agenda subject to the discussion that took place during the meeting of the Heads of Delegations and in accordance with Rule 11 (4) of the Statutory Rules, the agenda is brought to your attention for adoption. However, those concerns raised during that meeting are duly noted.

On this note, excellencies, ladies and gentlemen, allow me to proceed to the next item— the admission of new Member States. I see no State applying for membership at this Session. So, I move to the next item in the agenda, namely, the admission of observers. I note that the following non-member States wish to attend this Session as observers: Australia and New Zealand, Morocco, Kyrgyz Republic, the Republic of Kazakhstan, and the Russian Federation. Likewise, the following international organizations wish to attend this Session as observers: the Association of Southeast Asian Nations (ASEAN), the Committee of Legal Advisers on Public International Law (CAHDI), the Hague Conference on Private International Law (HCCH), the League of Arab States and the Shanghai Cooperation Organization (SCO). If there are no objections, let us admit them as observers to the Fifty-Ninth Annual Session. As I see no objections, it is so decided.

We move to the next item— the election of the President and the Vice-President of the Fifty-Ninth Annual Session. Now, I give the floor to the delegation wishing to nominate and I see that the United Republic of Tanzania wishes to nominate the candidate for the President. I give the floor to Tanzania.

It seems there are technical glitches. That is another challenge with the hybrid session. It is good that they have already indicated to the Secretariat that the United Republic of Tanzania would like to nominate the People's Republic of China for the President and we have the name of the candidate— Her Excellency Ms. Teresa Cheng, Secretary for Justice of the Hong Kong SAR of the People's Republic of China, who has been nominated to be the President of the Fifty-Ninth Annual Session of AALCO. Before I give the floor to the delegations to second the nomination of the President, allow me to present the candidate.

Excellencies, Secretary for Justice, Ms. Teresa Cheng has been nominated as a candidate for presidency, representing the People's Republic of China and nominated by the Republic of Tanzania. Ms. Teresa Cheng, Senior Counsel, was appointed the Secretary of Justice of the Hong Kong SAR of the People's Republic of China on January 6, 2018. She was a barrister in private practice before joining the government. She is also a chartered engineer and a chartered administrator. And before her appointment as the Secretary of Justice, she was frequently engaged as arbitrator or counsel in complex international commercial and investment disputes. Ms. Cheng has ample experience in international law, being one of the founders and chair of Asian Academy of International Law, a past Vice-President of International Council for Commercial Arbitration, past Vice-President of the ICC International Court of Arbitration, and past chairperson of Hong Kong International Arbitration Centre. In 2008, she became the first Asian woman elected through a global election as the President of the Chartered Institute of Arbitrators. She is also a member of the International Centre for Settlement of Investment Disputes panel of arbitrators. Ms. Cheng is a fellow of King's College in London and was a course director of the International Arbitration and Dispute Settlement course at the law school of Tsinghua University. On this note, I give the floor to the delegation of Thailand to second the nomination.

Again, technical glitches prevent us from listening to the delegate of Thailand. But I thank the delegation for seconding the nomination of Ms. Teresa Cheng, Secretary for Justice of the Hong Kong SAR of the People's Republic of China, as the President of the Fifty-Ninth Annual Session of AALCO.

Distinguished Delegates, Ladies, and gentlemen, we do not have a nomination for the Vice-President for the time being. And the same will be done by correspondence shortly after this Session. To this end, I would like to now congratulate Ms. Teresa Cheng for being elected as the President and declare that she has been elected as the President of the Fifty-Ninth Annual Session of AALCO. Let us give her a big applause. I would now invite the President to podium to continue with the business of the day and to deliver her opening remarks.

**The Opening Statement of Ms. Teresa Cheng, President of the Fifty-Ninth Annual Session:** Excellencies, Distinguished Delegates, Ladies and Gentlemen,

It is indeed a great honour and privilege for me to address this gathering as the President of the Fifty-Ninth Annual Session of the Asian-African Legal Consultative Organization (AALCO). On behalf of the People's Republic of China, I take this occasion to warmly welcome all the delegates physically present here and those participating online for this Annual Session. Given the extraordinary exigencies posed by the COVID-19 pandemic including restrictions on international travel prevailing in many parts of the globe, it was decided to host the Annual Session in a hybrid format encompassing both physical and virtual participation.

An arrangement of this nature is a first for AALCO and reflects the difficulties and challenges posed by the new normal we are living in. The People's Republic of China accords highest priority to the health, safety and well-being of all delegations and participants of this Annual Session. Keeping this objective in mind, we encourage all stakeholders to actively engage in the deliberations following all the necessary safety protocols. It is my hope that the hybrid format of our meeting with both virtual and in-person participation will not affect the quality of our deliberations.

The history of AALCO has been an illustrious one. From a small group of 7 States who were part of what was then known as the Asian Legal Consultative Committee (ALCC) established on 15 November 1956 as a tangible outcome of the Bandung Conference, the Organization is today a large family of 47 Member States comprising Asian and African States united in a common quest to shape the development of international law in an inclusive and democratic manner.

The codification and progressive development of international law is not a Eurocentric enterprise. It is a mission deeply rooted in the ethos of Afro-Asian imagination that over centuries has advanced the field of international law by its unique practices and perspectives. As representatives of a large segment of the world human population, the Asian and African countries have an important role to play in nurturing and sustaining a world order based on fairness, justice, cooperation and multilateralism, values that are integral to the international rule of law so as to address contemporary challenges. I am happy to state that AALCO over the years has been formulating a unique appreciation of international law rooted in the values of Bandung keeping in view the aspirations of its Member States. It is our collective responsibility to ensure that our voices are heard and appreciated and find their path in the concrete rules of international law as they progress and evolve.

Values of multilateralism and global cooperation can only be strengthened when we eschew all forms of unilateralism and create a world order where the welfare of humanity is the primary consideration. Mutual cooperation, respect and solidarity have to be the guiding frameworks for this realization, and I am happy to state that Asian and African countries are leading the way in this pursuit.

I also take this opportunity to place on record my appreciation for the outgoing Secretary-General, H.E. Prof. Dr. Kennedy Gastorn, for his remarkable contribution to AALCO during his tenure. Prof. Gastorn was a strong proponent of Afro-Asian engagement with international law. Over the course of his tenure, remarkable strides have been made in fostering a deeper appreciation of international law. Areas like International Trade Law, International Humanitarian Law, Law of the Sea, International Investment Law and International Criminal Law among many other areas have received due attention and focus. Intellectual and practical engagements in these domains have improved our collective appreciation of international law and will pave the way for further growth and development in the years to come. The engagement of AALCO with the International Law Commission (ILC) was also a key intellectual highlight of Prof. Gastorn's tenure. AALCO's engagement with the ILC in many ways lies at the heart of his tryst with the discipline. The importance of articulating Afro-Asian positions that are necessary for the wholesome and equitable development of the subject cannot be overemphasized. I am confident that in the times ahead, notwithstanding the new challenges facing us, we will be carrying forward the great work done in this regard.

Excellencies, I once again welcome each and every delegation participating in the Fifty-Ninth Annual Session and urge each one of you to actively engage in the deliberations as has been our glorious tradition in the past. Let us once again commit ourselves to a world order based on sovereign equality, multilateralism and peaceful coexistence that have defined us since the days of Bandung.

Thank you.

**The meeting was thereafter adjourned**





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



**V. VERBATIM RECORD OF THE FIRST GENERAL MEETING HELD ON  
MONDAY, 29 NOVEMBER, 2021, AT 5:30 PM HONG KONG TIME**

**Her Excellency Ms. Teresa Cheng, Secretary for Justice of the Hong Kong SAR of the People's Republic of China, the President of the Fifty-Ninth Annual Session of AALCO in the Chair.**

**AGENDA ITEM: RELEASE OF AALCO PUBLICATIONS**

**President:** We now move to the First General Meeting. Now let's take up the first item, **"The release of AALCO publications"**. Due to the prevailing circumstances hard copies of the publications are not distributed here and all delegates will have access to the publications online and at the same time they will be sent by email to the email of the Head of the Delegations. Now may I invite Deputy Secretary-General Dr. Ali Garshasbi to present his statement on the release of the AALCO publications. You have the floor please.

**Dr. Ali Garshasbi, Deputy Secretary-General of AALCO:** Thank you very much Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen.

Publications of an organization play an important role in disseminating the work of the Organization to its wide target audience. In recent years, AALCO has made improvements in its publications in terms of substantive content and has striven to make them more reader-friendly and accessible. They are published periodically and serve as a manifestation of AALCO's role in dissemination of knowledge of international law and practice.

This year apart from the regular publications prepared by the Secretariat including the Yearbook of AALCO for the years 2019 and 2020, the bi-annual newsletter of the AALCO Secretariat and the AALCO Journal of International Law Volumes VIII and IX, the Secretariat has prepared with the help of international law enthusiasts and scholars from Asia and Africa, the Special Issue on International Law and Pandemics which covers diverse aspects of international law related to pandemics. Although the outbreak of COVID-19 provided the impetus for preparing a collection of articles on the issue of Pandemics, the interesting discussions included in the Special Issue can serve as a starting point for future debate on health-related issues of grave concern to Asia and Africa related to a wide range of branches of international law including international health law, international human rights law and international trade and investment law.

Apart from the Special Issue on International Law and Pandemics, in response to the mandate given by Member States at the Fifty-Eighth Annual Session, the Secretariat has prepared a Special Study on the topic 'Extraterritorial Application of National Legislation: Unilateral Sanctions imposed against Third Parties'. This study which can be regarded as a follow-up to the two previous Special Studies of AALCO on the same topic covers a wide range of issues connected with unilateral and secondary sanctions ranging from international law of jurisdiction, international human rights law, international health law, international trade law and it finally touches upon the legal mechanisms certain countries have recently employed to challenge sanctions through various means such as adoption of blocking statutes and rules as well as recourse to diplomacy and peaceful settlement of disputes.

At this juncture, let me also thank my colleagues at the Secretariat, our Board of Editors and all scholars, university professors, lecturers, students and law practitioners who helped us

enrich and diversify the discussions in our journals and the Special Issue on Pandemics. We hope we can maintain this fruitful collaboration.

In the end, it is expected that AALCO publications can continue to play their role in dissemination of knowledge of international law and in the long run can contribute to its progressive development. Now, I present the publications to the Honorable President for the release which will be sent to the Heads of Delegations via email due to the existing circumstances . Thank you very much.

**President:** Thank you very much! Can I ask if there are any comments or questions from the floor? I see none. If that is the case, I would now request the attendees actually to move on to a short break and we will then have the Second Meeting of the Delegations of the AALCO Member States at 5:50 (Hong Kong Time) and as the meeting of delegations of the AALCO Member States at 5:50 (Hong Kong Time) is a closed meeting, I would like to request the observers and non-Member States to kindly leave the Hall or the Virtual Meeting and to re-join the proceedings tomorrow. Thank you very much. We see you at 5:50 (Hong Kong Time).

**The Meeting was thereafter adjourned**

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



**VI. VERBATIM RECORD OF THE SECOND MEETING OF DELEGATIONS OF  
AALCO MEMBER STATES HELD ON MONDAY, 29 NOVEMBER 2021, AT 5:50  
PM HONG KONG TIME**

**Her Excellency Ms. Teresa Cheng, Secretary for Justice of the Hong Kong SAR of the People's Republic of China, the President of the Fifty-Ninth Annual Session of AALCO in the Chair.**

**President:** Excellencies and Distinguished Delegates. We now move on to the Second Meeting of Delegations of the AALCO Members States. Before moving to the next item, I announce with regard to the agenda item of the election of the new Secretary-General of AALCO, the secret ballot is being held at AALCO's headquarters in New Delhi from 5:50 (which is now) to 6:40 PM (Hong Kong Time) i.e. 3:20 PM to 4:10 PM (Indian Standard Time). The Member States can cast their votes via their liaison officers or their duly authorized representatives. Now, I move on to the next item and I would like to invite the Secretary-General to make a Statement on the work of the Organization and in this regard I wonder whether I can now turn to the Secretary-General for that please.

**Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO:** Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen. At first, allow me to congratulate you Madam President for your election as the President of the Fifty-Ninth Session of AALCO. I am extremely delighted that the Secretariat of AALCO would now be in good hands to receive your wisdom and guidance and we as the Secretariat promise to extend all support to your efforts in the smooth conduct of the Annual Session in the best possible manner as well as fulfilling the mandate of our esteemed organization in the coming years. I should also like to take this opportunity to place on record my deep sense of appreciation to the outgoing President, late Ambassador Augustine Mahiga and later Professor Palamagamba John Kabudi, Minister of Justice and Constitutional Affairs of the United Republic of Tanzania and the Vice-President of AALCO, H.E. Mohammed Shalalkeh, Minister of Justice, State of Palestine for their strong support and guidance in helping AALCO fulfill its mandate.

Madam President, every Annual Session is an opportunity for the Organization to renew its bond with its Member States. As always, I take this opportunity to thank our Member States for extending all help and support to AALCO Secretariat in carrying forward our mandate. I thank all Member States for their full faith in me as the Secretary-General of AALCO for the past five years. As I am ending my tenure, I will always cherish the wonderful memories I had over the last five years and recall with pride the opportunity of having served the Afro-Asian community in this esteemed Organization.

Madam President, Excellencies, the present report of the Secretary-General on the work of AALCO is divided into several parts apart from brief introduction and concluding remarks. Let me begin Madam President by presenting the activities undertaken since the 58<sup>th</sup> Annual Session of AALCO. The Secretariat has always endeavoured to consciously work towards realizing the profile of this Organization and in this context participating and organizing capacity building initiatives including training programmes, conferences and seminars are integral parts in achieving this objective.

Since the conclusion of the Fifty-Eighth Annual Session in October 2019, the Secretary-General and the Deputy Secretaries-General participated in a total of 17 events and most of

these events took place in year 2020 and were held online given the realities of the COVID-19 pandemic. The rest of the other activities of the Secretary-General and Deputy Secretaries-General are reflected in our website and written in the report circulated to you via document AALCO/59/Hong Kong/2021/ORG1.

Madam President, in terms of the overview of the Secretariat, in principle the Secretariat is in good shape with one Secretary-General, three Deputies, six Legal Officers and a number of administrative staff. I would also like to express my appreciation to the work of the current Deputy Secretaries-General, the Legal and Administrative staff for their efforts in contributing to the growth and development of our Organization. I would also like to inform you that the former Deputy Secretary-General Madam Wang Liyu from the People's Republic of China left the Organization in January 2021 and Mr. Sun Goushun replaced her. I take this opportunity to express my sincere appreciation and gratitude to Madam Wang Liyu for her dedicated work and rich experience and huge contribution that she made to the work of AALCO during her tenure. For the past five years, we have been successful in establishing a close working relationship with the United Nations through our Permanent Observer Missions in New York and Vienna and I take this opportunity to thank our representative in New York Dr. Roy Lee and our representative in Vienna Madam Christine Nemoto for their efforts in this regard. Likewise, Madam President, I wish to inform you that the Centre for Research and Training, the in-house think tank at the Secretariat continues to work hard in promoting the work of AALCO and it has engaged constructively in a number of topics from an Afro-Asian perspective. Despite the challenges posed by the pandemic, the Centre actively engaged in fulfilling the mandate of the Organization in the year 2020. For the future, I propose that the Centre should undertake a Special Project on drafting a draft instrument or model legislation based on the topics completed by the International Law Commission with an aim to contribute to the progressive development of international law.

Madam President, financial reports for the years 2019 and 2020 and budgets for the years 2021 and 2022 is an integral part of SG's Report. However, this section will be presented by my colleague, Deputy Secretary General, Mr. Yukihiro Takeya, who is in charge of finances shortly after my presentation. To this end Madam President, allow me to highlight the steps that we have taken in revitalizing and strengthening AALCO Secretariat. Madam President, the need to recruit more legal professionals to reach the sanctioned strength of the legal officers and improve infrastructure and the research facilities offered to the Secretariat staff which remains one of the key priorities. Also, the need for AALCO to have adequate representation from African region at the management level is very important. I once again suggest that African countries should second at least one senior official to the Secretariat as a Deputy Secretary-General or Assistant Secretary-General as the case may be. Likewise, I appeal to the Arab Member States to consider deputing one senior official as Assistant Secretary-General or Deputy Secretary-General for that matter or even Director to the Secretariat primarily to manage affairs of the Arabic section. In this regard, I would like to thank the Kingdom of Saudi Arabia for seconding Mr. Mohammad Al Riheli to the Secretariat as a Senior Legal Officer. Mr. Al Riheli recently returned to his home country, Saudi Arabia after completing 3 years of service at the Secretariat. I take this opportunity to express my sincere appreciation and gratitude to him for his dedicated work at the AALCO secretariat. I also wish to propose the institution of a visiting Fellowship Programme for Senior Academics and Research Assistantship Programme Post-Graduate for students from AALCO Member States so as to increase and encourage the assimilation of academic inputs into the work of AALCO.



Madam President, in terms of the membership of AALCO and the need to increase its membership, I wish to note that there are more than 100 countries in Asia and Africa. This implies that we have a great potential for widening our membership. Keeping this objective in mind, I take this opportunity to express my gratitude to all those who worked tirelessly to persuade non-Member States to join AALCO. In this regard, I request the Member States in their bilateral relations to continue efforts in inviting non-Member States to join this Organization.

Madam President, in terms of the measures to improve the financial situation at AALCO we have undertaken several steps. First, we have encouraged Member States in arrears to clear their arrears in the interest of the Organization as soon as possible and a good number of countries have started clearing their arrears and I humbly applaud their decision to do so. Secondly, in relation to replenishment of the reserve fund, the Statutory Rules of AALCO authorizes the Secretary-General to maintain a reserve fund to strengthen and place the Organization in firm financial footing, it is essential that an adequate reserve fund is maintained at the Organization. Thirdly, in line with the 2017 mandate that was adopted at Nairobi through the Resolution AALCO/RES/56/ORG1, AALCO remains fully committed to revise existing scale of contributions for Member States. The Secretariat looks forward to continuing these assignments and we seek your support. Fourthly, there is a need to solicit additional support of funds beyond the annual contributions. Last but not least, the Secretariat should continue implementing austerity measures and cost saving efforts at the Secretariat.

In terms of the future work plan, Madam President, the pandemic had adversely affected AALCO's plan for the year 2020 and many of our proposed ideas had to be, therefore, shelved. Despite these challenges, we received a lot of support from our Member States which is very much appreciated. I urge the incoming Secretary-General to consider implementing the pending activities and projects of the Organization as presented in the Secretary-General's report for the Fifty-Sixth and Fifty-Eighth Sessions subject to the availability of finances and support from our Member States. These initiatives are many. It includes strengthening cooperation with the international organizations, collaboration with research and educational institutions, creation of fellowship programmes, enhancing internship programmes at AALCO, enhancing capacity building programmes, increased publication and also draft instruments based on the work of the International Law Commission, promoting AALCO Arbitration Centres and continue streamlining AALCO's Statutory Rules and Administrative, Financial and Staff Regulations of AALCO.

Madam President, Excellencies, Ladies and Gentlemen, to this end, before I conclude, I want to thank each and every Member State for entrusting me with the responsibility of heading this historic organization which has a rich legacy of 65 years. It is my humble belief that I have been able to live up to the expectations placed upon me and in this process we have progressively contributed to the Afro-Asian solidarity and unity on international law matters of common concern. Over the last five years, a lot has been achieved by AALCO and I wish not to recount them at this stage. However, none of these efforts would have been possible without the solid backing and support of our Member States. The high professional support of all Deputy Secretaries-General and diligent, tireless and disciplined efforts of all legal and administrative staff at the Secretariat Headquarters in New Delhi during my tenure. I thank them all. I wish my successor all the best and pray for the cause and growth of this Organization in the years to come. I thank you for your attention.

**President:** Thank you Mr. Secretary General for that very informative and elaborate as well as insightful report. I would now open the floor for Member States to provide comments on the report presented by the Secretary-General and before I do that as a gentle reminder those who wish to make a statement are kindly requested to register with the Secretary-General's office in the Hong Kong SAR or the Organizing Committee in the Hong Kong SAR for each agenda item. The designated officials from the Organizing Committee in the Hong Kong SAR will be assisting the Secretary-General and have been entrusted with the responsibility of collating the list of speakers on each item and collecting the statements from the floor. For those delegates wishing to take the floor for the agenda item being discussed, Heads of Delegation may use the 'raised hand' function in zoom to so indicate and if the Heads of Delegations wishes to defer to their colleague to make their intervention, the colleagues should also use the 'raised hand' function in zoom to indicate as well. For those delegates making the interventions online can I remind and ask you to remember to unmute your microphone when it's your turn to speak and to mute the microphone and put down your hand virtually as it were after your intervention as we have a very packed schedule. Please also limit your oral presentations to 5-7 minutes and longer statements of course can be deposited with the designated staff at the venue or sent to the Secretariat by E-mail or fax. Now, I will see if there are anyone who has raised their hands for comments from the floor. No, I do not see any specific comments raised from the floor, in which case, I reiterate my thanks to the Secretary-General for the excellent report and perhaps we will then move on to the next item on the agenda that is AALCO's Budget for the year. This particular item I would like to invite Mr. Yukihiro Takeya, the Deputy Secretary-General of AALCO to make a presentation and then thereafter, the floor shall be open for discussion. Deputy Secretary-General you may have the floor now.

**Mr. Yukihiro Takeya, Deputy Secretary-General of AALCO:** Excellencies, Distinguished Delegates, Ladies and Gentlemen, AALCO's budget for the year 2022 is contained in document No. AALCO/59/HONG KONG/2021/ORG 2. Owing to the ongoing pandemic, the proposed budget was circulated among the Member States via *Note Verbale* No. 86/2021/AM/AALCO dated 27 May 2021 and certain correspondences between the Member States and the Secretariat. The Secretariat announced it deems the Liaison Officers approved the same by consensus by a *Note Verbale* No. 142/2021/AM/AALCO dated 27 September the same year. Now the proposal is before Member States at the Plenary for their approval.

The budgetary estimate for the year 2022 is US\$ 636900 which is a decrease of US\$ 7100 from the previous year's budget. It reflects the necessary adjustments made under certain heads and sub-heads based on the expenses likely to be incurred. Despite the decrease in total estimated budget, a Member State's withdrawal from this Organization has resulted in the readjustment of annual contribution of each Member State for Year 2022.

As regards the need to revise the scale of contributions reflecting the contemporary economic realities of the Member States, the Secretariat would like to reiterate that it is fully committed to implement the mandate it received through Resolution AALCO/RES/56/ORG1 at the Fifty-Sixth Annual Session held in Nairobi. Accordingly, it has reviewed the existing scale of contributions and prepared a report to be presented to the Liaison Officers Meeting. However, owing to the ongoing COVID-19 situation, the Secretariat is unable to hold the Liaison Officers Meeting in accordance with the aforementioned mandate to present the report. Although the Secretariat is not at present in a position to give an exact timeline in this regard, the Secretariat recently sent all Members its draft proposal on the scale of assessed contributions for their consideration. This was made based on the development of the series

of correspondences between Member States and the Secretariat and we are now optimistic that the Meeting will take this matter forward according to the mandate which we received.

Finally, the Secretariat would like to inform the Member States that continuous efforts are being made on optimizing the use of both the human and material resources available within the Secretariat. All efforts to minimize and curtail operational costs are also being exerted. At the same time, I would like to re-emphasize the Secretariat's continuing efforts for strengthening its financial basis such as collecting contributions and arrears, widening membership of AALCO and so on. The Draft Resolution (AALCO/59/RES/ORG 2) is annexed to the Budget document and is also placed before the Member States for their approval. Thank you for your patience.

**President:** Thank you very much Mr. Takeya. I now open the floor to Member States to have any comments or questions. I don't seem to see any one raising their hands. If not, I will again reiterate my thanks to Mr. Takeya for his presentation and that would conclude the deliberations on AALCO's budget for the year 2022.

In that case, we move on to the third item on the agenda and that is the establishment of the new regional arbitration centre in the Hong Kong Special Administrative Region. Since last Annual Session consultations have taken place between AALCO Secretariat and the People's Republic of China on the establishment of a new regional arbitration centre in the Hong Kong Special Administrative Region. The Host Country Agreement for establishing the AALCO-Hong Kong Regional Arbitration Centre has been signed on the 10<sup>th</sup> of November this year in New York between the Secretary-General H.E. Amb. Gastorn and H.E. Amb. Zhang Jun of the People's Republic of China to the United Nations and we are pleased to bear witness to the unveiling of the virtual plaque for the establishment of the new AALCO-Hong Kong Regional Arbitration Centre here today.

**Master of Ceremonies:** Thank you. At this moment, may I invite the Secretary-General of AALCO Dr. Kennedy Gastorn, the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region of the People's Republic of China, Mr. Liu Guangyuan and the Secretary for Justice of the Hong Kong Special Administrative Region of the People's Republic of China, Ms. Teresa Cheng to move in front of the stage. Please put your hand on top of the stand in front of you to unveil the virtual plaque and celebrate the establishment of the AALCO-Hong Kong Regional Arbitration Centre on account of one, two, three (song). Thank you very much. Please kindly return to your seats.

**President:** Thank you very much. Let us congratulate the establishment of another AALCO Regional Arbitration Centre. The AALCO-Hong Kong Regional Arbitration Centre will be formally opened in due course and Member States will be informed of its formal opening so that they can make good use of the Centre in the near future. Thank you!

**President:** We may now proceed to the most crucial task of this Session, the appointment of the next Secretary-General. Information concerning the appointment of the Secretary-General including the introduction to the candidates has already been presented to the Member States vide Document AALCO/59/HONG KONG/2021/ORG 4. As you know, we have two candidates i.e. Dr. Kamalinne Pinitpuvadol from Thailand and Mr. Ammar Bilal from the Syrian Arab Republic. Since there is no consensus candidate an election has to be held and the election is to be held in secret ballot in accordance with Rule 20 (1) of the AALCO Statutory Rules. Due to the limited number of delegations participating in person in Hong

Kong to ensure the widest participation in the voting and in consultation with the Secretariat it is decided that the election is to be held exclusively in New Delhi, the Headquarters of AALCO of which the Secretariat informed the Member States vide *Note Verbale* No. 190/2021/SGE/AALCO on the 17<sup>th</sup> of November 2021. As I have just announced the voting has already started from 5:50 PM and will be closed at 6:40 PM (Indian Time- New Delhi). We will adjourn until 6:40 so that we come back and we will then have a look at the counting live at 6:40. So we will perhaps have a short adjournment now. Thank you very much!

**President:** In fact, if I may just remind all of you, you can see actually the live voting that is ongoing as well. This is where technology comes in very useful. I understand that the delegation from Cameroon has raised a hand.

**The Delegate of the Republic of Cameroon:** Madam Chair. Can you hear me?

**President:** Yes, Please Proceed.

**The Delegate of the Republic of Cameroon:** Congratulations for your nomination as Chairman. Our concern right now is how do we vote as we are attending virtually. Did you get me?

**President:** Can I try and give a short answer? The decision I think that has been made is that it will be held exclusively in New Delhi in the Headquarters and this is in accordance with the *Note Verbale* on the 17<sup>th</sup> of November. I believe it will be done by the Election Committee.

**The Delegate of the Republic of Cameroon:** My question was how will we vote for those participating virtually? That is my question. Are we voting or not?

**President:** Well can I ask the Secretary-General to provide the answer, please.

**His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General, AALCO:** Madam President, Excellencies, Distinguished Ladies and Gentlemen. Thank you for the opportunity to clarify on the participation of online attendees in the exercise of the voting. Madam President, given the realities of the hybrid format of this Session and in accordance with the statutory rules of AALCO which requires voting to be in secret ballot format, it was proposed and suggested that voting would be done in person at the AALCO Secretariat through the Liaison Officers and other representatives of the Member States. Madam President, the decision to have the voting exercise in New Delhi was based on the fact that nearly all Member States have their Diplomatic Missions in New Delhi and, therefore, it was practical that the physical participation in the exercise would be practical in New Delhi. However, in case there is a Member who is not present in New Delhi, Madam President the Rules does not exclude the participation of online attendees. However, the modalities on how the ballot will be confidential in that manner needs to be discussed and so decided by the membership, Madam President. To this note, therefore, I would encourage and ask perhaps the respective delegations to either request the particular vote through the proxy, someone who is physically at the Secretariat to vote on your behalf if you so wish. Otherwise, I see some difficulties in terms of how we can undertake the voting in confidential ballot through online means. I Thank you Madam President.

**President:** Thank you for that.

**The Delegate of the Republic of Cameroon:** Thank you for the clarification. Thank you. I appreciate.

**President:** So if there is nothing more I would suggest we briefly adjourn till 6:40 to come back on the counting. Alright. Thank you.

**The Delegate of Sierra Leone:** Just a quick question.

**President:** Did I hear someone wanting to raise a question?

**The Delegate of Sierra Leone:** The question from Sierra Leone is a quick one. I heard you say we are converging at 6:00 (can't remember the exact time). However, for us in West Africa, the time is about 10:32 AM. The time you are proposing? In how many hours' time are you talking about? Because we are quite lost. Our time here is still morning. You could specify in how much time we would converge. That would help us.

**President:** Can I just clarify in terms of the timing. I think we have just about eight minutes or now seven minutes to the allotted time for the voting exercise.

**The Delegate of Sierra Leone:** Ok. That is helpful. Alright. Thank you.

**President:** Thank you very much. I believe the voting has completed and in that case I order the Election Committee to open the Voting Box, count the vote and report the voting result and just to mention, the Election Committee comprises of a representative from the Secretariat and also a representative from each of the State of the two candidates i.e. Thailand and Syrian Arab Republic. So let us watch the counting of the votes from the screen now.

#### **Counting of Votes in Progress at the AALCO Headquarters in New Delhi.**

**Mr. Sun Goushun, Deputy Secretary-General of AALCO:** For Dr. Kamalinne Pinitpuvadol 23 votes and for Mr. Ammar Bilal 5 votes. Total votes cast are 28. Total registered are 28. So can I write down the result?

**The Delegate of the Syrian Arab Republic:** Yes

**Mr. Sun Goushun, Deputy Secretary-General of AALCO:** So altogether there are 28 Members States who have cast their votes and Mr. Ammar Bilal got 5 votes and Dr. Kamalinne 23 and then I ask you to sign.

**Mr. Yukihiro Takeya, Deputy Secretary-General of AALCO has signed. Dr. Ali Garshasbi, Deputy Secretary-General of AALCO has signed. Mr. Sun Guoshun, Deputy Secretary-General of AALCO has signed. The Delegate from the Syrian Arab Republic has signed. The Delegate from the Kingdom of Thailand has signed.**

**Mr. Sun Guoshun, Deputy Secretary-General of AALCO:** Ok. So now I announce the result of the election on behalf of the Election Committee. Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, I, on behalf of the Election Committee, hereby report the result of the election of the Secretary-General of AALCO. The election of the new Secretary-General of AALCO took place from 3:20 PM to 4: 10 PM (Indian



Standard Time) on 29 November 2021 at the AALCO Secretariat. There were 2 candidates. Just to say in alphabetical order Mr. Ammar Bilal from the Syrian Arab Republic and Dr. Kamalinne Pinitpuvadol from the Kingdom of Thailand. Altogether, 28 Member States cast their votes. The Election Committee checked and counted the votes cast. All votes are valid. There is no invalid vote. The voting result is as follows: Mr. Ammar Bilal from the Syrian Arab Republic has got 5 votes. Dr. Kamalinne Pinitpuvadol from the Kingdom of Thailand has got 23 votes. The members of the Election Committee, the representatives from the Syrian Arab Republic, the representative from the Kingdom of Thailand and also the three Deputy Secretaries-General signed the record. That concludes my report, Madam President. Thank you.

**President:** Thank you very much, Deputy Secretary-General Sun. Ladies and Gentlemen, I hereby propose that the Heads of Delegations appoint by consensus Dr. Kamalinne Pinitpuvadol from the Kingdom of Thailand as the Secretary-General of the Organization for a period of 4 years from 1 January 2022. I am reminded to use the gavel but I hereby make that proposal. Can I see if there is any objection? There is no objection and it is so decided. (Gavel followed by claps). Now I take this opportunity to heartily congratulate him on his election and congratulate the Member States on electing an illustrious leader to head the organization and I thank Prof. Dr. Kennedy Gastorn who so ably discharged his responsibility during and beyond his defined tenure. I now request the Secretary-General elect Dr. Kamalinne Pinitpuvadol from the Kingdom of Thailand to address this gathering on this memorable occasion.

**Dr. Kamalinne Pinitpuvadol, Secretary-General Elect of AALCO:** Thank you Madam President, Excellencies, Distinguished Delegates. It is my absolute privilege and honour for me to address you today. At the outset, I would like to take this opportunity to state that I come from the Kingdom of Thailand. Thailand joined AALCO in 1961 and has since made contributions to the growth and development of AALCO. Thailand has participated actively in the work of AALCO including hosting two Annual Sessions of AALCO namely the 8<sup>th</sup> and 26<sup>th</sup> Annual Session in Bangkok in 1966 and 1987 respectively and I believe that Thailand would be delighted to host another Annual Session during my tenure. Madam President. Please allow me to express my sincere appreciation to all Member States of AALCO for the task that has been bestowed upon me at this election. My deep gratitude is extended to the Royal Thai Government for nominating me as candidate for this position. I would also like to express my most sincere gratitude to the Ministry of Finance for providing me full assistance and support throughout the campaign. I would like to commend His Excellency Prof. Dr. Kennedy Gastorn, the outgoing Secretary-General for his able leadership and outstanding contribution to AALCO. During his tenure, Prof. Gastorn has initiated many valuable programmes and projects which are beneficial for AALCO and for the development of international law for the Asian and African regions. Please allow me to highlight some of his major works: 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, 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. Therefore, as the new Secretary-General of AALCO and the successor of Prof. Gastorn, I have big shoes to fill. Madam President, as the

new Secretary-General, I will continue the momentum and good legacy of the outgoing Secretary-General Prof. Gastorn as well as former Secretaries-General in leading the Secretariat and pursuing activities aimed at revitalizing and strengthening the Organization on both financial and substantive fronts. This is the key for a robust and sustainable Organization.

Madam President, one of my priorities as the new Secretary-General of AALCO is to encourage future generation of international lawyers in the Asian and African regions. I believe it is significant to promote international law among the younger generation through the dissemination of knowledge including capacity building, training and education as well as networking so that they will take part and take responsibility in the formation and promotion of international norms in light of new and emerging challenges. Last but not the least, I think AALCO must continue to promote Bandung Spirit and promote the progressive development and codification of international law. This is the role and main objective of AALCO after all. Let me assure you that AALCO would continue to actively cooperate with the ILC (International Law Commission) with a view to providing the ILC views of the Asian and African regions and to contribute substantially towards the work of the Commission. It is a great pleasure in knowing that amongst the 34 newly elected (by the General Assembly) members of the ILC there are 13 members from the Member States of AALCO. I would like to take this opportunity to congratulate them on the election to the ILC. I look forward to our close cooperation in the near future. Once again, this is my greatest honour to have earned your support and feel truly privileged to have the authority to serve you all. I pledge to work for the common interest of AALCO Member States and will dedicate my time, knowledge, experience and energy to the work of AALCO. I am hopeful with support from all of you, I will endeavour to meet your expectations.

Et je tiens à vous remercier pour la confiance et le soutien que vous m'avez accordé. Je suis vraiment privilégié d'avoir l'opportunité de travailler avec vous en tant que Secrétaire Général de l'AALCO. Merci beaucoup de votre attention.<sup>6</sup>

Thank you very much for your kind attention.

**President:** Thank you very much, Secretary-General elect. I would now give the floor to Member States to deliver any congratulatory statements to the new Secretary-General elect. I see the hand of the People's Republic of China. Would the representative from the People's Republic of China please provide your remarks now?

**The Delegate of the People's Republic of China:** Thank you Madam President. China would like to once again thank Syria and Thailand for nominating top-level candidates and China would want to congratulate Dr. Kamalinne Pinitpuvadol for his election. A very warm congratulation to him and also to the Organization. We are confident that under the strong leadership of the new Secretary-General, the Organization will further promote international law especially the cooperation among Asian and African States to further uphold the international order based on international law. I would also like to take this opportunity to thank the outgoing Secretary-General H.E. Kennedy Gastorn for his lasting devotion, commitment and outstanding contribution to the Organization. Thank you Madam President!

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

**President:** Thank you very much. May I invite the next speaker, the representative from Palestine please.

**The Delegate of the State of Palestine<sup>7</sup>:** I extend my warm congratulations to the new Secretary-General of the Kingdom of Thailand and express my confidence that he will develop and strengthen the principles of justice, the principles of international law and the statute of AALCO. I also thank the former Secretary-General, Prof. Dr. Kennedy Gastorn, and I hope, God willing, that it will evolve further down the line. I thank this Organization for proposing an agenda item pertaining to the State of Palestine on violations of the Israeli occupation and the occupied territories, be it Golan or other occupied territories.

I wish our Organization continued progress and success and want it to evolve into legal and judicial mechanisms not remaining confined to its consultative dimension. I express my respect and appreciation for it. Thank you.

**President:** Thank you very much! Can we now invite the representative from Indonesia? The floor is yours.

**The Delegate of the Republic of Indonesia:** Thank you Madam Chair. On behalf of the Government of the Republic of Indonesia, I would like to congratulate Dr. Kamalinne Pinitpuvadol for his election as the new Secretary-General of AALCO for a period from 2022-2025. We believe he will be able surely to contribute to the strengthening of AALCO's relevance and strategic role in fostering friendship, solidarity and cooperation particularly in international law settings to achieve good global governance and rule of international law. Be rest assured, Indonesia's continued full support for the work of AALCO and the leadership of the newly elected Secretary-General, Dr. Kamalinne Pinitpuvadol. I would also like to express my sincere gratitude and high appreciation for the excellent work, contribution and dedication that has been made by H.E. Dr. Kennedy Gastorn during his tenure as the Secretary-General of AALCO for the period 2016-2020. I wish Dr. Kennedy Gastorn all success and good health for his future endeavours and career. I thank you Madam Chair.

**President:** Thank you very much. May I now invite the delegate from the Philippines please. The floor is yours.

**The Delegate of the Republic of the Philippines:** Thank you very much Madam President. This is the first time, the Philippines is taking the floor. Allow me to congratulate you on your election as well as express my sincerest appreciation for your able stewardship of this meeting. You can rest assured of my delegation's cooperation and full support. We also commend the Secretariat for the excellent meeting arrangements. We would also like to specially thank our gracious hosts, the People's Republic of China and the beautiful city of Hong Kong for hosting this important conference despite the challenges posed by the pandemic. The Philippines extends its warmest congratulations to the newly elected Secretary-General Dr. Kamalinne Pinitpuvadol. The new Secretary-General can rest assured of our full support as he embarks on his task of upholding AALCO's mandate of promoting the rule of law in the international development agenda as embodied in the Bandung Spirit. We hope that under your term, AALCO can take its rightful place in the international law-making process leading to its progressive and equitable development. The Philippines would also like to thank the outgoing Secretary-General H.E. Kennedy Gastorn for his enormous

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<sup>7</sup> The Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.



contribution to AALCO since taking the helm in 2016. Ambassador Gastorn has been instrumental in driving many joint AALCO initiatives most noteworthy of which is the emergence of AALCO as a hub for collective dialogue on legal concerns of the Member States from Asia and Africa. We wish Ambassador Gastorn the best and again thank him for his valuable service to AALCO. Thank you, Madam President.

**President:** Thank you very much for your kind words. May we now invite the delegate from the Union of Myanmar. Please you have the floor.

**The Delegate of the Republic of the Union of Myanmar:** Thank you Madam President! Since I am taking the floor for the first time, I would like to say congratulations for your election as the President of the Fifty-Ninth Annual Session of AALCO. In addition, we would like to convey our congratulations to Your Excellency Dr. Kamalinne Pinitpuvadol for your election as Secretary-General of AALCO. We do believe that under your excellent leadership beneficial outcomes and great achievements would result from your work. We are looking forward to work with you. Thank you.

**President:** Thank you very much. May we now invite the delegate from the Democratic Socialist Republic of Sri Lanka please. You have the floor.

**The Delegate of the Democratic Socialist Republic of Sri Lanka:** Permit me on this occasion to initially congratulate you on your election as the President of the Fifty-Ninth Annual Session of AALCO. As an original member, on behalf of the Government of Sri Lanka and the delegation from Sri Lanka, I would like to extend our warm congratulations to the Secretary-General elect and wish him all success in all your endeavours. Secretary-General elect, you do have an arduous task ahead considering the prevailing challenges. However, I have no doubt that considering your background and your experience you will be able to carry out your tasks in a manner harmonizing the divergent views and opinions of Member States on various aspects as and when such matters are referred to AALCO by Member States or initiated by the Secretary-General. I wish you success. Permit me also to take this opportunity to thank the outgoing Secretary-General Dr. Kennedy Gastorn for your leadership and your commitment. Thank you very much.

**President:** Thank you very much. May we now invite the delegate from Japan to deliver his remarks.

**The Delegate of Japan:** Thank you Madam President. This delegation takes the floor for the first time after your election. Let me congratulate you on your election. I will assure you of the full cooperation of my delegation with you for the success of this session. On behalf of the Government of Japan, I would like to make brief congratulatory remarks on the occasion of the election of Dr. Kamalinne as the next Secretary-General of AALCO. The Government of Japan most heartily welcomes the election of Dr. Kamalinne as the new leader of AALCO. We are quite confident that professional expertise and able leadership of Dr. Kamalinne will bring further development to the work of AALCO and further promotion of the mission of AALCO in our Asian and African region. His address reinforced our conviction for his success. I also take the opportunity to express my deep sense of appreciation to the current Secretary-General Dr. Kennedy Gastorn and his team for organizing the election in such an efficient and effective manner in these difficult circumstances. The Government of Japan wishes to inform that it will support the work of Dr. Kamalinne as we have done for the present Secretary-General. Thank you Madam President.

**President:** Thank you very much. May we now have the delegate from Nepal. Please you have the floor.

**The Delegate of Nepal:** Madam President. On behalf of my delegation and my own, I would like to congratulate the newly elected Secretary-General Dr. Kamalinne Pinitpuvadol and would like to extend my best wishes for a successful and fruitful tenure. I would also like to thank our outgoing Secretary-General for his valuable contribution. Thank you.

**President:** Thank you very much! If we may now have the delegate from the Islamic Republic of Iran. The floor is yours.

**The Delegate of the Islamic Republic of Iran:** Thank you very much Madam President. First of all, I would like to congratulate you Secretary-General elect Dr. Kamalinne Pinitpuvadol and we wish success for his tenure at AALCO. AALCO is a significant institution for the promotion of international law at the international level and rule of law at the international level as well. We would like to appreciate Dr. Kennedy Gastorn, the Secretary-General of AALCO and we believe he had a very important role in promoting this institution. We had a very good cooperation with him and we hope that we are going to have a good future cooperation with Secretary-General elect Dr. Pinitpuvadol from Thailand.

Madam President, I would like here to thank the distinguished candidate of the Syrian Arab Republic for his participation in the election. I believe he is very good and a highly qualified person. We are here as Member States of AALCO to promote rule of law at the international level. We need to have very good cooperation in the future and I do believe that during the Chairmanship of Secretary-General elect Dr. Pinitpuvadol we are going to have a very good and flourishing relationship on all matters pertaining to the development and codification of international law. He mentioned about cooperation with the International Law Commission of the United Nations and any other global or regional forums which are involved with this process of promotion of international law. Thank you so much Madam President.

**President:** Thank you very much for those remarks. May I echo your observations that we must also thank Mr. Bilal from the Syrian Arab Republic for his participation in this particular election process and a very worthy candidate himself too. We now have the next delegate from the United Republic of Tanzania. You can have the floor please. You will have to unmute please.

**The Delegate of the United Republic of Tanzania:** Thank you Madam President. Madam President, on behalf of my delegation and of the United Republic of Tanzania please accept our warm congratulations on your election as President of this organization. We wish you the best as you prepare to take up the responsibilities and challenges of your high office. We have confidence in you Madam President that during your tenure you will be able to advance the core values of this organization. On this same premise, this delegation wishes to congratulate the newly elected Secretary-General Dr. Kamalinne Pinitpuvadol to lead the Secretariat of this noble organization. It is our belief that he will continue to advance the purpose and objectives of AALCO.

Madam President, The United Republic of Tanzania would like to sincerely thank all Member States for the support given to the outgoing Secretary-General H.E. Amb. Prof. Dr. Kennedy Gastorn during his tenure. In this regard, the United Republic of Tanzania reiterates

its support and commitment to AALCO, and its secretariat towards exercising its mandate. Thank you for your attention.

**President:** Thank you very much for those kind words and the encouragement that is given. May we now turn to the next delegate from Sierra Leone. Please you can have the floor.

**The Delegate of Sierra Leone:** Thank you very much. I would first of all like to congratulate you Madam President on your election as President of AALCO. I have no doubts that you will carry out your tasks diligently. I want to assure you of the support of my delegation to ensure that your tenure is very successful. I would also like to congratulate the newly elected Secretary-General Dr. Kamalinne and wish him successful four-year tenure. Secretary-General Dr. Kamalinne to whom what is given, what is expected. My delegation and I have absolute confidence in your capabilities and can only hope that you will take AALCO to enviable heights as far as the promotion of international law is concerned. Finally, I would like to thank you Prof. Gastorn for your outstanding contribution to AALCO during your tenure. We wish you all the best in your future endeavours. Thank you very much.

**President:** Thank you very much for those remarks. May we now invite the delegate from Nigeria to deliver the remarks please. The floor is yours.

**The Delegate of the Federal Republic of Nigeria:** Madam President, on behalf of my country, the Federal Republic of Nigeria we first thank you for this opportunity to participate in this programme and to thank the newly elected Secretary-General Dr. Kamalinne. We believe strongly based on the wealth of experience that you are going to carry AALCO to higher and enviable heights while carrying other countries and stakeholders along to ensure that the aims and objectives of AALCO are met. So equally thanking the outgoing Secretary-General for his wonderful and landmark achievements he made during his five-year tenure. So we believe strongly that during this period AALCO moved from heights to heights. I rest my case here. Thank you very much.

**President:** Thank you very much. We would like now to invite the delegate from Cameroon for your remarks please. Cameroon delegate.

**The Delegate of the Republic of Cameroon:** Thank you! Our delegation wishes to congratulate Dr. Kamalinne for being elected as the new Secretary-General of AALCO. We express the hope that he maintains the dynamism of AALCO as Prof. Dr. Kennedy Gastorn did during his tenure. We also wish all the best to Prof. Dr. Kennedy Gastorn for his future. Thank you for your attention.

**President:** Thank you very much. I would like now to invite the delegate from the State of Libya to provide your remarks. Please.

**The Delegate of the State of Libya:** Thank you! Let me first start by congratulating you Madam President for your election as President of AALCO for this session and also our appreciation for the People's Republic of China for hosting the meeting. I would like to join previous delegations in congratulating the Secretary-General elect Dr. Kamalinne on his election. We look forward to working closely with him and we assure him of our continuous support and cooperation. Our thanks are also extended to Mr. Amar Bilal the candidate of Syria for his participation in this election. We would also like to express our appreciation for

the outgoing Secretary-General Dr. Kennedy Gastorn for his leadership and tireless efforts during his tenure. Thank you very much.

**President:** Thank you very much. May I now give the floor to the delegate from Iraq please.

**The Delegate of the Republic of Iraq<sup>8</sup>:** Thank you very much for providing me with this opportunity to make the congratulatory statement. On behalf of the Iraqi delegation and the Republic of Iraq, I extend my sincere congratulations to Dr. Kamalinne Pinitpuvadol for his election as the Secretary-General of the organization for a period of four years. We pray to God to condone his mistakes and help him accomplish the tasks entrusted to him with dedication and sincerity, and provide him everything that can make the organization achieve new height and realize its ambitions and goals by reaching the highest levels of communication and international peace. On our part, we express our support for AALCO and its prominent role in determining relations between Member States and others. With our thanks and gratitude for this opportunity, our greetings to all with our sincere support and communication with AALCO. Thanks a lot.

**President:** Thank you very much. We now have the floor for the delegate from Turkey please. You have the floor.

**The Delegate of the Republic of Turkey:** Thank you Madam President. First of all, we would like to congratulate you on your election as the President of the Fifty-Ninth Session of AALCO. We also express our appreciation to the People's Republic of China for hosting this meeting and we also congratulate the Hong Kong Special Administrative Region (SAR) for being elected as one of the new regional centres of arbitration within AALCO, Hong Kong being one of the main arbitration centres in the world. We believe this new regional centre will add value to the city. Please allow us to congratulate Dr. Kamalinne Pinitpuvadol from Thailand for his election as Secretary-General of AALCO. We would also like to thank the outgoing Secretary-General of AALCO Prof. Dr. Kennedy Gastorn and we would like to thank him for his outstanding contributions and services to the functioning of the Organization. Thank you, Madam President.

**President:** Thank you very much. I believe that concludes the expressions from the floor and with this we come to the close of the events for the first day of the Fifty-Ninth Annual Session of AALCO. We shall continue the Session tomorrow at 3 PM (Hong Kong Time) and let me take this opportunity to remind you that there is a side event on Dispute Settlement that has been organized at 1 PM (Hong Kong Time) tomorrow and all are welcome to attend. So I will see all of you at 3 PM tomorrow if not earlier. Thank you very much. Have a good day.

**The Meeting was thereafter adjourned**

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<sup>8</sup> The Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

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





**VII. VERBATIM RECORD OF THE SECOND GENERAL MEETING HELD ON  
TUESDAY, 30 NOVEMBER 2021, AT 03:04 PM HONG KONG TIME**

**Her Excellency Ms. Teresa Cheng, Secretary for Justice of the Hong Kong SAR of the People's Republic of China, the President of the Fifty-Ninth Annual Session of AALCO in the Chair.**

**President:** Welcome to the second day of the Fifty-Ninth Annual session of AALCO. Distinguished Delegates, we now start the Second General Meeting, which is devoted to General Statements from Member States of AALCO. Before I begin, may I request the delegates wishing to make statements to please complete your statements within 5 to 7 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 record of proceedings to be prepared by the AALCO Secretariat in accordance with Rule 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, vide email at [as59@aalco.int](mailto:as59@aalco.int). If the statement is made in Arabic, it is appreciated to attach an English translation as well. Kindly note the email again is [as59@aalco.int](mailto:as59@aalco.int). Also, a *Note Verbale* to this effect has been sent to the Member States on the 8<sup>th</sup> of November 2021, and the document no. is 180/2021/59AS/AALCO.

The theme for the General Statements is “Upholding International Law for a Community of Shared Future: the Role of Asian and African Countries”. The Member States are also welcome to include their views on items on the agenda of the Organization, which are not to be deliberated during this Annual Session: Law of the Sea; Peaceful Settlement of Disputes, International Trade and Investment Law, and Extraterritorial Application of National Legislation: Sanctions imposed against Third Parties. Kindly note that in order to enable Member States to follow the latest development on these subjects, the Secretariat has prepared a brief on each of them. I would like to encourage participants to make a statement along the theme to have a focused discussion.

Delegates wishing to make their general statements should register themselves with AALCO Secretariat. For those delegates wishing to take the floor for the agenda item being discussed, Heads of Delegations may use the “raise hand” function in Zoom to so indicate even if you have deposited the General Statement with the Secretariat. If the Head of Delegation wishes to defer to their colleague to make the intervention, that colleague should also use the “raise hand” function in Zoom to indicate so as well. For the delegates making the intervention online, please remember to unmute your microphone when it is your turn to speak, and to mute the microphone and put down your hand after the intervention. Your order of speakers throughout the Annual Session would be as follows: first would be the Member States, second, Observer States, if any, and third, international organizations. Is there anything else you wish to add, Mr. Secretary-General?

**His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO:** Yes, please. Madam President, Excellencies, distinguished delegates, ladies and gentlemen; AALCO's mandate as a multilateral platform is confined to the matters of mutual interest and common concerns of international law. Debates on contentious bilateral matters among the Member States are excluded, as AALCO seeks to function as a forum to facilitate cooperation and solidarity between Asian and African States based on the Bandung spirit and the values of mutual harmony and friendliness between Member States. Member States and Observers are therefore expected to refrain from acting bilaterally, contrary to the spirit of our common

goals. All interventions must seek to share experiences and expand the norms of international law. It would therefore be appreciated if references to the national, unilateral and internal matters of a particular State could be avoided. Accordingly, based on the past practice of AALCO, any statement of bilateral and contentious nature among Member States may be expunged from the record of the proceedings at the initiative or request of any concerned Member State, as communicated to the Secretary-General, in consultation with the President of the Annual Session. I thank you.

**President:** Thank you very much, Secretary-General. I now invite the delegate from the People's Republic of China as the first speaker. You have the floor, please.

**Mr. Guangyuan Liu, Commissioner, Office of the Commissioner of the Ministry of Foreign Affairs of China in the Hong Kong SAR, and the Head of Delegation of the People's Republic of China:** Madam President, congratulations on your election as President of the Fifty-Ninth Annual Session of AALCO. I believe that under your excellent leadership, this session will be a full success.

Please allow me to take this opportunity to express my heartfelt thanks to Secretary-General Kennedy Gastorn for his contributions to the development of the AALCO over the past five years, and extend my warm congratulations to Dr. Kamalinne Pinitpuvadol on his election as Secretary-General.

We expect that under the leadership of the new Secretary-General, the AALCO will promote closer exchanges and cooperation between Asian and African countries in international law, and further contribute to maintaining the international order underpinned by international law.

As the representative of the host country, I sincerely welcome all delegations to this annual session held both online and on site for the first time. My appreciation also goes to the Secretariat and the HKSAR Government for their thoughtful arrangement despite challenges brought by COVID-19.

The session in such a special backdrop indicates that the pandemic cannot stop Asian and African countries from strengthening international law cooperation. It will leave a historic "AALCO mark" in Hong Kong.

Madam President, today's world is full with uncertainties and emerging global challenges. Faced with the major questions of our time – "what is happening in the world?" and "what shall we do about it?" – President Xi Jinping has called for building a community with a shared future for mankind.

Yesterday, Premier Li Keqiang came back to the AALCO annual session and delivered a speech after six years, which fully demonstrates China's support for AALCO and the high importance China attaches to exchanges and cooperation between Asian and African countries on issues concerning international law.

In his speech, Premier Li Keqiang made five proposals on how Asian and African countries should uphold the international rule of law and jointly build a community with a shared future for mankind.

Here, I wish to share some of my suggestions based on the work of AALCO and practice of Asian and African countries.



First, we need to be a defender of international law.

Premier Li Keqiang said yesterday that international law is crucial in upholding the cause of fairness and justice and safeguarding the environment for peaceful development.

In the last century, Asian and African countries, as good partners with a shared future, jointly put forward the basic norms of international law, such as the Ten Principles of Bandung Conference and the Five Principles of Peaceful Co-existence, thus making important historical contributions to the post-war international law system.

Going forward, Asian and African countries should continue to defend the authority of international law and contribute to the codification and gradual development of international law.

At the same time, we must guard against the hypocritical position of certain countries exploiting or discarding international law at their own will, and jointly oppose their acts of seeking hegemony under the cover of “rules”.

Second, we need to be a follower of multilateralism.

AALCO is the only international law cooperation platform across Asia and Africa. It promotes consultation and exchanges in the field of international law between different countries, and is a model of multilateralism.

Asian and African countries should join hands to uphold the international system with the UN at its core, the international order underpinned by international law and the basic norms of international relations based on the purposes and principles of the UN Charter.

In the face of global challenges in today’s world, Asian and African countries should continue to advance open and inclusive multilateral cooperation, and take practical actions to meet Asian and African people’s aspirations for peaceful development, fairness and justice as well as their pursuit of win-win cooperation.

On the other hand, Asian and African countries must tell right from wrong, and resolutely resist “pseudo-multilateralism” that draws ideological lines and creates division in the disguise of “democracy” and “human rights”.

Third, we need to be a builder of global governance.

Since our independence, Asian and African countries have worked together to oppose hegemony and advocate democracy in international relations.

With three-fourth of the world’s population and the largest global market, Asian and African countries have been deeply integrated into the global trend of development.

A more just and equitable global governance system is in the vital interest of Asian and African people and a matter of fairness and justice, so Asian and African countries should take an active part in the reform of important international institutions such as the World Trade Organization and the World Health Organization, so as to increase the representation and decision-making power of developing countries.

In the emerging fields of deep sea, outer space, cyberspace and digital development, Asian and African countries need to step up communication and coordination, engage in

international rules-setting, have a bigger Asian and African voice, and contribute more Asian and African wisdom.

Madam President, our world is moving towards greater multi-polarity and economic globalization. In such a world, interests of countries around the world are deeply inter-connected, and more attention has been paid to the common interests of the international community in the field of international law.

The COVID-19 pandemic has once again driven home the message that all countries are a community with a shared future where we share weal and woe together.

Building a community with a shared future for mankind is in the fundamental interest of the Asian and African people. It should be what Asian and African countries work for in promoting the development of international order and international law.

Asian and African countries need to answer the call of our time, jointly respond to global challenges, uphold the international rule of law together, and safeguard the common interests of human society.

This year marks the 100th anniversary of the founding of the Communist Party of China. China has built a moderately prosperous society in all respects and eliminated absolute poverty. It is moving towards the second centenary goal of fully building a great modern socialist country.

This year is also the 50<sup>th</sup> anniversary of the restoration of the lawful seat of the People's Republic of China in the UN. Over the past half a century, China has stayed committed to true multilateralism as a builder of world peace, a contributor to global development, and a defender of the international order. It has taken concrete actions to safeguard the legitimate rights and interests of developing countries.

Earlier this month, the Communist Party of China held the Sixth Plenary Session of the 19th CPC Central Committee, which had a comprehensive review of major achievements and historical experience of the Party over the past century.

During the 100 years, the Communist Party of China has been not only seeking happiness for the Chinese people and rejuvenation for the Chinese nation, but also pursuing progress for mankind and common good for the world.

Looking to the future, China will continue to work with other countries to defend and develop international law and contribute to building a community with a shared future for mankind.

Finally, I wish this annual session every success! Thank you, Madam President.

**President:** Thank you very much. May I now invite the delegate from the Islamic Republic of Iran to deliver the general statement? You have the floor please.

**Mr. Alireza Esmail Zadeh, Consul General, The Consulate General of the Islamic Republic of Iran in Hong Kong and Macao, and the Assistant Head of Delegation of the Islamic Republic of Iran:** Thank you, Madam President. Madam President, Distinguished Delegates, due to an urgent mission for Dr. Behzad Saberi Ansari, Director General for International Legal Affairs of the Department of the Ministry of Foreign Affairs of the Islamic Republic of Iran, I have been instructed to deliver the Statement of the Islamic Republic of Iran in this annual session of the AALCO.

My delegation expresses its warm gratitude to the People's Republic of China for hosting the Fifty-Ninth Session of the Asian-African Legal Consultative Organization (AALCO).

At the outset, I would like to extend my appreciation for the arrangements made by the Hong Kong SAR and the Secretariat of the Organization for conducting the present session in a hybrid format during these hard days of pandemic.

I would also like to congratulate the newly elected Secretary-General of the Organization, Dr. Kamalinne Pinitpuvadol and wish him and his capable team in the Secretariat great success in fulfilling the AALCO's mandate. The Islamic Republic of Iran, as always, assures its support and full cooperation throughout the term of his mission in the Organization.

Madam President, Excellencies, during the past few years, the world has faced one of the most dangerous challenges in its lifetime. Beyond the health and human tragedy caused by Coronavirus around the globe, every aspect of our lives has been impacted by this crisis and our gatherings in this organization were not an exception.

Since its establishment, the AALCO has made significant contributions to enhance coordination and cooperation among Asian and African countries enabling them to speak with one voice for their common interests in the field of international law. Ever since, the development of, and respect for international law has been an integral part of the work of the Organization.

As regards, the Islamic Republic of Iran attaches full support and great significance to the annual meetings of AALCO and firmly believes that the rule of law cannot achieve its main goal, namely, accountability and transparency without international law. The international legal order based on principles of international law, enshrined in the United Nations Charter is the most viable apparatus institution to promote rule of law at international level and there is nothing inherent in international law that could prejudice this matter.

We firmly believe that this gathering is a considerable opportunity for sharing experiences, enhancement of mutual understandings and increasing amity and synergies among the Asian and African nations. Although due to the continuing situation of the pandemic all topics on AALCO's agenda cannot be deliberated during this annual session, we thank the Secretariat for its constant effort in preparation of the briefs on both deliberated and non-deliberated topics.

Madam President, speaking on the rule of law at international level, we reaffirm that unrestrained unilateralism has attenuated the rules-based order, thus multilateralism should be revitalized and the core values of international community of States should be protected, ensured and respected.

In a world based on multilateralism, unilateralism is doomed to failure. In this regard, all actors, including States, IGOs, and even NGOs must abide by the agreed rules of international law. As stressed in the report of the UN Secretary-General A/65/318 dated 20 August 2010, and I quote: "Responsibility of all subjects of international law for fulfilling their obligations is thus essential to any concept of rule of law at the international level". Hence, any use of force without the authorization of the UN Security Council or in self-defense under Article 51 of the UN Charter, or threatening a nation to do so or its justification is not only contrary to the UN Charter, but also would gravely undermine the international rule of law.

Moreover, I would like to express deep concern of my delegation regarding an adverse phenomenon that some certain states have been doing activities to encourage or persuade other states to breach international law in order to gain their national interests. Undoubtedly these kinds of measures undermine the rule of law and make grounds for continuous violation of international law, which is contrary to conscience and morality as well.

Madam President, Excellencies, over the recent years, the Islamic Republic of Iran has been faced with the unprecedented illegal and illegitimate unilateral sanctions of the United States, which by weaponizing economy and currency, has led to “Economic Terrorism” and targeted the life of civilians and the most vulnerable. We are of the view that the use of unilateral economic, financial or trade measures are inconsistent with the principles of international law or the Charter of the United Nations and contravene the basic principles of the multilateral trading system and that affect, in particular, developing countries. Nonetheless, we have showed our firm commitment to international law by recourse to peaceful methods of dispute settlement through filing two contentious cases before the ICJ that are currently pending.

Most notably, following the unilateral withdrawal of the US from the JCPOA in May 2018, which is flagrant violation of the Security Council Resolution 2231 of 20 July 2015, re-imposition of sanctions and the unlawful revocation of related sanctions relief for Iran contrary to its obligations under the “Treaty of Amity, Economic Relations, and Consular Rights of 1955”, the Islamic Republic of Iran filed an Application instituting proceedings against the United States with respect to violations of multiple provisions of the Treaty of Amity.

At the same time, in view of the urgency and the risk of irreparable prejudice to its rights, subsequent to re-imposition of sanctions, Iran requested the Court to indicate provisional measures. On 3 October 2018, the Court issued an Order on provisional measures unanimously requiring “[t]he United States of America, in accordance with its obligations under the 1955 Treaty of Amity, Economic Relations, and Consular Rights, shall remove, by means of its choosing, any impediments arising from the measures announced on 8 May 2018 to the free exportation to the territory of the Islamic Republic of Iran of (i) medicines and medical devices; (ii) foodstuffs and agricultural commodities; and (iii) spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil aviation;” and that “The United States of America shall ensure that licenses and necessary authorizations are granted and that payments and other transfers of funds are not subject to any restriction in so far as they relate to the goods and services referred to in [the preceding point]” ultimately, requiring that “[b]oth Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

Regrettably, the United States not only failed to comply with the Court’s Order, but also deliberately defied that Order by imposing new sanctions, especially during the outbreak of the COVID-19 pandemic. It is noteworthy that the Court, in Paragraph 100 of its Order, reaffirmed that its “orders on provisional measures have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed”.

As a result, the Islamic Republic of Iran has on several occasions brought the United States’ non-compliance with the Order to the Court’s attention. The answer provided by the US in this regard has always been a repetition of its previous contentions; that it has been bound by the Order and that humanitarian transactions are exempt from its sanctions.

My delegation is very hopeful that the ICJ, in accordance with new Article 11 of the Resolution concerning the Internal Judicial Practice of the Court, on procedures for monitoring the implementation of provisional measures, will form an *ad hoc* committee to assist the Court in monitoring the implementation of provisional measures by examining the information supplied by the parties in relation to the implementation of provisional measures.

Madam President, Excellencies, the Islamic Republic of Iran strongly condemns terrorism and reaffirms its unwavering commitments to combat it in all its forms and manifestations, including state terrorism, with special regard for economic and medical terrorism, pursued through the imposition of Unilateral Coercive Measures (UCMs). We pay special tribute to those who have fallen victim to terrorism. It should be noted that, apart from the unilateral sanctions of the U.S., Iran has been a victim of state terrorism on several occasions.

Most recently and notably, on 3 January 2020, a prominent figure in the fight against Da'esh in Iraq and Syria, Major General Qasem Soleimani, who was in official visit at the invitation of the Government of the Republic of Iraq, was assassinated in a terrorist attack at Baghdad International Airport perpetrated by the U.S. forces.

His assassination was celebrated by Da'esh and other terrorist groups in the region who considered him as a major impediment in their terrorist activities. Iran has also been the target of different forms and manifestations of state terrorism, including the assassination of our governmental officials, and several Iranian nuclear scientists as well as terrorist attacks against our peaceful nuclear facility in Natanz and other nuclear installations.

Madam President, in conclusion, I would like to wrap up with emphasizing on the necessity of respecting rule of law as the cornerstone of international law, especially in the era of the global pandemic of COVID-19. Hence, we suggest the Secretariat to conduct a survey on the “impact of global COVID-19 pandemic on the rule of law at international level”.

I thank you for your kind attention. Thank you.

**President:** Thank you very much for the statement. May I now invite the delegate from the Kingdom of Bahrain to deliver the statement please? The floor is yours.

**H.E. Mr. Tawfeeq Al-Mansoor, Undersecretary for Consular and Administrative Affairs, Ministry of Foreign Affairs, and the Head of Delegation of the Kingdom of Bahrain<sup>9</sup>:** Excellencies, Ladies and Gentlemen, at the outset, I am pleased on behalf of the Kingdom of Bahrain, to convey the greetings of Hon. Foreign Minister Dr. Abdullatif bin Rashid Alzayani and his wishes for the success of Fifty-Ninth Session of Asian-African Legal Consultative Organization.

I am glad to share with everyone our congratulations to His Excellency Madam President on her election to chair this Session expressing our trust that her experience and high efficiency would contribute a great deal in the success of this Session. We are ready to extend our full support and assistance to her.

I also would like to avail this opportunity to express our thanks and appreciation to Prof. Dr. Kennedy Gastorn, the Secretary-General of AALCO, for taking steps and measures during his tenure to enhance the work of the Organization. I also congratulate the New Secretary-General Dr. Kamalinne Pinitpuvadol wishing him all success in leading the Organization and looking forward to working with him.

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<sup>9</sup> The Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.



Madam President, the Kingdom of Bahrain reiterates its commitment to the international law and rules of customary international law to achieve the common interests. In this context, the Kingdom stresses the importance of preserving the freedom of maritime navigation in all regions of the world and the need to adhere to the rules established by international norms and formulated by the relevant international treaties related to international trade, including preservation of the interests of countries and their peoples.

The Gulf region has recently witnessed an increase in tension due to the threat to the freedom of navigation in the region, which mandates the international community to confront such challenges that threaten international freedom of navigation at sea, and to ensure freedom of navigation in international straits to avoid the harmful effects resulting from such challenges by re-emphasizing the need for commitment to the principle of freedom of navigation in international straits for all countries and for all ships, and to ensure the safety and security of ships as defined by international norms and treaties.

Madam President, many international disputes still threaten the cordial relations and cooperation amongst the states, take its toll on the international relations, and may even undermine and scuttle international peace and security. These dangers must be addressed through a commitment to the peaceful settlement of international disputes as stipulated in the Charter of the United Nations and General Assembly vis-à-vis the declarations on principles pertaining to relations and cooperation among all the States.

The principle of good neighborliness is one of the well-established principles of international law, which requires all states in one geographical area to commit themselves not to interfere in each other's internal affairs and to maintain stability for the benefit of all.

The concept of the rule of law has been clearly expressed in the draft Declaration on the Rights and Duties of States prepared by the International Law Commission in 1949, and Article 14 of it states that “Every State has the duty to conduct its relations with other States in accordance with international law and with the principle that the sovereignty of each State is subject to the supremacy of international law.”

The Kingdom of Bahrain has always affirmed its keenness to play a positive and effective role at the international level through its balanced and distinguished political and economic relations at the bilateral and multilateral levels.

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

Madam President, the accelerating progress in cyberspace calls on all of us for continued efforts that address the issue of state sovereignty in cyberspace and combat cybercrime against which countries are exposed to.

In today's world, a new round of technological revolution and industrial transformation is unfolding, and digital technologies are developing at an accelerating pace, which has led to a significant change in the mode of production and people's lifestyles, and promoted the economic and social development of countries. Meanwhile, digital censorship and cyber-attacks have become cross-border challenges for countries and cyberspace has become increasingly campy, politicized and centered around extremist ideologies and ideas, violating

state sovereignty and making many countries vulnerable to foreign interventions and organized digital attacks.

Madam President, in the cyberspace, countries not only have common opportunities and interests, but also face common challenges and bear common responsibilities, despite the different national conditions and stages of developing the digital infrastructure in conjunction with different challenges on the ground. However, they share the same desire to advance the digital economy and addressing cyber security challenges.

Madam President, we appreciate what has been achieved in international law in this field, by both the United Nations and our Organization, and at the same time we call on the international community to intensify its efforts regarding strengthening the governance of cyberspace and emphasizing the principle of state sovereignty because we always believe that the international community must work together and in a joint effort to protect cyber security and maintain international peace.

In conclusion, I hope that this session will be successful, and I look forward to achieving serious and positive results on all items on its agenda. Thank you.

**President:** Thank you very much for the statement. Now, on my list, the next delegate would be from the Union of Myanmar. But before I give you the floor, may I suggest, for the benefit of the simultaneous interpretation, that the speaker would perhaps speak a little bit slower, so that we can have the benefit for the ease of simultaneous interpretation. You have the floor now, please, the delegate of Myanmar.

**His Excellency Dr. Thida Oo, Union Minister and Attorney General of the Union, Ministry of Legal Affairs, and Head of Delegation of the Republic of the Union of Myanmar:** Honorable Ministers and Attorney-Generals, Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is a great pleasure and honour for me to participate in this Fifty-Ninth annual session of the Asian-African Legal Consultative Organization (AALCO) through online. This session reminds me of the Bandung spirit of Asian-African Solidarity.

Madam President, allow me to congratulate your appointment as the President of this Session. I believe that, with Your Excellency incomparable stewardship, this Fifty-Ninth Session will fill with fruitful discussion, excellent deliberations and will have a notable one.

By taking this opportunity, I wish to express my sincere thanks to Your Excellency Mr. Wang Yi, for kindly inviting us to attend this Fifty-Ninth Annual Session of AALCO.

Madam President, we would like to extend our appreciation to H.E. Prof. Dr. Kennedy Gastorn for steering this Organization during his term as the Secretary-General of Asian-African Legal Consultative Organization and shaping and arranging this Session.

I would like to congratulate H.E. Dr. Kamalinne Pinitpuvadol to be elected as the Secretary-General of this organization. Your Excellency, we are confident that with your wisdom and effortless endeavour, you will bring this Organization to the success for which we look forward and to the highest.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, Madam President, we honourably take note on the statement of Premier H.E. Li Keqiang, to safeguard the WTO centered multilateral trading system; to raise the voice of developing countries in the making of international economic and trade rules; to build a strong line of defense against the

COVID-19 and jointly strengthen global health governance; to accelerate a green transition and jointly promote sustainable development; and to uphold fairness and justice, and jointly strengthen international rule of law. We would like to acknowledge on the AALCO's publications of Yearbook of AALCO Vol. XVII, AALCO Journal of International Law and Newsletter Vol. 13, special issue on "International Law and Global Pandemics", and special study on Extraterritorial Application of National Legislation. We appreciate the effort of the AALCO Secretariat and the team for conveying these invaluable and unique international law related materials.

We acknowledge the AALCO's significant contribution to the development of international law by providing views of the organization to the United Nations, other institutions, and international organizations. Myanmar appreciates the role played by AALCO in monitoring closely ILC (International Law Commission) in its work on the development of international law.

Madam President, we can clearly see that a country cannot fight this pandemic alone. This pandemic impact upon all the nations in various ways. In these troublesome times, we ought to follow the vital protocol, comply with international law in good faith, and in respect. Therefore, real multilateralism is an effective tool to deal with this global pandemic issue.

Madam President, the use of cyberspace is transnational and has also become transboundary conflict. Nowadays, as the usage of internet is widespread, the cyberthreats are evolving more and more around the world. Consequently, we need more international cooperation to fight against the cybercrimes. Since the Budapest Convention on Cyber Crimes is the only international instrument that deals with cybercrimes, we need further rules and principles at the international level which should be based on existing international law.

Madam President, International Trade Law and Investment Law is always an important subject to discuss. Regarding the issues of the 'Investment Dispute Mechanism Reform Initiative', online dispute resolution is one of the options that we should consider.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, since the time of the Bandung Conference and formation of AALCO, Myanmar as a founding and active member has taken part in the activities of AALCO. Myanmar always supports all the endeavours of AALCO and assure that Myanmar would continue to cooperate with AALCO's activities and agenda.

Madam President, before I conclude my general statement, on behalf of the Republic of the Union of Myanmar and that of my delegations, allow me to express our appreciation to our honourable host, the Government of the People's Republic of China, for organizing this systematic Fifty-Ninth Session of AALCO despite the harsh global pandemic period.

Therefore, in conclusion, Myanmar fully believes that this Fifty-Ninth Session will have a fruitful discussion on the progressive development and codification of international law and will bring effective and efficient contributions to promote Afro-Asian solidarity as ever.

I wish all of you to be safe and healthy.

Thank you for your attention. Thank you, Madam President.

**President:** Thank you very much for the remarks. May I now invite the delegate from India to deliver her remarks? You have the floor, please.



**Ms. Uma Sekhar, Additional Secretary (Legal and Treaties), Ministry of External Affairs, and the Head of Delegation of the Republic of India:** Thank you very much Madam President. Good morning to all of you.

Her Excellency the President of AALCO, His Excellency the Secretary-General of AALCO, Excellencies, distinguished delegates, and observers, my delegation joins other delegations in congratulating you, Madam President, on your election to guide our deliberations. We are sure that your wisdom, experience, and expertise will steer our deliberations to a successful conclusion.

We wish to thank the Government of the People's Republic of China for hosting this Annual Session and for the arrangements made for this Session. Madam Chair, my delegation also takes this opportunity to remember H.E. Amb. Dr. Augustine P. Mahiga, the Minister for Justice and Constitutional Affairs of Tanzania, and the President of the 58<sup>th</sup> Annual Session of AALCO. Our delegation is deeply saddened by his untimely demise. We convey our heartfelt condolences and deepest sympathies to his family, the Government and the people of Tanzania.

Madam President, our appreciation goes to the outgoing Secretary-General Prof. Kennedy Gastorn for his contribution to this organization and for elevating the profile of this organization. We congratulate the new Secretary-General, Dr. Kamalinne for his successful appointment, and the Government of India assure your Excellency our support and cooperation in effectively dealing with the work.

Our special appreciation to Deputy Secretary-Generals, Officers and staff of AALCO for the excellent preparations they have made for our session, including the timely preparation of the documents to facilitate our consideration of the various items on the agenda of the session.

Madam President, it is worth mentioning that AALCO's role, as the only intergovernmental organization uniting the continents of Asia and Africa in the field of international law, in promoting international legal order AALCO's contribution in the various fields ranging from the law of the sea, human rights, international terrorism, environmental law to international trade law is of appreciation. Indian delegation would like to reiterate that AALCO, being an intergovernmental organization dedicated to the progressive development of international law, the primary objective of it is to function as an advisory body to its Member States in the field of international law. India strongly believes that the past and the current activities of AALCO would facilitate in successfully discharging its mandates.

Madam President, being the founding member of this august forum, India is committed to its mandate, in particular the apolitical character of the Organization. As an important member of this AALCO family, we emphasize the need to maintain this apolitical character of this Organization. This august forum should not be used to further national positions or particular agenda of a Member State.

Madam President, as a matter of evolving practice in recent years a theme is chosen during the Annual Session for general statements which is not a necessary or mandatory requirement. As I highlighted in my yesterday's intervention, these themes chosen in the past were very much within the scope and mandate of AALCO, and the members enormously contributed to enhance the progressive development of international law. Madam Chair, given the mandate of AALCO as a platform for members to discuss legal matters for progressive development of international law, the theme for this year, in my delegation's view, is outside the scope of AALCO's mandate and an attempt to push the national position

of one Member State. India is of the view that the provisional agenda of each Annual Session should be decided on the basis of the work programme of the Organization as stipulated in the Statutory Rules. My delegation would like to place on record our strong concerns at the effort to propose a theme that is not acceptable to the Member States which is outside the scope and mandate of this forum and is the agenda of only one country. We therefore disassociate ourselves from this suggested theme.

Madam President, coming to the organizational matters, my delegation believes that AALCO has the potential to contribute more in the field of research, publications and capacity-building exercises. The main impediments holding back AALCO from achieving its full potential relates to financial and human resources. In this context, while my delegation appreciates the effort of the Secretariat in addressing the problem of arrears of annual contribution, more concerted long term efforts are necessary to mitigate this issue which in our view is a serious concern. My delegation also urges the Secretariat to strengthen the human resources by creating permanent cadre of legal professionals in the Secretariat as stated in the budget document.

Madam President, while we understand the challenges posed by the pandemic, however, AALCO Secretariat could have used the possibility of ICT to enhance its activities in the last two years. Madam President, international legal order based on international law is a prerequisite for maintaining international peace and security and to preserve human prosperity. The United Nations stands for the principle of sovereign equality of States and non-intervention and respect for human rights and fundamental freedom among others. In this context, my delegation wishes to highlight that cooperative and effective multilateralism is the only answer to the range of challenges that we face in our interdependent world. India, with one-sixth of the global population, is the world's largest democracy based in rule of law. In India, the independence of judiciary, legislature and executive along with a free and vibrant media and civil society, with strong traditions of electoral democracy are cherished and are the basis for the rule of law in our country.

Madam President, India has always engaged actively in international process of development of norms and laws governing global interactions across various sectors. India also believes in peaceful settlement of disputes according to laid down laws. India continues to make serious efforts to bring its national laws in consonance with international law obligations. Today there is a wide range of areas where rule of law governs actions of nation states to a large measure. Then there are emerging areas such as artificial intelligence or cyber security. With the technology or activity of entities outpace law and the situation is complicated by the involvement of non-state actors and cross-border implications. We, the international community, are now engaged in developing norms relating to emerging complex areas of marine biodiversity beyond national jurisdiction and global geospatial information management. In this context, India is looking forward to the early conclusion of the negotiations on the legally binding instrument on BBNJ.

Madam Chair, my delegation would also like to reiterate that effective multilateralism and international rule of law requires that the global governance structure should reflect contemporary realities. We hope that the international community will be able to transform the United Nations to meet the emerging challenges of the 21<sup>st</sup> century.

Madam Chair, we look forward to participating in the deliberations on the agenda items with the clear understanding that the theme for the general statements is outside the scope and mandate of this august forum and not acceptable to my delegation. We once again thank the

Government of the People's Republic of China and the AALCO Secretariat for the arrangements made for the Session.

I thank you Madam Chair.

**President:** Thank you very much for the Statement. I would just like to echo the words of the one of the previous delegates from Myanmar who pointed out the importance of AALCO in promoting unity, and indeed in my opening statement yesterday I pointed out that one of the main themes and spirits of AALCO and indeed the Bandung principles is to be united in a common quest to shape the development of international law in an inclusive and democratic manner. The Secretary-General has at the beginning of the statement explained how the agenda and the theme have been set, and I think that has already been covered. I hope very much that in the time that we have in this meeting, we will continue to discuss issues of international law that are of common interest and importance to Asian and African States so that we can benefit in trying to achieve a fair, a just, and a cooperation, as well as a multilateral society in the development of international law. Now with that may I call upon the next speaker, the delegate from Nepal, to have the floor and deliver the general statement please. You have the floor.

**His Excellency Mr. Dilendra Prasad Badu, Minister, Ministry of Law, Justice and Parliamentary Affairs, and the Head of Delegation of Nepal:** Madam President, Hon'ble Ministers, Your Excellencies, Ambassadors, Mr. Secretary-General, Distinguished Delegates and Observers, Ladies and Gentlemen,

At the outset, on behalf of the Nepali delegation and on my own, I would like to congratulate you, the newly elected Secretary-General Dr. Kamalinne Pinitpuvadol, and would like to extend my best wishes for your successful and fruitful tenure. Similarly, I would like to congratulate Madam President Teresa Cheng on your unanimous election. I assure you our full support to carry out your responsibilities.

I would like to remember the outgoing President of the Fifty-Eighth Session, His Excellency Dr. Augustine P. Mahiga, former Minister for Constitutional and Legal Affairs of the United Republic of Tanzania on this day and appreciate and acknowledge his commendable contribution made to the Organization. I would also like to express my deepest condolence on his demise.

Madam President, the world today stands at crossroads. Landscapes of global order are undergoing great transformation. The problems of yesterday haven't subsided yet, the new challenges are menacing.

COVID-19 has worsened the existing situation of socio-economic inequalities among the countries. Poverty and unemployment is escalating.

The world economic disparity is becoming crucial challenge, and the degrading climate change is another encounter to resolve together. It cannot be resolved alone.

The thematic agenda "Upholding International law for community of shared future: the role of Asian and African Countries" of this august meeting is very pertinent for discussion in such a forum having significant number of legal fraternities from Asia and Africa.

Though, we appreciate the efforts made by the international community for recovery from COVID-19, it has grounded lessons to learn.

For instance, COVID Vaccination, as to comply with the right to health is a fundamental right of the citizen. The lacking of appliance among countries, we are inept to fully assure people's rights.

And, we realize it is high time that we had a robust global mechanism to accelerate cooperation. We urge this forum to initiate common legal instruments for saving lives in pandemic like this.

There is no doubt that the outcomes of this meeting will provide feedback to start building international means to secure future requirements to settle unforeseen encounters as well.

It is highly commendable that, since its inception, the Organization has been able to make significant contribution to the codification and progressive development of international law, by providing its views to the General Assembly of the United Nations and by consolidating the positions of its members on particular subjects under consideration of the International Law Commission and the General Assembly.

Madam President, Nepal has sincerely perceived the agenda on law of the sea and cyber space for long time.

The last month ended with successful event of the COP 26 amidst the global pandemic. As we are aware that glaciers are melting rapidly, the COP 26 restates to limit the global warming to 1.5 degrees Celsius. The rise of sea level leads to the crucial effect on the livelihood and habitat of coastal areas and mountains. We are at high-risk zone of climate change.

Recently, Nepal faced massive avalanche in Mustang region. We also went through devastating flood in Melamchi area causing human loss as well as significant infrastructure damage.

Raising awareness on the climate crisis in the Himalayas is inevitable. Nepal Government is prioritizing due ecological diligence in development activities and conducting dialogue with stakeholders to mitigate the impacts of climate change. The principle of common but differentiated responsibilities, equity and respective capabilities should be at the centre of the climate agenda to ensure climate justice.

Nepal believes that oceans and its resources are the common heritage of humankind. It is necessary to develop a strong mechanism for protection and preservation of marine resources. Every Member States should be provided with fair and equitable access and share in marine genetic resources, technology transfer and capacity building. And we emphasize to establish a secure, reliable and efficient system for the capacity building, particularly for developing countries, to benefit completely from the oceans and their resources.

Nepal reiterates the importance of AALCO's role in undergoing negotiations to develop legally binding instrument regarding Biodiversity Beyond National Jurisdiction (BBNJ).

Madam President, crime in cyberspace is the emerging transnational threat for the present and the future world. Nepal appreciates the effort of the Open-Ended Working Group (OEWG) in preparation of Report on "Special Need of the Member States for International Cooperation against Cybercrime".

I believe non-binding general document, clarifying the consensual basic principles of international law applicable in cyberspace will guide to adopt national policy and enactment of domestic law regarding cyberspace.

Madam President, upholding the international law and international cooperation has become today's need to promote international cooperation among the countries with the viewpoint of shared future. Asian and African countries are playing their vital role to promote the international law.

We believe, it is the legitimate medium to bring global friendship and co-operation among the community with shared interest. AALCO, as the symbol for multilateralism, provides on overarching framework for international cooperation.

I would also like to restate our firm position on respect for the principles of international law, respect for the sovereignty of states and non-interference in their internal affairs as this is one of the ways for creating peace among the community of shared future.

Madam President, Nepal encourages and urges the Member States to continue upholding spirit of cooperation and engagement in a view to sustaining international law. AALCO is the only platform across Asia and Africa for consultation and cooperation on international law.

The prevailing trend in our world today is to uphold peace and stability and promote win-win cooperation on the basis of international law and it is the broad consensus of the international community that everyone should operate within the boundaries of international law.

Madam President, before I conclude, I like to extend my deepest thanks and appreciation to this gathering; I sincerely hope that our esteemed organization achieves its desired noble and lofty ideas and objectives. Thank you Madam!

**President:** Thank you very much. I would like to remind the delegates that if you have a general statement, you may wish to have it deposited with the Secretariat for efficiency, interpretation and other purposes as well, and with that can I invite the delegate from the Philippines to deliver the general statement please.

**His Excellency Raly L. Tejada, Consul General, Consulate General of the Philippines in Hong Kong, and the Head of Delegation of the Republic of the Philippines:** Thank you Madam President. Allow me to again congratulate you on your election as the president of this august body. Rest assured of my delegation's support so that we may have a successful conclusion of this meeting.

The Philippines is pleased to join fellow Member States in the Fifty-Ninth Annual Session of the Asian-African Legal Consultative Organization here in Hong Kong.

This year's Session presents a valuable opportunity for all of us to underscore the role of a rules-based system and multilateralism in a world beset by crises.

We join this meeting in the belief that a rules-based approach will lead to a fair, stable and predictable legal framework for generating inclusive, sustainable and equitable development, as well as economic growth and employment.

On this score, I wish to note that since its constitution 65 years ago, AALCO and its multi-dimensional role as an advisory body for its Member States has been unparalleled. AALCO is a partner to the United Nations on international law matters that concern our regions, and an



expert group that considers and makes recommendations on the reports of the International Law Commission, crafts model legislations and shares its expertise to build capacities in the field of international law according to our needs and taking into consideration the present realities in Asia and Africa.

In fact, the increasing number of States interested in joining AALCO attests to the relevance accorded to its role in the international law community.

This relevance becomes even more poignant as the world continues to grapple and deal with the sweeping effects of the pandemic.

It is for these reasons that the Philippines maintains its commitment to international rule of law, and supports AALCO in its important role in promoting the rule of law in the international development agenda. It is my hope that our participation today will lead to a more sustained engagement between the Philippines and AALCO.

For verily, the rule of law is the bedrock of peace, order and fairness in modern societies. The rise of a rules-based international system has been the great equalizer in global affairs. Respect and adherence to international law have preserved peace and resolved conflicts. International law has given equal voice to nations regardless of political, economic or military stature, banishing the unlawful use of sheer force.

In conclusion, Madam President our delegation thanks the Secretary-General for on the Work of the Organization and Financial Matters of AALCO. We look forward to the report by the Permanent Observer of AALCO to the United Nations. Thank you Madam President.

**President:** Thank you very much. May we now invite the delegate from Republic of Korea to deliver the General Statement and I believe that I can state, just so we can plan ahead, the next one would be the delegate from Ghana, followed by the delegate from the Kingdom of Thailand and then the United Republic of Tanzania. So first may we invite the delegate from the Republic of Korea to have the floor please.

**Mr. Jeepio Hong, Deputy Director-General, International Legal Affairs Bureau, Ministry of Foreign Affairs and the Head of Delegation of the Republic of Korea:** Thank you, Madam President, and congratulations on your election as the President of this Session.

On behalf of the Government of the Republic of Korea, I would like to offer my sincere gratitude to the Government of the People's Republic of China for hosting the Fifty-Ninth Annual Session of AALCO, and would like to thank Premier Li for his Inaugural Statement.

My delegation would also like to extend our heartfelt congratulations to Mr. Kamalinne Pinitpuvadol of Thailand, on his election as Secretary-General of AALCO. We look forward to his expertise and insight in guiding AALCO as it plays a greater role in strengthening international law.

Madam President, international law is the embodiment of the efforts of states to create lasting peace. We recall the wars states fought yet cherish the conventions they agreed on. Take for example the Covenant of the League of Nations of 1919 or the Kellogg-Briand Pact of 1928. Even if they were discounted as idealistic at the time, their vision and spirit continue to profoundly impact the way we engage in foreign relations today.

With a shift in the focus of the relationship from force to reason, and from might to right, the pressing question would no longer be about survival but how to forge a prosperous and

peaceful community. States answered the question by creating more institutions, linked by a web of networks, and reinforced by laws and norms – in other words, the international liberal order based on the rule of law.

And what a resounding success it has been. There has been an unprecedented rise in global trade and GDP growth. Hundreds of millions of people escaped poverty. Peace and stability in the system have endured for decades.

But as we reap the benefits today, new and acute challenges have started to come to the fore. We see deeper economic insecurity and inequality, spread of tribalism and misinformation, environmental degradation and climate change, spread of communicable diseases, and hyper competition in new areas of high technology.

What sets them apart from previous challenges is that they no longer affect solely states but increasingly pose a direct challenge to individuals of both present and future generations. Hence, the solutions can no longer be purely about the survival or the well-being of the state but should encompass those of humanity. And as stewards of the system, members of AALCO can play an important role. Let me list three ways.

First is upholding international law as it currently stands while being open to new developments.

The international system and the law it reflects isn't without its contradictions. There is tension between sovereignty and interventionism, individual rights and group rights, globalization and protectionism to name a few.

But the remedy has been striking the right balance through compromise. In other words, maintaining stability in the system rests on being inclusive of various views, honoring the status quo, and working strenuously for consensus. Such compromise strengthens the durability of the liberal international order which rests on its power to accommodate, ability to share economic and security gains, and assurance that all states would respect and play by the rules.

In terms of international law, this translates into upholding the existing legal framework in its entirety. New international norms would have to be agreed upon to address new challenges, but should reflect the universal consensus and understanding of each state, reached through constructive dialogue within the framework of multilateral institutions such as the UN.

Korea has reiterated such views in dealing with issues such as protecting marine biodiversity of areas beyond national jurisdiction, and application of international law to cyberspace. In addition, Korea has worked to promote better understanding of international law within the Asian-African region, by annually hosting the Seoul Academy of International Law, and the International Conference on the Law of the Sea with ITLOS.

Second is focusing our efforts to address new challenges by developing and promoting laws for humanity.

Asia and Africa are home to 6 billion men, women, and children. That's 76% of the world's total. This means that global challenges affect more people in the region than anywhere else. And some are close to home like melting glaciers in the Himalayas, rising sea-levels in the Pacific, and dwindling potable and navigable waters in North Africa and Central Asia.

If we think about it, human rights and humanitarian law did not appear out of the blue. It emerged out of the depths of tragedy inflicted on people. When calamities of biblical proportions make survival difficult, and when new technologies unknowingly affect, distort, or control the minds in tremendous numbers, it behooves us all to rise up to the challenges by raising international awareness, strengthening the rights and protection of people, and promoting greater transparency through the codification of international law.

For its part, Korea aspires to play a key role in helping to resolve these issues through international law. Korea was one of the authors of the resolution adopted by the Human Rights Council called “new and emerging digital technologies and human rights.” It calls for a holistic, inclusive, and comprehensive approach in addressing the potential impacts, opportunities and challenges of new and emerging digital technologies. Korea also believes in the importance of the application of human rights law in cyberspace, a view reflected in Korea’s comments to AALCO’s Draft Consensual Basic Principles of International Law. In addition, Korea will continue to contribute to the discussions in various fora like the ILC on the legal implications of climate change.

Third is creating new layers of peace and prosperity.

There is no denying that competition is intensifying in this region. But we have learned time and time again that a sustainable and viable solution can only be achieved through continued engagement and agreement. Former UN Secretary-General Ban Ki-moon was right when he noted, “without 360° agreement, every step is a battle.” We strive to perfect an agreement, because without it we leave open the possibility of conflict.

In this sense, coming to terms on the denuclearization of the Korean Peninsula and permanent peace is critical. Korea has been working to establish a viable path forward through diplomacy and dialogue. As a part of such efforts, Korea is advancing the End-of-War Declaration on the Korean Peninsula which seeks to politically declare an end to the Korean War. While non-binding, we hope it would serve as a doorway into the denuclearization process. We look forward to the continued support of AALCO members to Korea’s efforts.

Madam President, I would like to conclude my remarks by reminding how systems have come and gone – not from a single blow but a series of small, gradual chipping away on its foundation. Success in meeting the challenge is never guaranteed but complacency today will surely guarantee failure tomorrow. And I hope AALCO members can work vigorously together to strengthen the liberal international order and the international law it supports. Thank you very much.

**President:** Thank you very much for the general statement. The excellent staff at the simultaneous interpretation would like me to request the speakers to speak a little bit slower, if you could, so that the translation can be more effectively done. Now with that can I invite the delegate from Ghana to present his general statement and the floor is yours.

**Mr. Alfred Tuah-Yeboah, Deputy Attorney-General and Minister for Justice, Office of the Attorney-General and Ministry of Justice and the Head of Delegation of the Republic of Ghana:** Thank you Madam President. Secretary-General, Excellencies, distinguished delegates and observers, ladies and gentlemen, as this is the first time Ghana is taking the floor, allow me, on behalf of my delegation, at the outset, to congratulate Madam Teresa Cheng of China on your election as the President of the Fifty-Ninth AALCO meeting. We trust in your wise counsel and able leadership to guide in our deliberations in this important forum. We would like to pay tribute to the late Dr. Augustine Mahiga of Tanzania



who was the President of the Fifty-Eighth Session. I convey our deepest condolences to the people of Tanzania. I would like to convey our sincere gratitude to the Government and People of China for kindly hosting this forum. Appreciation is also due to the AALCO Secretariat and the Organizing Committee from the host country for the excellent briefs and arrangement made for our meeting today. We congratulate our new Secretary-General, Dr. Kamalinne of Thailand, and wish him a successful term in office. No doubt he is more than capable, looking at his background and his CV.

Madam President, it is my delegation's honour to take part in the deliberations on the topics placed in the agenda for this meeting. Madam President and distinguished delegates, your Excellencies, Ghana looks at the importance of science, technology and connectivity which has opened up new opportunities, and at the same time created new challenges for the whole world, and especially for African and Asian countries in the area of cyberspace crime.

Madam President, the internet has become a critical infrastructure and facilitator of engagement for individual users, businesses and governments across the globe. In Ghana, the increasing reliance on internet and information communication technology has led to increased cyber incidents, such as, ransom ware, cyber thefts, banking fraud, cyber espionage, and other cyber-attacks targeted at critical information infrastructure. These cyber incidents have affected critical sectors of the country including energy, telecommunication, banking and finance and have caused disruptions in different sector's services. If unchecked, it can undermine the security and economy of the country.

In this regard, Madam President, may I share some recent developments in my country. The Parliament of Ghana has passed the Cybersecurity Act 2020 (Act 1038). The law establishes the Cybersecurity authority that protects the critical information infrastructure of the country, regulates cybersecurity activities, provides for the protection of children on the internet and develops Ghana's cybersecurity ecosystem. It is also targeted to positioning Ghana to prevent, manage and respond to cybersecurity incidents in view of our digital transformation agenda. The Law also addresses offences against children and the general public. The ratification of the African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention) and the Convention on Cybercrime (Budapest Convention) by Parliament in 2018 and 2019 requires Ghana to establish appropriate mechanisms for cybersecurity governance, to combat cybercrime, promote cybersecurity and facilitate both domestic and international cooperation in the fight against cybercrime. The implementation of the law is expected to enhance and re-affirm Ghana's leadership on cybersecurity matters in the West African sub-region.

Several initiatives have been implemented by the government through the Ministry of Communications to improve Ghana's cybersecurity development. These include the revision of Ghana's National Cybersecurity Policy and Strategy, the establishment of the National Cyber Security Centre, the launch of the Safer Digital Ghana campaign, the launch of Cybercrime and Cybersecurity Incident Reporting Points of Contact.

Others include the establishment of the Computer Emergency Response Teams at the National Communications Authority and the Security Operations Centre's at both the Bank of Ghana and the National Information Technology Agency as well as capacity building on cybercrime for the criminal justice sector.

Madam President, the law also empowers security and law enforcement agencies to combat cybercrime and makes provision for dedicated sources of funding for the Cyber Security Authority and its activities.

However, no country can resolve these challenges alone. There is a need for a multilateral system based on respect for international law, international cooperation and partnership on a global and regional basis. Madam President, Ghana is of the view that it is only this cooperative approach among AALCO countries that will serve our collective interest, as decisions taken in such multilateral frameworks would be more sustainable. It is therefore, our collective responsibility to work towards international cooperation against cybercrime. There can be no alternative to multilateralism in this regard. Ghana therefore welcomes the work of the AALCO open-ended working group on international law in cyberspace and I believe that the working group continues to be relevant. More in depth discussions are therefore required on this important topic. I firmly believe that the role of AALCO in promoting multilateralism in African and Asian region will become more significant in near future.

Madam President, my delegation welcomes the selected agenda approved for this Session. All these, including Law of the Sea, International Law in Cyberspace, Peaceful Settlement of Disputes and International Trade and Investment Law continue to be topical, timely and relevant. Finally, Madam President, let me express our sincere gratitude to the Government of China for hosting this Session even during this difficult era of global pandemic. Thank you very much.

**President:** Thank you very much. Before I give the floor to the delegate of the Kingdom of Thailand, I would just say that the next delegate following Thailand would be the United Republic of Tanzania followed by the Socialist Republic of Viet Nam and then Cameroon. So, may I now give the floor to the delegate of the Kingdom of Thailand please.

**Dr. Vilawan Mangklatanakul, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs and the Head of Delegation of the Kingdom of Thailand:** Madam President, Excellencies, Distinguished delegates, on behalf of the Delegation of Thailand, I would like to congratulate you, Madam President, for your election. I am certain that under your able leadership, the Fifty-Ninth Annual Session of AALCO will bring about a fruitful conclusion. I would like to assure you of my delegation's full cooperation throughout the session.

Thailand wishes to express our sincere appreciation to the host Government, Hong Kong, the People's Republic of China, Secretary-General Dr. Kennedy Gastorn and the AALCO Secretariat for the excellent preparations of this year's Annual Session, which is taking place under unprecedented circumstances.

Madam President, Thailand is committed to meaningfully contribute to the progressive development of international law. In this connection, we would like to take this opportunity to thank AALCO Member States for electing Dr. Kamalinne Pinitpuvadol as the new Secretary-General, and for all your kind words on his behalf. Thailand is thus more than ready to continue its support of the valuable work of AALCO.

Madam President, Thailand firmly believes that it is the responsibility of every State to take part in the progressive development and codification of international law. Active participation would ensure that practices of Asian and African States are duly reflected in the formulation of international norms and rule-making. AALCO is the most suitable inter-regional forum for us to promote cooperation in this regard.

Madam President, one of the most pressing issues of concern at this moment is how to facilitate recovery efforts and mitigate the impact from the COVID-19 pandemic. In this

regard, a strong legal framework can play an important role in economic recovery and help to revitalize commercial activity and global trade. Several Working Groups of UNCITRAL are focusing on reducing legal obstacles faced by MSMEs in their life cycle. MSMEs represent the majority of businesses in most countries and account for a large portion of overall employment. Thailand has over 3 million MSMEs. Our agencies have followed development in UNCITRAL closely with a view to reducing the legal obstacles faced by MSMEs in key areas including a more efficient, effective and simplified insolvency proceedings for resolving financial distress of MSMEs. As UNCITRAL work has a lot of potential benefits to post-COVID recovery, we therefore encourage AALCO Member States to follow closely the development of international law in UNCITRAL.

Moreover, this year, UNCITRAL has decided to enlarge its membership from 60 to 70 seats in total. Africa and Asia have one more additional seat each in the Commission. However, Africa and Asia remain under-represented. We would like to see Member States play an active role in reaching out to other regions to enhance the representative character of UNCITRAL in the near future.

The International Law Commission, or ILC, is another important forum. Traditionally, AALCO has had close cooperation with the ILC as one of its functions is to examine the subjects under consideration by the ILC. While close interaction at the inter-organizational level has been well established over the years, it is equally important for individual Member States to provide their input such as by responding in a timely manner to the Questionnaires from the ILC on the topics under consideration. Perhaps AALCO could play an active role in facilitating such exchange of views and capacity building to encourage Member States in providing more input to the work of the ILC.

Madam President, please allow me to bring your attention to some of the items that will not be discussed during this session. Thailand is pleased to see that the subject of “COVID-19 and unilateral measures affecting trade” was included in the recent report by the Secretariat which we find as timely and very relevant. Thailand firmly believes that, in order to minimize the negative impact of the pandemic, an emphasis on multilateral cooperation and international solidarity is crucial. Fair and open trade policies are also key to enable and sustain the economic recovery process, notably for countries in Asia and Africa.

Regarding the law of the sea, Thailand hopes that AALCO’s discussions on the conservation and sustainable use of marine biodiversity will continue. We thus look forward to a constructive dialogue in an Open-ended Working Group on Marine Biodiversity of Areas beyond National Jurisdiction (BBNJ) to be organized under the auspices of AALCO as proposed during the Fifty-Seventh Annual Session in Tokyo, Japan.

Finally, Thailand would like to take this opportunity to commend His Excellency Ambassador Dr. Kennedy Gastorn for his invaluable contribution to AALCO as well as his tireless efforts in fulfilling the mandate entrusted to him by Member States. We wish him every success as the permanent representative of Tanzania to the United Nations in New York.

Madam President, in concluding, my delegation would like to recall that the annual meetings of AALCO offer a unique opportunity for Asian-African States to address legal challenges together by expressing their concerns and offering practical solutions. Therefore, I sincerely hope that the forthcoming deliberations will help Member States in better understanding each other and reflect the aspirations of African and Asian countries and their peoples to achieve the common objectives of AALCO.

Thank you very much.

**President:** Thank you very much. May I now give the floor to the delegate from the United Republic of Tanzania, please.

**His Excellency Prof. Palamagamba John Aidan Mwaluko, Minister, Ministry for Legal and Constitutional Affairs, and the Head of Delegation of the United Republic of Tanzania:** Your Excellency, Teresa Cheng, the President of the Fifty-Ninth AALCO Annual Session, Excellencies, Heads of Delegation of AALCO Member States and Observers, Secretary General, Distinguished Guests, Ladies and Gentlemen,

Madam President, on behalf of my delegation, the Government and People of the United Republic of Tanzania, I wish to express my gratitude for this opportunity to address this august Assembly. This is indeed a privilege and honour for me as I join other Member States in my capacity as the Minister.

Let me join other delegations in congratulating you, Madam President Teresa Cheng, Secretary of Justice of the Government of Hong Kong, Special Administrative Region of the People's Republic of China, for being elected to lead this annual session and the work of this Organization in the coming year. We wish to assure you Madam President and the Vice President, soon to be elected, of our support during your tenure as President and the same support will be extended to the Vice President as both of you embark to lead our Organization.

Madam President, since 2019 when the last Session was held in Dar es Salaam, Tanzania, Tanzania has been the President of the Organization. Since we have handed over the Presidency to the Government of the People's Republic of China, I wish to commend the effort that has been done to keep the ball of the activities of the Organization, rolling even during the pandemic of COVID-19. The unprecedented outbreak of COVID-19 has posed a critical challenge to the world as it has created a devastating situation in social and economic life. The United Republic of Tanzania would like to join other Member States of this Organization in supporting AALCO Member States for the joint effort they have been undertaken to fight against the pandemic.

In the same vein, let me thank the Secretariat for exemplary work they are doing in support of the Organization; and I would like to appeal that such support continues. We wish to recognize the entire Secretariat, for the tireless efforts and strength have been employed in the preparation of the session. We thank you very much.

Madam President, in a very special way, my delegation wishes to thank our host, the Government of the People's Republic of China for offering to host this session. I wish to convey to you all warm greetings and felicitations from H.E Samia Suluhu Hassan, the President of the United Republic of Tanzania. The President has wished us a very successful annual session.

Madam President, we are all aware that the position of AALCO's Secretary-General has been held by Ambassador Prof. Kennedy Gastorn, now the Permanent Representative of the United Republic of Tanzania to the United Nations in New York. We would like to extend our sincere thanks to you all, the Member States and Observers, for extending your support to him and the entire Secretariat during his time as the Secretary-General. We wish to also appeal to you to the same support to the new Secretary-General Dr. Kamalinne Pinitpuvadol. It is also the commitment of my Delegation that, Tanzania will support him.

Madam President, the suggested theme of the general statements of “Upholding International Law for a Community of Shared Future: the role of Asian and African Countries” comes at a time when Member States of this Organization have a strong desire to see that International Law becoming a panacea to many challenges the International Community is facing in the contemporary era. The globe is faced with unprecedented quick and profound changes with growing uncertainties and volatilities.

The COVID-19 pandemic has immensely contributed to paradigm shift in international landscape including many aspects of international law. Unilateralism and protectionism have been emerging and as a result, multilateralism, international order and global governance system have been facing a big challenge. The world has entered an era of turbulence and transformation. In this context I wish to call upon AALCO Member States to stand together for a rule-based multilateralism as an effective way of upholding international law for peace and prosperity.

Madam President, in the next sessions we shall be deliberating on various topics as included in our Agenda.

It is gratifying to note that, since its establishment in 1956, AALCO has played a significant role in implementing important topics of international law. Intrinsically, by and large, AALCO has achieved tremendously in upholding fundamental norms of international law from the laws governing diplomatic relations, environmental legal regime, state immunities, human rights law, humanitarian law, trade and business, commercial transactions, law of the sea, conflict resolution and the like. AALCO has also continued to actively contribute in the jurisprudence of development and codification of the international law especially through its association with the UN International Law Commission.

As Member States of this Organization, we should not be complacent but rather we have a crucial role to play in the progressive development of international law.

We need to strive to upholding the international rule of law, which is the epicentre in pursuing international relations. We have a duty to safeguard the philosophical foundation of the UN Charter of maintenance of peace and security, which are the basic norms underpinning international relations. We have a duty to remind others on the importance of applying international law equally to all without double standards and selectivity. As an ancient Chinese Philosopher said “Law is the very foundation of governance”. The relevancy of law lies in its enforcement, and it is thus incumbent upon all Member States to uphold the authority of the international rule of law.

Madam President, the United Republic of Tanzania is undertaking various measures in upholding the international rule of law. In line with the theme of the Meeting and topics ought to be discussed, the United Republic of Tanzania would, in a nut shell, like to highlight the following:

Law of the Sea, Tanzania is committed to implementation of the United Nations Convention on the Law of the Sea, 1982. It is in this respect, Tanzania supports UN negotiations to establish an international, legally-binding instrument for the conservation and sustainable use of marine biological diversity within Areas Beyond National Jurisdiction (BBNJ) as approved by the UN Assembly to ensure that sectoral activities in the area are managed equitably.



Peaceful Settlement of Disputes, the principle of peaceful settlement of international disputes is enshrined under UN Charter (Art. 2 pt. 3) which states that “All members shall settle their international disputes by peaceful means so that international peace and security, and justice, are not endangered”. The United Republic of Tanzania has invariably been the front runner in the use of peaceful means in resolving disputes both at international and regional levels. It is in this regard thus we call upon all AALCO Member States to dwell on international coordination and support for peaceful conflict resolution processes.

Extraterritorial Application of National Legislation: Sanctions Imposed against Third Parties, Tanzania continues to call upon AALCO Member States to support for the removal of sanctions against Zimbabwe so that trade barriers are removed and its current economic crisis can be alleviated. It is necessary to lift sanctions to rescue women and children from poverty that is mainly caused by economic sanctions over Zimbabwe. Also, be it noted that these sanctions have not only affected the people of Zimbabwe and their government but also neighboring states.

In closing, Madam President, allow me, once again, and on behalf of my delegation to reiterate Tanzania’s commitment to the work of AALCO.

Thank You for Your Kind Attention.

Asante Sana.

**President:** I would now give the floor to the delegate from the Socialist Republic of Viet Nam, and thereafter to Cameroon, Malaysia and the Democratic People’s Republic of Korea. You can have the floor please, Viet Nam.

**His Excellency Son Bui Thanh, Minister, Ministry of Foreign Affairs and the Head of Delegation of the Socialist Republic of Viet Nam:** Thank you Madam Chair. Excellencies, Distinguished delegates, ladies and gentlemen, as for the first time the Vietnamese delegation takes the floor allow me on behalf of the Vietnamese delegation to congratulate you Madam Chair for chairing this Conference, and sincere thanks to AALCO Secretariat and our host the People’s Republic of China for organizing the Fifty-Ninth Annual Meeting. I would also like to express our gratitude to Prof. Kennedy Gastorn, the Secretary-General of AALCO from 2016 to 2021 for his contribution to the success and development of the Organization.

At this point I also wish to congratulate the newly elected Secretary-General Dr. Kamalinne Pinitpuvadol from Thailand and trust that under his leadership AALCO Secretariat will work effectively and efficiently to serve its Member States in achieving new successes.

Madam Chair, the Annual Meeting this year convened against a unique backdrop as the COVID-19 pandemic is impacting the people’s lives worldwide. No statistical figure can truly measure the grief and loss caused by the COVID-19 pandemic. It is, above all, the loss of lives and the subsequent severe economic damages and far-reaching impact on societies’ and people’s well-being. The pandemic sounds a warning about the shocking destruction that may be caused by non-traditional security challenges, such as diseases or climate change, if they are not addressed timely and decisively. The pandemic has also exposed the shortcoming of the global governance system and the increasing inequalities among nations. In addition, extreme weather phenomena and sea-level rise are seriously affecting the food and water securities, sustainable development, and even the survival of many countries and communities. In that gloomy picture, what really motivates us is the strong desire for peace,

cooperation and development among the people around the globe and our recognition of the importance of international solidarity and multilateralism.

Madam Chair, in the last several decades Viet Nam has been pursuing a foreign policy of independence, self-reliance, peace, friendship, cooperation and development as well as diversification and multilateralisation of external relations. As a responsible member of the international community, Viet Nam is proactively and actively engaged in extensive international integration, making responsible contribution to the concerted efforts of the international community as the ASEAN Chair in 2020, non-permanent member of the UN Security Council for 2020-21, as well as various other bodies of international organizations, including the United Nations International Law Commission from 2017.

Madam Chair, indeed Viet Nam supports multilateralism with UN at the centre and international law as the foundation. We uphold the purposes and the principles of the United Nations Charter and endeavour to make substantial contribution to a more democratic and effective United Nations. It is Viet Nam's policy to support an international system based on international law which embodies respect for and upholding of fundamental principles of international law, namely, sovereign equality, territorial integrity, non-intervention in domestic affairs, and non-use or threat of use of force. Accordingly, Viet Nam also supports the principle of peaceful resolution of international disputes, in which disputing State shall utilize peaceful means, such as negotiation, good offices, mediation and even adjudication. In that spirit, Viet Nam and the Permanent Court of Arbitration has recently concluded an agreement on the establishment of a PCA Office in Viet Nam. We hope that countries would see Viet Nam as potential venue to settle their future disputes and differences.

In addition, Viet Nam aims to contribute positively to the development of international law at all regional and international levels. In fact, Vietnamese legal experts have been present in important international and regional legal bodies, such as, the United Nations International Law Commission and the Asian Society of International Law. Viet Nam believes that these experts will raise the voice of the developing countries, particularly from Asia and Africa, at international legal bodies.

In the coming time, Viet Nam will continue to facilitate integration of Vietnamese legal experts in global and regional bodies and processes, including AALCO. Therefore, we look forward to deepening cooperation with the developing countries in the process of codification and progressive development of international law. I thank you for your kind attention and time, Madam Chair.

**President:** Thank you very much. May I now give the floor to the delegate from Cameroon please. You have the floor.

**His Excellency Dr. Gaston Kenfack Douajni, Director of Legislation, Ministry of Justice and the Head of Delegation of Cameroon:** Thank you Madam President for giving me the floor. This delegation expresses its sincere thanks to the People's Republic of China for hosting this meeting despite the difficulties the world is facing due to the COVID-19. Madam President, allow me to congratulate you once again, together with the new Secretary-General, for your respective appointment and election. I also take this opportunity, on behalf of my country, to thank the Secretariat for the preparation of this meeting, and also to thank the outgoing Secretary-General, H.E. Prof. Dr. Gaston Kennedy, for all he did in favour of the dynamism of the Asian-African Legal Consultative Organization during his tenure. We wish him all the best for his future and new position at the United Nations headquarters in New York.

That said, Madam President, respect of the rule of law is the guarantee of social stability and prosperity of countries. The same is true in international law because, in fact, respect of international law appears to be a necessary condition for the cohesion and mutual understanding of the subjects of international law, namely, the States. As cooperation between its different members is one of the goals and objectives of the Asian-African Legal Consultative Organization, it seems appropriate that international law would be respected here to ensure a suitable and mutually beneficial cohesion to the Asian-African Legal Consultative Organization Member States. As a member of this Organization, Cameroon reaffirms its attachment to the goals and objectives of our common Organization, as well as its availability to contribute to the respect of international law for a community of shared future.

Allow us to take this opportunity also to welcome the establishment of the Hong Kong Arbitration Centre, as announced yesterday, and to express the wish that the newly elected Secretary-General of AALCO ensures that diversity be taken into account both in the recruitment of the administrative staff of this new arbitration centre and in the appointment of arbitrators. Thank you so much for your kind attention.

**President:** Thank you very much. We will now give the floor to the delegate from Malaysia, followed by the Democratic People's Republic of Korea; thereafter, the Kingdom of Saudi Arabia, and then Indonesia. May we first give the floor now to delegate of Malaysia, please.

**Mr. Alfian Yang Amri, Deputy Head of Division I, International Affairs Division, Attorney General's Chambers and the Head of Delegation of Malaysia:** Your Excellency Madam Theresa Cheng, Your Excellency Professor Dr. Kennedy Gastorn, Secretary-General of AALCO, Excellencies, Distinguished Delegates, Ladies and Gentlemen

On behalf of the Malaysian delegation, I wish to take this opportunity to express our appreciation to the People's Republic of China for graciously hosting the Fifty-Ninth Annual Session of AALCO. Malaysia commends the efforts taken by the People's Republic of China, with support from the AALCO Secretariat, in making the arrangements to ensure that AALCO Member States could convene for this Session despite the challenges posed during these times of COVID-19 pandemic.

Malaysia recalls that last year, communications from the AALCO Secretariat had been received on the postponement of the Fifty-Ninth Annual Session and a proposal to convene a Special Session under Rule 15 of the Statutory Rules of AALCO. It was unfortunate that due to the unprecedented circumstances caused by the pandemic, the Annual Session had to be postponed and the proposal to convene a Special Session could not be realized. Nevertheless, it is indeed a novel task for the AALCO Secretariat to convene an Annual Session in a hybrid format such as this. At these times of global health crisis, exceptional measures are to be expected, and understandably having to be adopted to ensure the administration and operation of AALCO are not hampered. It is therefore timely that AALCO has faced these challenges and made the necessary changes in its administration and day-to-day operations to ensure that AALCO's interests are swiftly addressed.

The Malaysian delegation would like to extend our warmest congratulations to you, Madam President, on your election as the President of AALCO. We are confident that under your skillful presidency, this Annual Session will be a success and we look forward to working with you under your leadership. We also wish to extend our appreciation to the outgoing Secretary-General, His Excellency Professor Kennedy Gastorn for his leadership and commitment throughout his tenure as the AALCO Secretary-General since 2016.



I have further the pleasure in extending Malaysian delegation's heartiest congratulations to the newly elected Secretary-General of AALCO for the term 2022 to 2025, His Excellency Dr. Kamalinne Pinitpuvadol from Thailand. Indeed, the duties and responsibilities entrusted in the four-year term as the Secretary-General of AALCO are great as the Secretary-General carries with him the mandates of all 47 AALCO Member States and his actions and communications are considered as the reflection of this Organization. Therefore, we believe the Secretary-General will adhere to the principles of good governance such as responsiveness, transparency, efficiency, sound financial management and rule of law should continue to be the guidance in steering AALCO forward to achieve its highest attainable potential. We have confidence that under His Excellency's leadership, AALCO will further enhance its capacity in achieving its objectives. We wish His Excellency all the success in the pursuance of his new duty.

Madam President, Excellencies and Distinguished Delegates, Malaysia notes that this year, the general statement by the Heads of Delegations will be on the theme, "Upholding International Law for a Community of Shared Future: The Role of Asian and African Countries".

Malaysia views that respect for international law by States is the key in ensuring international law is upheld. States must consistently adhere to the principle of rule of law in all their conducts, be it at the national or international levels. Even during times of conflict, States must take effective and peaceful measures which aims towards preventing and ending such conflict amicably, in conformity with the principles of justice and international law as envisaged under Article 1 of the United Nations Charter.

On this, Malaysia has continuously supported and subscribed to the amicable settlement of disputes through diverse measures and mechanisms such as negotiation, mediation, arbitration, judicial settlement and other pacific arrangements. Malaysia's deep and strong conviction in conflict resolution through peaceful means stemmed from its peaceful transition to independence in 1957 and it has encouraged Malaysia to participate in various peacekeeping operations all over the globe – a manifestation of Malaysia's support and strong commitment to shared responsibilities towards peace and security, and respect for international law.

Madam President, Excellencies and Distinguished Delegates, States could also play a role in the promotion of progressive development of international law and its codification. Malaysia believes that contribution of States through active and meaningful participation is essential in developing the rule of law at the international level, which would in turn promote universal respect for international law and enhance compliance of States with their international obligations. In this area, AALCO is certainly and should be proud of its long-standing contributions by including in its agenda for deliberations the topics on the agenda of the International Law Commission (ILC).

While adherence to international law generates respect for the rule of law, there is a need to strengthen Asian and African ownership in this regard. Malaysia views that any rule of law activities should be anchored in the national and regional context due to the different experiences in the rule of law development in these regions. Therefore, allow me to conclude by emphasizing the important role of AALCO must and should play in fostering continuous dialogue between its Member States in order to harmonize and advance Asian and African viewpoints on international issues of common concern. Lastly, it is our hope that AALCO

will continuously enhance the voice of the legal fraternity in Asia and Africa to the international forum.

Thank you, Madam President.

**President:** Thank you very much. May I now give the floor to the delegate from the Democratic People's Republic of Korea. You have the floor please.

**Mr. Song Chol Jang, Consul General, Consulate General of the DPRK in the Hong Kong SAR and the Head of Delegation of the Democratic People's Republic of Korea:** Madam President, thank you very much for giving me the floor. First of all, allow me to express my hope that under your able leadership the current session would come out with a successful result.

It is my honor to express my gratitude to Dr. Kennedy Gastorn for having made tangible contributions both to the activities of the Organization and to the progressive development of international law during your tenure, and I congratulate Dr. Kamalinne Pinitpuvadol on his election as the Secretary-General of the Organization.

My thanks also go to the AALCO Secretariat and the Ministry of Foreign Affairs of the People's Republic of China, and the Hong Kong SAR Government, for their deep consideration and multiple efforts to ensure the successful holding of this meeting in the face of global pandemic.

As befits its mission as an inter-regional governmental organization in the field of international law, the Asian-African Legal Consultative Organization (AALCO) plays a positive role in promoting exchange and cooperation and deepening mutual understanding among its Member States concerning the major legal matters of regional and international scope.

Given the current international situation, it is my view that the Fifty-Ninth session of AALCO would make a step forward in maintaining vital principles of international law and in their application with an in-depth discussion of safeguarding an international order underpinned by international law under its main theme, i.e. "Upholding International Law for a Community of Shared Future: Role of Asian and African Countries."

The principles of international law, universally recognized, such as respect for sovereignty, non-interference in internal affairs, no use of force, are the cornerstone for international relations and it is an obligation of each state to respect and uphold the international law.

However, what is being witnessed in the international arena is an undisguised disregard to the universally recognized principles of international law and rampant high-handedness and arbitrariness of the United States of America and its vassal forces. And furthermore, the U.S. external foreign policy of unilateral and prejudiced block-forming style is causing the structure of international relations to change to that of "neo-Cold War", thus threatening world peace and security.

This dangerous and unstable international environment has tended to the situation on the Korean peninsula and its surrounding region being more aggravated that drove the D.P.R of Korea to proactively cope with the prevailing security environment and to ensure safety of the state and the people by inevitably taking the choice of bolstering its national defense capabilities.

Our State's measures to strengthen the national defense capabilities are a part of exercise of the right to self-defense of a sovereign state enshrined in the Charter of the United Nations. Accordingly, this is an issue that entirely falls within the scope of our internal affairs and sovereign rights.

But it is the reality that our State's legitimate measures to exercise the right to self-defense is termed as "illegal" and called to account by those main culprits who are undermining the world peace and security and infringing upon the legitimate rights of sovereign States while masquerading as "representatives of international society".

It is a pressing demand of our era to safeguard a fair international order underpinned by law.

All States are required to respect and adhere to the UN Charter and the universally recognized fundamental principles of international law. And strengthen international unity and cooperation in unison to fight against selectivity, double standards and politicization in the application of international law much hackneyed methods of the U.S. and its vassal forces for gaining their sinister political ends.

To fight to establish a fair international order underpinned by international law, the Government of the D.P.R of Korea shall actively cooperate with the progressive countries and peoples of the world as well as the international organizations.

Madam President, Excellencies, Distinguished delegates, today, our country is making all its efforts to achieve a new progress in the socialist construction by thoroughly embodying the political ideal of people-first principle as a basic mode of socialist politics in order to implement the tasks set forth by the respected Chairman Kim Jong Un in his report given at the 8<sup>th</sup> Congress of the Workers' Party of Korea and in his policy address delivered at the 5<sup>th</sup> Session of the 14<sup>th</sup> Supreme People's Assembly of the D.P.R of Korea.

While there are enormous challenges and difficulties ahead of us, not to mention the attempts of the hostile forces to isolate and stifle our Republic, our people's resolve is growing stronger to break through all the difficulties by confronting them head-on and achieve a final victory. The historic cause of building a powerful socialist country will surely be accomplished in our country.

The Government of D.P.R of Korea will, in the future, too, develop the friendly and good-neighborly relations with all countries - which respect the sovereignty of our country and are friendly to our country - in various fields including in the international law and fulfill its responsibility and play its role in safeguarding peace and security on the Korean peninsula.

And the Government of the D.P.R of Korea will also make proactive efforts to establish a fair international order underpinned by international laws and to increase its cooperation with AALCO for the sake of common interests of its Member States.

Thank you very much.

**President:** Thank you very much. I will now give the floor to the Kingdom of Saudi Arabia, to be then followed by the delegates from Indonesia, Iraq and the Democratic Socialist Republic of Sri Lanka. May I now give the floor to the delegate of the Kingdom of Saudi Arabia?

**Mr. Saad Alsaif, Vice Minister, Ministry of Justice and the Head of Delegation of the Kingdom of Saudi Arabia<sup>10</sup>:** Thank you, Her Excellency Madam President. At the outset, I would like to express my thanks to Hong Kong to organize this current Session.

I would also like to thank His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of the Organization, for all he has done during his tenure.

I also congratulate His Excellency Dr. Kamalinne Pinitpuvadol on his election as the Secretary-General of the Organization, wishing him all success in his duties.

Excellencies, the role of AALCO is very important in cementing the ties between Asia and Africa. Therefore, the Kingdom pays great attention to its contribution to this Organization and its Annual Sessions. The work of the Organization in the field of international law contributes to strengthening international cooperation between Member States from Asia and Africa.

The Kingdom strives to enhance international cooperation and strengthen international ties through a number of agreements and treaties that achieve greater prosperity, growth and security for all, and combat crime and terrorism. The Kingdom is a member of a number of international and regional conventions in combating terrorism, anti-corruption, and conventions against human trafficking.

Ladies and gentlemen, the position of the Kingdom of Saudi Arabia is firm in supporting the Palestinian cause, supporting the right of the Palestinian people to self-determination, building their state in accordance with international legitimacy resolutions, and condemning all forms of infringement or violation of their rights.

Ladies and gentlemen, the Kingdom, as a country that receives a large number of expatriate workers, has developed its labor and judicial laws to provide more protection for residents on its lands, and to facilitate their access to their rights while seeking to minimize the effects of the pandemic. The Kingdom also provides support for international efforts to combat terrorist and extremist groups in general and in Africa in particular. The Kingdom supported with one hundred million euros for efforts to combat terrorism and improve security capabilities.

Ladies and gentlemen, the Annual Session did not take place last year due to the exceptional circumstances the world is going through and is still going through, on account of the COVID-19 pandemic, and it is being held this year in hybrid format.

The International cooperation has played a pioneering role in limiting the negative effects of this pandemic, and the Kingdom has had a leading role in this regard. During this year, the Kingdom provided one billion dollars in aid and loans to the continent of Africa to help it overcome the effects of the pandemic.

Since low-income countries, especially in Africa, faced difficulties in obtaining the necessary vaccines to confront the COVID-19, the Kingdom provided five hundred million dollars to the international initiative to accelerate support for tools to combat the Corona virus by providing and making vaccines available. It also provided another five hundred million dollars to support various international efforts through a number of organizations for this purpose. During the Kingdom's leadership of the G20 last year, the Group launched a historic initiative to suspend debt service payments, which provided urgent liquidity to seventy-three

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<sup>10</sup> The Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

countries, including thirty-eight African countries that received more than five billion US dollars.

On the environment front, the Kingdom launched the Green Middle East Initiative, through which the Kingdom seeks, in addition to the Green Saudi Initiative, to reduce carbon emissions, achieve international targets to combat climate change, and achieve sustainable development goals. This initiative aims to plant more than fifty billion trees, reduce more than ten percent of carbon emissions in the world, protect land and marine areas, and achieve net zero carbon emissions in the Kingdom in 2060.

Ladies and gentlemen, there is no doubt about the importance of supporting the Asia and Africa joint international action, and I hope that this work will continue to evolve within this Organization. Thank you.

**President:** Thank you very much. May I now give the floor to the delegate from Indonesia, please. You have the floor.

I believe the delegate from Indonesia, you have to unmute, you may have the floor now please.

**Mr. Cahyo Muzhar, Director General, Legal Administrative Affairs, Ministry of Law and Human Rights and the Head of Delegation of the Republic of Indonesia:** Thank you. Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, Assalaamu'alaikum warahmatullahiwa barakatuh. Good evening to all of us.

First of all, on behalf of the Delegation of the Republic of Indonesia, I would like to congratulate you, Honorable Teresa Cheng of the People's Republic of China for your election as President of the Fifty-Ninth Annual Session of AALCO. We believe your able leadership will guide our deliberation to a fruitful outcome.

I also would like to take this opportunity to express my sincere gratitude and high appreciation for the excellent work and contribution and dedication that have been made by H.E. Prof. Dr. Kennedy Gastorn during his tenure as the Secretary-General of AALCO for the period of 2016-2020 while Indonesia will continue fully support the leadership of newly-elected Secretary-General, Dr. Kamalinne Pinitpuvadol.

Let me also take this opportunity to express our deepest condolences to the Government and the people of the United Republic of Tanzania for the passing away of H.E. Augustine Philip Mahiga, the President of the Fifty-Eighth Annual Session of AALCO. The late H.E. Augustine Philip Mahiga has shown a great leadership during his presidency.

We would like to convey our sincere gratitude to the Government and people of the People's Republic of China for hosting this meeting in the hybrid format due to the current COVID-19 pandemic situation. The same feeling of felicitation also goes to AALCO Secretariat for their hard work in preparing and arranging this meeting.

Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, the current COVID-19 pandemic that has been confronting us for about two years has brought a number of challenges in almost all aspects of our life. Amidst these challenges, we are still able to hold the Annual Session by adopting the hybrid format in our meeting. Nevertheless, it should not lessen the spirit of friendship, solidarity, cooperation, the feeling of mutual support embedded in Bandung Principles since the Asia Africa Conference in 1955. It is our



sincere hope that we continue to invigorate the spirit that guides our common efforts to recover from this multidimensional crisis and to grow stronger together.

On this occasion, I would like to take this opportunity to highlight our views on the issues discussed in our agenda.

On the agenda of International Law Commission, we consistently support the important works of the ILC in promoting progressive development of international law.

With regard to the issue of Immunity of State officials from foreign criminal jurisdiction, we appreciate the fact that the ILC has been working cautiously on this contentious topic to strike a balance between the fight against impunity and the need to foster inter-state relations through the principle of sovereign equality.

Indonesia is of the view that given the divergent views among Member States and the interconnectedness of this topic with national legal systems, which are varied, a more extensive and in-depth study on the draft articles is essential.

On the topic of sea-level rise in relation to international law, we see the urgency and support the continued discussion by the Commission on this important issue. As an archipelagic state, Indonesia believes that the oceans hold an overarching role in sustaining numerous facets of life. However, this critical role should be safeguarded by our common commitment and efforts to ensure that potential serious risk caused by climatic changes, particularly sea-level rise, are well-managed.

Among the potential risks in this regard are loss of land and resources inundated by the water which could affect the territory, sovereignty, and jurisdictional rights. This shows the importance of the topic to be deliberated by the Commission, including for its long-term work programme to find ways and means with a view to, among others, coming up with common solution and mitigating the risk in accordance with international law.

Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, Indonesia takes note that there are several new topics related to the agenda of Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues relating to the Question of Palestine.

We believe that those topics are important to be discussed as a part of the effort to end any act of violence and violations of human rights and humanitarian laws by the Occupying Power. Indonesia underlines that a more lasting solution can only be gained when the rights of the Palestinian people are fully respected and protected.

Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, on the agenda of International Law in Cyberspace, Indonesia has made significant progress on the development of various legal framework regarding the topics of application of principle of non-interference in Cyberspace, data Sovereignty, trans-border Data Flow, data Security, Regulating Online Harmful Content, and Peaceful Use of Cyberspace.

Indonesia would like to highlight the adoption of 11 Cyber Norms on Responsible State behavior as reflected in the UN Group Governmental Experts Report in May 2021. In this regard, Indonesia encourages AALCO Member States to implement the norms in accordance with their national interests, while at the same time observing international obligation, such as the establishment of action plan matrix to enable States to prioritize the low-hanging fruits initiative in operationalizing the norms.

Along this line, Indonesia, in its national law, has enacted the Presidential Regulation No. 7 Year 2021 on national Action Plan on Countering Extremism that Leads to Terrorism which is in-line with the Fourth Norm, that is, cooperate to stop Crime and Terrorism.

Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, in conclusion, with the spirit of friendship and cooperation, I believe AALCO could maintain its relevance and strategic importance in addressing global challenges to achieve good global governance through improving and strengthening international law that accommodate existing dynamics and realities in our region.

I hope we could have a fruitful deliberation and a successful outcome in our meeting this year. Thank you.

**President:** Thank you very much. We have about just under 30 minutes from the original allotted time. I have five more Member States who have raised their hands, and then two international organization observers have also raised their hands. So, may I request the speakers and the delegates to try and stick to the 5-7 minutes, and try at least to finish all the Member States' presentation of the general statement and possibly also of the two international organizations, if we can, as observers.

On that note, may I give the floor to the delegate from Iraq, please.

The delegate from Iraq seems to have gone off the line. What I will do then...ah, we are here. What you need to do is perhaps to unmute and then...thank you. Delegates from Iraq, you have the floor.

**Mr. Burhan Mezher Mohammed, Deputy Minister, Office of Financial and Administrative Affairs, and the Head of Delegation of the Republic of Iraq<sup>11</sup>:** In the name of Allah, the Most Gracious, the Most Merciful. Madam President, H.E. Secretary-General, Distinguished Ladies and Gentlemen, members of the countries participating in the Session, Distinguished Ladies and Gentlemen, non-members guests, observers, dignitaries and other invited guests, including media, good greetings.

I would like to express my highest consideration and thanks for everyone who contributed for holding this Session, in which we aspire to achieve all the goals on upholding international law for a community of shared future and adopt all legitimate means to realize those goals while harmonizing those means with all regional laws and international legislations in a way that do not conflict with them.

Iraq commits with the international laws and strongly supports their implementation by joining the international conventions and treaties that support and apply them, participating in many international forums and conferences and strengthening the relations with the international community through the foregoing.

Iraq is a Member State in AALCO and one of the original founding members of the Organization, so we must be an active supporter by implementing what is stipulated in the statute and statutory rules of the Organization, by providing advisory services to it in the field of law and legal issues of common interest, conducting studies on issues related to the international law that can be referred by the Organization to Iraq, contributing to share the opinions and experiences on issues of common interest and making recommendations in this regard.

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<sup>11</sup> The Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

Iraq, as a key member of AALCO, will not hesitate to exercise its effective contribution and role for achieving the goals of the Organization that lead to the desired results in the advancement of international humanitarian community with a common and successful future and free from any violations of the principles of international law.

As for human rights, including what is happening in Palestine and the other occupied territories by Israel, we affirm our rejection and stress the need to strengthen the international cooperation in all fields in a way that supports to form a legal deterrent force for preventing such violations.

At the end, we congratulate you for holding this Fifty-Ninth Session, hoping that in the coming sessions to achieve the results and suggestions that will be put forward during this session. We have a great honor to participate with all the ladies and gentlemen. Thank you.

**President:** Thank you very much. The next speaker would be the delegate from the Democratic Socialist Republic of Sri Lanka, and following that we will have the State of Libya, Kenya, and Japan. So the delegate to the Democratic Socialist Republic of Sri Lanka, you have the floor please.

**Ms. Yuresha De Silva, Senior State Counsel, Attorney General's Department and the Head of Delegation of the Democratic Socialist Republic of Sri Lanka:** Madam President, thank you for giving me this opportunity to address the august gathering. Allow me, once again, to congratulate you on your election as the President of this Session. I would also like to thank the Government of the People's Republic of China for organizing and hosting the Fifty-Ninth Annual Session in the Hong Kong Special Administrative Region of the People's Republic of China. Furthermore, I would also like to put this on record: our sincere gratitude to the outgoing Secretary-General Dr. Kennedy Gastorn for your leadership and for what you have accomplished during your tenure. We would also like to assure our fullest cooperation to the Secretary-General elect.

Madam President, Excellencies, and distinguished delegates, the preamble to the UN Charter accentuates the need to *“establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and, to practice tolerance and unite our strength to maintain international peace and security and to employ international machinery for the promotion of the economic and social advancement of all peoples”*.

International Law encompasses Rules and Laws based on custom and treaties. The primary objective is to establish a coherent structure which strengthens international relations, and which, facilitates cooperation on many fronts.

Present day challenges include environmental and economic challenges, which have been exacerbated due to the pandemic, thus, highlighting the need to foster and strengthen cooperation among States.

A general regard and respect for international instruments governing various aspects of international law will culminate in greater cooperation, which will be beneficial to all States.

Due to the Fifty-Ninth Annual Session being held in a hybrid format due to the pandemic; the Secretariat has selected a few items for deliberation, which we consider timely.



I will briefly advert to two items on the agenda, which will be deliberated upon tomorrow. With regard to the situation in the Palestine, Sri Lanka deeply regrets that the latest outbreak of violent hostilities and urge that the ceasefire be strictly adhered to, and that the protection of the lives and the rights of people be considered as an utmost priority by all parties.

Sri Lanka accentuates the paramount importance of addressing the humanitarian situation in Palestine and remains concerned regarding the obstacles to long-term prospects for peace.

While recognising the legitimate and sensitive security concerns of the peoples of Palestine and Israel, it is observed that indiscriminate actions will only make the realisation of an enduring peace a distant reality.

Sri Lanka accentuates and reiterates the importance of the implementation of the relevant UN General Assembly Resolutions in this regard.

With regard to combating Cybercrimes, Sri Lanka has introduced national legislation in the form of the Computer Crimes Act in 2007 pursuant to ratifying the Budapest Convention. Sri Lanka has also established the Sri Lanka Computer Emergency Response Team (SLCERT) to deal with complaints made in this regard.

As at 23.11.2021, 66 States have ratified the Budapest Convention.

The Convention facilitates *inter alia* International Cooperation, Extradition and Mutual Assistance in combating Cybercrimes.

However, it must be noted that Cybercrimes are no longer confined to a territory but has expanded and has become multi-jurisdictional in nature, thus, posing challenges in tracking the perpetrators, obtaining computer data, collecting traffic data and effectively curbing Cybercrimes.

Further, hacking and cyber-attacks, in particular, targeting Governments have increased exponentially, thereby, highlighting the need for regulation.

This topic on regulating Cyberspace was deliberated by AALCO at its 53<sup>rd</sup> and 54<sup>th</sup> Annual Sessions in 2014 and 2015.

Regional Cooperation is an effective tool that could be made use of to tackle this global issue and considering the composition of AALCO, it will certainly provide a solid foundation to deliberate upon and introduce a mechanism to regulate the Cyberspace and to combat Cybercrimes.

Regulating the Cyberspace poses many challenges. However, due to Cybercrimes becoming multi-jurisdictional, it has become necessary to introduce an international legal framework to combat Cybercrimes.

In doing so, the concept of 'State Sovereignty' must be given due regard and must be ensured. Further, non-intervention in cyberspace, privacy issues, regulating online content, enhancing cooperation in this regard are other aspects which will have to be considered and, which in fact have been deliberated upon over the years.

In this regard, facilitating capacity building and enhancing cooperation are areas of importance, which will no doubt be beneficial to all in combating a crime which has become multi-jurisdictional.

Reaching consensus will no doubt be an arduous task. However, we must forge ahead to introduce an international legal framework and a mechanism to govern the Cyberspace with the primary objective of effectively combating Cybercrimes.

Madam President, thank you once again for giving me this opportunity. Thank You.

**President:** Thank you very much. We would now like to invite the delegate of the State of Libya to have the floor please. I believe you will have to unmute first. Thank you.

**Mr. Ahmed Gebreel, Charge D' affaires, Embassy of the State of Libya in New Delhi and the Assistant Head of Delegation of the State of Libya:** Thank you Madam President. Let me begin with my heartfelt congratulations to you Madam President upon your election as the President of AALCO, and I would like to assure you of my Government's continued cooperation and support during your presidency. Allow me also to express my deep appreciation to the Government of China and AALCO Secretariat for organizing this year's Annual Session despite all the difficulties we are all facing. I salute you for all the arrangements done to ensure the success of the Fifty-Ninth Annual Session under the theme 'Upholding International Law for a Community of Shared Future: The role of Asian and African Countries'.

Madam President, my congratulations also go to the new Secretary-General Dr. Kamalinne Pinitpuvadol, and we look forward to working together closely with him, and we assure him our full support and cooperation. I also would like to express my gratitude and appreciation for the work and tireless efforts done by Prof. Kennedy Gastorn, and we wish him all the best in his future endeavours.

Madam President, since the creation of AALCO, the Organization has contributed positively in the development of international law, most notably, by communicating the views of the Asian and African States to the United Nations and the International Law Commission on a regular basis. Annual issuance of AALCO Yearbook and AALCO Journal of International Law has been an effective tool to disseminate Asian and African views on emerging legal issues to the international community. We must also underline the value of several seminars and workshops organized by the Organization. The contribution of AALCO has been on several issues that includes the highly debated issue which is the International Law in Cyberspace, beside its deliberation on some other important issues such as the Violation of the International Law in the Occupied Palestinian Territory, Sanctions Imposed against Third Party, Law of the Sea, World Trade Organization, International Customary Law and Terrorism.

Madam President, one of the most important topics AALCO has discussed is the Violation of the International Law in Palestine. My Government believes that settling the Palestinian issue according to the international law and Security Council Resolutions is vital to putting an end to the Israeli occupation and illegal practices. Enabling the Palestinian people of their rights would eradicate one of the most important factors of instability in the Middle East region and beyond.

The other issue I would like to underline in this Session is a topic that has been discussed in the International Law Commission and deliberated upon by AALCO for decades, which is the sanctions regime. My country has suffered a great deal from the unfair sanctions regime for decades, and therefore, we believe that sanctions should be introduced in conformity with the provisions of the Charter of the United Nations and they should be consistent with the rule of international law and international humanitarian law. Sanctions should be carefully

targeted and supported with clear and legitimate objectives, and be implemented in a way that fathoms effectiveness to achieve a desired result, and the imposing of the sanction should be the last resort when all coercive measures are exhausted. And these should be implemented and monitored effectively with clear benchmark and should be periodically reviewed as appropriate and remain in place for as limited period as necessary to achieve their objective and should be lifted once their objective has been achieved.

Thank you, Madam President.

**President:** Thank you very much for those statements. I would like now to give the floor to the delegate from Kenya, please. You have the floor.

**Ms. Christine Agimba, Deputy Solicitor General, Office of the Attorney General and Department of Justice and the Assistant Head of Delegation of the Republic of Kenya:** Thank you very much Madam President. Excellencies, on behalf of myself and my delegation, we would like to express our pleasure in attending this auspicious occasion of the Fifty-Ninth Annual Session of the Asian-African Legal Consultative Organization (AALCO), which despite the challenges being posed by the COVID-19 pandemic, is being held virtually and physical in the beautiful city of Hong Kong, Special Administrative Region of the People's Republic of China. We take this opportunity to thank the Government of the People's Republic of China for graciously hosting this Session.

Madam President, allow me to congratulate you on your election as the President of the Fifty-Ninth Session of AALCO. Kenya, having served as President of the Fifty-Sixth and Forty-Fourth Sessions, assures you of her full support and co-operation during your term.

On behalf of the Kenyan delegation, I would also wish to extend sincere condolences to the family, the Government and people of the United Republic of Tanzania, following the demise of H.E. Amb. Dr. Augustine Philip Mahiga, the former Minister for Justice and Constitutional Affairs of the United Republic of Tanzania, who served as the President of the 58<sup>th</sup> Annual Session of AALCO held in Dar Es Salaam. He will be remembered as an accomplished diplomat, seasoned politician and renowned son of the United Republic of Tanzania, the East African Community and the Afro-Asian region.

Distinguished Delegates, we note the important topics on the Agenda that are to be discussed by the Member States, such as international law in cyberspace and the various topics on the agenda of the International Law Commission. Of particular interest to us, are the deliberations on the issues around the protection of the atmosphere and sea-level rise. The Government of Kenya recognizes that climate change and its far-reaching consequences pose an existential threat to Kenya, and to most regions of the world.

In Kenya, extreme weather events including floods and droughts, lead to losses of 3 to 5% of our GDP annually. These further aggravate food insecurity and trigger divisive intra-community and inter-country competition for resources. Kenya has developed a robust legal regime to scale up efforts to maintain a low carbon development trajectory. This includes, the government's commitment to restore degraded water towers, accelerate forest restoration and increase tree cover to at least 10 percent of our land area, as well as a commitment to promote a sustainable blue economy and green manufacturing.

Your Excellencies, we note with appreciation that AALCO continues to closely follow developments in international forums related to governance of cyberspace and cyber security and continues its study on International Law in Cyberspace. Indeed, it is important to note

that emerging issues in regard to International Cybercrime laws will be discussed in this Session. The formulation and implementation of coherent and harmonized cybercrime laws by the international community is more important now than ever before.

Distinguished Delegates, the theme *Upholding International Law for a community of a shared future* challenges us to recognize our existence as a community of shared future for the benefit of mankind and the need for reform of the global governance system. Enhancing international dialogue and promoting the rule of law in the international community, which AALCO has always advocated for, will promote better relations between the States of the Asian-African region, and the international community at large. This can be achieved by strengthening the international principles of respect for sovereignty and territorial integrity, non-aggression, non-interference in internal affairs, peaceful co-existence, among others.

Madam President, Kenya would like to acknowledge with much appreciation the work of the outgoing Secretary-General, Prof. Dr. Kennedy Gastorn, his excellent leadership in enhancing the role and activities of the Organization. Your Excellency Secretary-General, AALCO has achieved many milestones under your sterling stewardship as Secretary-General and we thank you most sincerely for your commitment to the aspirations of AALCO. We take this opportunity to wish you the very best in your future endeavours.

Distinguished Delegates, the Government of the Republic of Kenya congratulates and wishes the newly elected Secretary-General, Dr. Pinitpuvadol, and wish him every success as he commences his term. Kenya is confident that under your able guidance the Organization will diligently continue its very important mandate to work as a platform for deliberations on legal issues of concern and significance to AALCO Member States.

I conclude by wishing all delegates and observers attending this Session fruitful deliberations for the remaining days of the Session.

I thank you Madam President, and Your Excellencies for your kind attention.

**President:** Thank you very much. We now have the Member State Japan. The delegate will be delivering the General Statement. You have the floor please. The delegate from Japan, please.

**Mr. Hiroyuki Namazu, Assistant Minister/Director General, International Legal Affairs Bureau, Ministry of Foreign Affairs and the Head of Delegation of Japan:** Thank you Madam President. H.E. Ms. Teresa Cheng, Secretary for Justice, the Government of the Hong Kong Special Administrative Region, and President of the Fifty-Ninth Annual Session, H.E. Prof. Kennedy Gastorn, Secretary-General of AALCO, Honorable Ministers and Attorney Generals, Distinguished delegates,

Let me begin with my heartfelt congratulations to you, Madam President, as well as Dr. Kamalinne, upon your respective elections as the President of the Fifty-Ninth Annual Session and the Secretary-General. I will assure both of you of my Government's continued cooperation and contribution.

At the outset, allow me to express my appreciation to the Government of the People's Republic of China for hosting this year's Annual Session after an interval of 2 years in the ongoing global fight against the pandemic. I am also grateful to Secretary-General Gastorn and his staff for the dedicated work in organizing this session.

Madam President, I would like to draw your attention to how Japan attaches importance to the rule of law. Prime Minister KISHIDA Fumio of Japan delivered his first policy speech to the Diet in October, and expressed Japan's strong determination to fully defend the universal values including the rule of law.

The rule of law has been and will continue to be one of the most important pillars of Japan's foreign policy. Maintaining and strengthening the rule of law is imperative to facilitate the peaceful resolution of disputes in the international community, and therefore Japan is resolved to continue to contribute to strengthening the rule of law for a global public good.

This is in line with the long-lasting efforts by the international community. In September 2020, the Declaration of the Commemoration of the Seventy-Fifth Anniversary of the United Nations was adopted at the UN High-level Meeting. In the declaration, UN Member States showed their strong will to "*abide by international law and ensure justice.*" The rule of law is the foundation of order, both domestic and international, and the very spirit which the UN is built on. We believe that the rule of law requires us to abide by law, and to observe international law and judgments. Japan has demonstrated this position through its state practices.

The international community faces greater difficulties than ever. We are confronted with not only by the COVID-19, but also challenges to peace and security as well as political and economic instability. In this challenging time, we have to reaffirm and reunite for the shared purposes and principles of the United Nations.

In order to contribute to the development of international law, discussions on international law in regional fora need to be underpinned by universal values and widely accepted by the international community. We therefore believe that AALCO should promote discussions on legal issues, in conformity with the development of international law in the international community as a whole. Japan takes note of the Secretary-General Gastorn's remarks at yesterday's Meeting of the Heads of Delegations, that concerns were raised over the suggested theme of the General Statements of the present Annual Session. Those remarks make it clear that there was no consensus around it. In order to ensure an efficient management of future Annual Sessions I would like to suggest going back to our past practice which is not to establish a particular theme for the General Statements.

I would like to take this opportunity to mention the law of the sea and peaceful settlement of disputes. The rule of law in the maritime field is the basis for peace and prosperity in the world, and particularly important for Japan as a maritime nation. States should make and clarify their claims based on international law, and States should pursue peaceful resolution of disputes, without resorting to the threat or use of force, in accordance with international law, in particular the United Nations Convention on the Law of the Sea (UNCLOS). The importance of the UNCLOS as a holistic and universal framework cannot be emphasized enough.

Madam President, let me take this opportunity to share a few highlights over the past years in Japan's activities in the area of promoting and strengthening the rule of law.

First, Japan has contributed to the reinforcement of the functioning of international judicial organizations and arbitral tribunals, notably the International Court of Justice (ICJ), the Permanent Court of Arbitration (PCA), the International Tribunal for the Law of the Sea (ITLOS) and the International Criminal Court (ICC).



Second, Japan has continued to play an active role in concluding multilateral and bilateral treaties. Since the 58<sup>th</sup> Annual Session in 2019, the Government of Japan submitted 28 treaties to the legislature for approval. One of the most important treaties approved by the Diet is the Regional Comprehensive Economic Partnership (RCEP) Agreement. By concluding the treaties including RCEP, Japan intends to further enhance cooperation with the international community for economic growth and prosperity.

Third, in March 2021, Japan successfully hosted the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice in Kyoto, namely the Kyoto Congress, during which the “Kyoto Declaration” was adopted. The Congress is the United Nations’ largest international conference in the field of crime prevention and criminal justice. Japan will play a leading role in the steady implementation of the Kyoto Declaration.

Fourth, Japan annually holds an international law moot court competition called the “Asia Cup” for students from Asian countries, co-organized by the Japanese Society of International Law and the Ministry of Foreign Affairs. “Asia Cup 2021” was held online a couple of months ago.

Madam President, I am fully confident that AALCO will continue to be an important forum for promoting the rule of law in Asia and Africa.

Japan welcomes the establishment of the Regional Arbitration Centre in Hong Kong. We hope that the new Arbitration Centre will contribute to further strengthening the rule of law in Hong Kong and beyond.

There is no doubt that AALCO still possesses greater potential with regard to its membership. I would like to show great respect for the efforts to achieve expanded membership beyond the current level made thus far by outgoing Secretary-General Gastorn in reaching out to Observer States and other interested non-Member States.

At the same time, a stable financial foundation should be ensured so that AALCO can fully play its expected role. We have much to do in this regard including fulfilling our financial obligations. Also, it is important for the Organization to continue the review of the existing assessed scale of contributions so that it becomes fairer and balanced one.

Madam President, looking towards the future, 2022 is an important year for Japan and Africa, as Japan will hold the 8<sup>th</sup> Tokyo International Conference on African Development (TICAD8). At the previous TICAD7 in 2019, in-depth discussions were held on the three pillars of the meeting, namely, Economy, Society, and Peace and Stability. Importance of the rule of law was one of the main issues under the pillar of peace and stability. TICAD8 will be an opportunity for Japan to enhance international cooperation in order to strongly support development led by African itself.

In conclusion, Madam President, let me express my sincere gratitude to the outgoing Secretary-General Gastorn, who never politicized the Organization and always tried to be fair. I have high hopes that his spirit and efforts will be succeeded by the new Secretary-General.

My delegation would like to assure you a constructive contribution during the current session. There are many important international legal issues for deliberation over the next few days, and I look forward to engaging in discussions with the distinguished delegates.

I thank you.

**President:** Thank you very much. I believe I see a ‘Raise Hand’ from the delegate of the People’s Republic of China. I give you the floor now.

**The Delegate of the People’s Republic of China (Name of the Head of Delegation of PRC):** Thank you Madam Chair. Madam President, I just wanted to join the very interesting discussion on the law of the sea and settlement of disputes. On Law of the Sea, UNCLOS has provided a framework of the modern law of the sea. Meanwhile, it does not cover all maritime issues. Paragraph 8 of its Preamble makes it clear that “matters not regulated by this Convention continue to be governed by the rules and principles of general international law”. Additionally, the negotiation on an international instrument on BBNJ also demonstrates that the Law of the Sea is still internal to Government. All parties should objectively view the status of Annexure of UNCLOS, and jointly maintain good maritime order.

On peaceful settlement of disputes, we believe that negotiation and consultation are the most important and effective way of settling disputes and State consent is an important principle for dispute settlement. And the International Court of Justice (ICJ), as the primary judicial organ of the UN, and its judgment should be abided by sincerely. China hopes these points could be noted by the Meeting.

**President:** Thank you very much. I believe that we have exhausted the number of Member States wishing to make a statement, and I understand that there is no Observer State wishing to make a statement. So now I invite the international organizations who have already raised their hands, wishing to make a statement. On my list the first is the Hague Conference on Private International Law (HCCH). Can I give the floor to representative of the HCCH, please. Thank you.

**Prof. Yun Zhao, Representative, Regional Office for Asia and the Pacific, the Hague Conference on Private International Law (HCCH)- Observer:** Thank you. Madam President, Honourable Ministers, Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is a great honour to participate in the Fifty-Ninth Annual Session of AALCO and it gives me great pleasure to propose a statement as a Representative of the Regional Office for Asia and the Pacific of the Hague Conference on Private International Law. It has been a wonderful experience to participate in this Annual Session of an intergovernmental organization that is dedicated to the progress of international law by providing consultative assistance to the Member States in Asian and African regions. I am sure that all invited international organizations here will continue our commitment to collaborate, coordinate and cooperate with the Member States to effectively implement the international commitments and obligations. The enlightening statements today were greatly stimulating and we were truly enriched with these inspiring sharing. I am convinced that this Annual Session will greatly contribute to increased awareness and development of international law.

The Hague Conference on Private International Law now has 90 members representing all continents, as well as 156 connected parties around the world. We have long benefitted from the involvement of AALCO Member States. The HCCH and the AALCO community have also enjoyed close cooperation for many years. In particular, a significant increase in interest and participation of States from the Asian and African regions in recent years has also greatly promoted the work of the HCCH. During the process of cooperation, many exciting agreements and work results have been achieved. For HCCH, these would include a Seminar to be held in March 2022 which is open to all AALCO Member States and co-hosted with AALCO Secretariat. The Seminar would introduce the work of the HCCH and its relevance to the AALCO Member States with special attention to the HCCH 1961 Apostille



Convention. Themes will be officially announced soon, and I very much look forward to meeting the representatives from AALCO Member States again at the Seminar, and to have further discussions on private international law issues of our common concern. I think it will be a meaningful, valuable, and memorable milestone, and makes me very eagerly looking forward to our continued cooperation for many years to come.

Madam President, Excellencies, Distinguished Delegates, I feel pride in expressing my sincere gratitude and appreciation to the Secretariat of AALCO, headed by Prof. Dr. Kennedy Gastorn, for finely orchestrating the events and Mr. Sun Guoshun, for his kind invitation, and warmly congratulate incoming Secretary-General Dr. Kamalinne Pinitpuvadol from the Kingdom of Thailand on his election. In addition, I am grateful to the Hong Kong SAR Government for the wonderful arrangements. Allow me to specifically mention that with the significant help and support of the Hong Kong SAR Government, especially the Department of Justice, the HCCH Regional Office for Asia and the Pacific, as important part of the legal help, has been relocated to the Former French Mission Building in Central. My office and I would like to welcome all the distinguished guests when the situation allows.

Finally, I express my gratitude again towards Madam President for the excellent leadership, which has facilitated the works of this meeting, all the distinguished delegates for participating in person or online. I wish this Annual Session a great success. Thank you very much.

**President:** Thank you very much. We now have the last of the observer international organizations who wish to make a general statement and I invite the representative of Committee of Legal Advisers on Public International Law to have the floor please.

**Ms. Alina Orosan, Chair, Committee of Legal Advisers on Public International Law (CAHDI)- Observer:** Thank you very much Madam President. Distinguished participants, it is an honour and a great pleasure for me to address this audience. For me, this is the first time to do that in my capacity of the Chair of CAHDI, a position which I hold since the beginning of this year, and for which I have reelected for another mandate this September.

In my brief intervention, I would like to present to you the work of CAHDI and its contributions to the international legal order. First of all, allow me to recall that the CAHDI is composed of Legal Advisers of the Ministries of Foreign Affairs of the 47 Member States of the Council of Europe, the 5 observer States to the Council of Europe, 5 further observer States to the CAHDI – Australia, Belarus, Israel, the Republic of Korea and New Zealand – and 11 participating international organizations, among them, since 2017, AALCO. Impressive is not only the number of States and organizations allowed to attend the CAHDI meetings or their global distribution, but also the actual number of participants at each meeting. Indeed, we welcomed a total of 123 participants (38 physically in the room and 85 connected online) at our last hybrid meeting that we held in September in Strasbourg.

At that meeting the CAHDI discussed its working methods, declarations and reservations to treaties, cases before the European Court of Human Rights involving issues of public international law, international humanitarian law, peaceful settlement of disputes and different aspects of immunities among other things. Indeed, the CAHDI addresses a great range of topics in the field of public international law, demonstrating an important role played by the Committee both within the Council of Europe and beyond, as regards its liaison role between the Council of Europe and other international organizations. Within the Council of Europe, the CAHDI holds a number of important roles. The Committee is tasked with providing legal opinions at the request of the Committee of Ministers, or other Steering or Ad

Hoc Committees of the Council of Europe. The CAHDI is furthermore involved, as an observer, in the accession negotiations of the European Union to the European Convention on Human Rights.

Beyond the extensive substantive discussions during the sessions, the CAHDI has contributed to the development of public international law through a variety of different means. For the purposes of general debate that you have been holding, it might be interesting for you to hear about the CAHDI's role in upholding and fostering cooperation between the Council of Europe and other institutions in the area of international law. First of all, the CAHDI plays an important role in fostering cooperation between the Council of Europe and the United Nations, in particular with the International Law Commission (ILC) and the Sixth Committee of the UN General Assembly. In this regard, during the 61<sup>st</sup> meeting this September in Strasbourg, the CAHDI had the chance to hold an exchange of views with Ambassador Mahmoud Hmoud, Chair of the ILC, on the substantial progress made by the ILC in its work. As regards cooperation with other international organizations, courts and institutions, the CAHDI, during its 60<sup>th</sup> meeting in March this year, welcomed presentations and an exchange of views with its special guests Professor Emmanuel Decaux and Judge Erkki Kourula, President and Vice-President of the OSCE Court of Conciliation and Arbitration (CCA) on the role that this court could play as a means of peaceful settlement of disputes. The CAHDI also had the chance to welcome, during the same meeting, Mr. Peter Lewis, Registrar of the International Criminal Court (ICC), who presented recent developments concerning the ICC. Mr. Lewis applauded the efforts of the Council of Europe, notably in various Resolutions and Recommendations, encouraging States to reform legislation in line with international standards with respect to war crime trials, including the transfer of war trial proceedings. He also thanked the work of the CAHDI and the Council of Europe in its consistent support for the work of the ICC. At its 61<sup>st</sup> meeting, the CAHDI held an exchange of views with Ms. Joan E. Donoghue, President of the International Court of Justice (ICJ), on the peaceful settlement of disputes. In her presentation, President Donoghue recalled the instrumental role of the CAHDI in promoting the significance of declarations in accordance with Article 36, paragraph 2 of the ICJ's Statute (which concerns "optional clauses" of jurisdiction), to the Committee of Ministers, which led several Member States to deposit respective declarations or withdraw reservations to their earlier acceptance.

The input of the CAHDI to discussions of topical issues of public international law is by far not limited to discussions at its biannual meetings. In fact, there exists an established practice of organizing expert seminars in the margins of CAHDI meetings. For instance, on 26 March last, an online seminar on "Non-Legally Binding Agreements in International Law" was organized by the German Federal Foreign Office, the University of Potsdam and the CAHDI Secretariat in the framework of the German Chairmanship of the Committee of Ministers. The event focused on the question of how to clearly identify a non-legally binding agreement in order to minimize potentially negative and unintended consequences associated with the use of such instruments; legal consequences that can arise out of non-legally binding agreements; and the practice of States with regard to Memoranda of Understanding. Subsequently, during our meeting last September, the CAHDI held, on the basis of a document presented by Germany, an exchange of views on the possible follow-up by the CAHDI to the seminar and agreed to pursue its work on this issue on the basis of a questionnaire prepared by Germany in cooperation with the Chair, the Vice-Chair and the Secretariat. Finally, the CAHDI contributes to the development of public international law in its capacity as the "European Observatory of Reservations to International Treaties". This function, which the CAHDI has carried out for more than 20 years, has proved its usefulness. Indeed, the CAHDI makes use of the "dialogue réservataire", the emergence of which can be

traced back to the CAHDI and for which this Committee has been praised as it fosters dialogue and conciliation. This working method not only allows States which have formulated a problematic reservation to have the opportunity to clarify its scope and effect and, if necessary, tone it down or withdraw it, but also facilitates the understanding by other delegations of the rationale behind reservations before formally objecting to them. During its two last meetings the CAHDI examined 29 reservations and declarations which had been identified as potentially problematic.

In its thirty years of existence, the CAHDI has become a forum in which debates are dynamic between Member States, non-Member States and international organizations on contemporary issues of public international law. Certainly, this year, my first as Chair of the CAHDI, has been marked by many challenges, notably those related to the continuing COVID-19 pandemic, which has affected both the organization of our meetings and the daily work and travel of Legal Advisers of the various Member States. The 60<sup>th</sup> meeting of the CAHDI in March had to be held exclusively remotely. The improvement of the sanitary conditions enabled us to hold our 61<sup>st</sup> meeting in September again in a hybrid format allowing an increasing number of Legal Advisers to travel to Strasbourg in person, which I particularly welcomed. Indeed, CAHDI's working methods rely heavily on physical meetings, also because they are a unique opportunity for bilateral interactions between Legal Advisers. I hence hope that the sanitary situation will allow us, among other things, to reunite all CAHDI members together again in person as soon as possible. It would be wonderful, if this could be accomplished for my last meeting as the Chair of the CAHDI in September 2022 to be held in my capital, which is Bucharest, and I truly hope to be able to welcome a representative of AALCO at that meeting!

On behalf of the Committee that I have the honour to chair, I wish to thank you once again for your invitation to participate in this Annual Session and for the opportunity to share with you this short overview of the CAHDI's activities.

Thank you very much.

**President:** Thank you very much. Distinguished delegates, I thank you all for your excellent general statements. I think we will now take a 20 minutes' break, instead of 30, and thereafter we will resume. Thank you very much.

**The meeting was thereafter adjourned**

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



**VIII. VERBATIM RECORD OF THE THIRD GENERAL MEETING HELD ON  
TUESDAY, 30 NOVEMBER 2021, AT 6:30 PM HONG KONG TIME**

**Her Excellency Ms. Teresa Cheng, Secretary for Justice of the Hong Kong SAR of the People's Republic of China, President of the Fifty-Ninth Annual Session in the Chair.**

**AGENDA ITEM: TOPICS ON THE AGENDA OF THE INTERNATIONAL LAW COMMISSION**

**President:** Distinguished delegates as we proceed to being the third general meeting allow me to reiterate that due to risks posed by the COVID-19 Pandemic and taking into consideration the practices of other international meetings and in consultation with the Host Government the Fifty-Ninth Annual Session's duration is shortened; therefore, not all topics on the AALCO's agenda can be discussed during this Annual Session and those subjects that cannot be deliberated on during this session shall be postponed to the next session for consideration. Presently we shall deliberate upon three substantive agenda items. First and foremost we shall deliberate on the "Topics on the Agenda of the International Law Commission", and here I invite Deputy Secretary-General Mr. Sun Guoshun to deliver the introductory items on that agenda item.

**Mr. Sun Guoshun, Deputy Secretary-General of AALCO:** Madam President, Excellencies, distinguished delegates, ladies and gentlemen. AALCO and the International Law Commission (ILC) have traditionally enjoyed a strong and mutually beneficial working relationship. AALCO in accordance with its statutory mandate examines the topics that are under the consideration of the Commission, reports the same to its Member States, and makes recommendations to the Commission based on the views of the Member States. This symbiotic working relationship ensures that the Commission is abreast with important inputs from the Afro-Asian States that could facilitate its engagement with the topics while ensuring that Afro-Asian States are updated on the substantive agenda items of the Commission. Thus, a two-way communication channel between the Commission and the AALCO Member States is ensured via the Secretariat's engagement with the work agenda of the Commission.

On account of the COVID-19 pandemic, the General Assembly, on 12 August 2020 decided to postpone the Seventy-Second Session of the ILC to 2021. Accordingly, the Seventy-Second Session of the Commission was held from 26 April to 4 June and 5 July to 6 August 2021.

The substantive topics on the agenda of the Commission for the Seventy-Second Session were: (1) Protection of the Atmosphere, (2) Provisional Application of Treaties, (3) Immunity of State officials from foreign criminal jurisdiction, (4) Succession of States in respect of State responsibility, (5) General Principles of Law, (6) Sea-level rise in relation to international law.

The ILC has engaged in discussion on the above-mentioned topics and they proposed new draft articles on some of them. These topics are of great interest to our Member State. You may look for details in the document AALCO/59/HONG KONG/2021/SD/S1.

While it is customary for Members of the Commission to address the Member States as panellists during the Annual Session, this year remains an exception on account of various COVID-19 restrictions in place in different parts of the world. Likewise, AALCO was unable to engage in exchange of views with the Commission for the Seventy-Second Session for the



same reason. It is hoped that with the abatement of the pandemic we would be in a position to revert to our customary forms of engagement with the Commission.

Before I conclude, I would urge all the Delegations to actively participate in the deliberations on this agenda item and in doing so contribute to the codification and progressive development of international law from an Afro-Asian perspective. Efforts to formulate a collective opinion or viewpoint on relevant topics would be welcomed by the Secretariat. Thank you, Madam President.

**President:** Thank you, Deputy Secretary-General Sun. I will now open the floor for discussions by Members followed by Observers, and I am sure Members are now aware of the ‘raise hand’ function in Zoom to indicate your intention to provide a comment. First, I will invite the delegate from the People’s Republic of China to share their comments. The delegate from China please.

**The Delegate of the People’s Republic of China:** Madam President, the International Law Commission, as a UN expert body mandated to codify and progressively develop international law, has been playing a significant role in this regard. This year, the Commission overcame the difficulties caused by the COVID-19 pandemic and achieved progress in its Seventy-Second Session which was held in a hybrid format (in person and virtually). China appreciates the Commission’s innovation of the meeting format and the hard work of all members. China also expects the Commission, in its future work, to better respond to the urgent practical needs and legitimate concerns of the international community, especially the developing countries in Asia and Africa.

Madam President, I would like to share briefly with colleagues the views of China on relevant topics of the Commission.

With respect to “Immunity of State Officials from Foreign Criminal Jurisdiction”, which is the most contentious topic discussed for the longest period so far, we note that states are far from reaching consensus. Different opinions were expressed in the Commission and the Sixth Committee of the UN General Assembly in the past two years, in particular on draft article 7, namely the non-applicability of *immunity ratione materiae*, which was adopted by a vote rather than consensus in 2017. China joined many other countries in expressing concerns at the Sixth Committee. It is our view that draft article 7 is not a codification of customary international law, and lacks support from State practice, thus we recommended the Commission to re-examine this article. We have noted that the Commission continued to consider issues related to strengthening procedural safeguard at this session, but this is not enough to fix the fundamental flaw in draft article 7 on substantive issues. Therefore, we hope that the Commission will actively respond to relevant opinions, reexamine draft article 7 and its commentary, and come up with a correct conclusion solidly grounded on general State practice and *opinio juris*.

With respect to “Sea-level Rise in Relation to International Law”, China believes that sea-level rise is a cutting-edge issue that is likely to have a substantial impact on the current maritime law system and the maritime rights and interests of all countries. It also concerns the survival and development of small island developing countries and low-lying countries. Therefore, the Commission should fully consider the opinions of all countries. China appreciates the contribution of the Study Group on this issue, and also notes that the Co-Chairs have made an oral report on the progress of relevant work. We would like to make the following comments: First, in terms of working procedure, to ensure credibility and



representativeness, the Study Group should carefully consider the suggestions of some Group members, fully reflecting the positions and concerns of countries, especially relevant small and medium-sized countries. Second, in terms of research methods, the issue of sea-level rise was not taken into consideration in the negotiation of the UN Convention on the Law of the Sea, so the research on this new issue should include other sources of law. Meanwhile, many countries believe that the international community has not yet reached a consistent State practice on this issue. Therefore, the Commission should be cautious, and refrain from drawing conclusions hastily. Third, in terms of the authorization of the Study Group, in the discussion of the Sixth Committee, some countries have clearly requested that the Commission should not involve the status of islands and reefs. However, the report by the Co-Chairs not only involves the identification of the status of islands and reefs, but also includes the sovereignty issue whether low-tide elevations can be claimed as territories. China believes that the Study Group should accurately act within its mandate.

With respect to “Succession of States in respect of State responsibility”, the Special Rapporteur submitted his fourth report and several draft articles this year. We support the work in general and expect the Commission to further refine the draft articles in the future discussion, so that they can provide practical guidance to states. At the same time, considering the lack of State practice and the highly theoretical nature of this topic, China, like some other delegations, has also made proposals at the Sixth Committee, suggesting the Commission to reconsider the outcome of this topic, which could be draft guidelines or an analytical report.

With respect to “General Principles of Law”, China supports the Commission in strengthening relevant studies, which is helpful to improve the understanding of international law. The Special Rapporteur submitted his second report to the Commission at this session, and the content was relatively balanced as a whole. For the draft conclusion 5, i.e., “[T]o determine the existence of a principle common to the principal legal systems of the world, a wide and representative comparative analysis of national legal systems is required”, China agrees with this principle and believes that it is necessary to satisfy the requirement of paragraph 1 (c) of Article 38 of the Statute of the International Court of Justice, and fully reflect the general consensus of the international community including developing countries. Therefore, we suggest that the Commission further emphasizes in the commentary that the legal principles recognized only by a small number of countries or groups of countries do not constitute the above-mentioned “common principles”.

Madam President, China has always attached great importance to and supported the work of the International Law Commission. In the just concluded election, 12 members from AALCO Member States were elected. China congratulates them and expects them to actively perform their functions, to serve as a bridge between the AALCO and the ILC, and to fully voice the international law practices and concerns of Asian and African developing countries in the work of the Commission. China will continue to support AALCO to strengthen positive interactions with the Commission, making contributions to upholding the international order based on international law. Thank you, Madam President.

**President:** Thank you very much for those comments, I now give the floor to the delegate from the Socialist Republic of Viet Nam. You have the floor, please.

**The Delegate of the Social Republic of Viet Nam:** I thank you Madam Chair for giving us the floor. I understand that it is quite late in Hong Kong and will be very brief. I would like to

offer comments on four topics namely protection of the atmosphere, succession of states in respect of state responsibility, general principles of law and sea level rise in relation with international law. On the topic of the protection of the atmosphere our delegation appreciates the outstanding contribution of Professor Murase and the Commission in completing and adopting the sets of guidelines on the protection of the atmosphere together with the commentaries thereto on the second reading. The atmosphere plays an essential role in sustaining life on earth human health and welfare in an ecosystem. Protection of the atmosphere is an issue of common concern to the international community including Viet Nam, however we wish to register our regret that the guidelines exclude from scope of application the question of transfer of funds and technologies including intellectual property to developing countries. This principle is one that is a fundamental principle in international environmental law and international law relating to the protection of the atmosphere. Excluding the fundamental principles of transfer of funds and technology is without reasonable basis it means rendering the guidelines incomplete and a setback for international environmental law.

On the topic succession of states in respect of state responsibility we take the view that the principle of non-succession remains a predominantly applicable principle in which certain exceptions in particular circumstances including where the successor agrees to share the responsibility incurred by the predecessor state. Therefore, the draft articles should remain of subsidiary nature and priority should be given to agreements between the States' concerned. The succession of States in respect of state responsibility should be carried out on the basis of committed negotiation in free will manner in an appropriate timeframe. We also support the inclusion in the draft articles the forms of reparation including compensation and satisfaction besides restitution. We look forward to continuing engagement with the Commission in advancing this project. On the topic of general principles of law the delegations attached great importance to identifying and analyzing general principles of law, we propose to the special rapporteur to study further the terminology "universally recognized principle of law" which was reflected in several documents including by the Association of South East Asian Nations and consistency with the concept of universality of general principles and generality of such a principle.

Lastly on the topic of sea level rise Viet Nam welcomes the study group's effort to introduce the first issue papers on the legal aspects of sea level rise taking into consideration the crucial impact of sea level rise that poses immense threats to the development of States. It is necessary to conduct extensive study of sea level rise in relation to international law. The study of the legal implication of sea level rise would contribute to enhancing our understanding the multifaceted implications of this phenomenon. Our delegation shares the necessity and urgency to identify, understand and work together to address the legal implications of sea level rise so as to guarantee the rights and entitlement of affected countries. This approach to address the implications of sea level rise should ensure the stability and security in international relations including the legal stability, security, certainty and predictability without involving the question of amending or supplementing the United Nations Convention on the Law of the Sea. Viet Nam is one of the countries most heavily affected by the climate change as a danger of sea level rise. This topic has been our top priority in multiple platforms. On 21 October this year Viet Nam together with twenty other Member States convened an Arria-Formula Meeting of the Security Council to exchange views and enhance our understanding of the security implications of sea level rise. Therefore, our delegation supports the ILC's and the study group's plan to continue their study of sea level rise in relation to international law. We thoroughly encourage the study group to study

further and thoroughly explore state practice including the practice of small island developing States in the Pacific. We also extend our congratulations to all the ILC Members elected from AALCO Member States which happened in New York in early November, and we look forward to further engagement with AALCO's ILC Members in the future sessions of the Organization.

**President:** Thank you very much. Can I now give the floor to the delegate from the United Republic of Tanzania to give your comments.

**The Delegate of the United Republic of Tanzania:** On behalf of my delegation, I would like to congratulate and thank you Madam President on the guidance and wisdom on the way you have been leading this august gathering. This delegation will continue to support you during the tenure of your presidency. Madam President, the United Republic of Tanzania attaches great importance to the agenda of the International Law Commission on the development and codification of international law. In this regard the United Republic of Tanzania will continue to support the work of the International Law Commission in reforming the International Criminal Court and the International Court of Justice and in addition to that, the United Republic of Tanzania will continue to support the United Nations and the African Union by hosting the UN International Residual Mechanism for Criminal Tribunals and the African Court on Human and People's Rights both hosted in Arusha, Tanzania. In the same vein our doors are open to working together with international entities in advancing international law. In this respect the United Republic of Tanzania reiterates its request to other Member States of AALCO to call upon the International Law Commission to continue advancing the wishes of the Organization in reforming the International Criminal Court. The ICC as a reputable international court need to exercise its mandate without double standards and impartiality. Madam President, in conclusion I wish to express our assurance that the United Republic of Tanzania will remain committed in supporting the work of the International Law Commission in the development and codification of international law.

**President:** Thank you very much. Before I give the floor to the delegate from India, I would just like to mention that after India we would be hearing from the Islamic Republic of Iran and Japan followed by the Philippines. May I give the floor to the delegate from India please. You have the floor please.

**The Delegate of the Republic of India:** Thank you Madam President. On behalf of the Indian delegation I have the opportunity to thank the AALCO Secretariat for the preparation of the detailed background document on the topic and the introductory statement made by the Deputy Secretary-General. Let me take this occasion to thank the delegations for their support to the Indian candidate Professor Bimal Patel in electing him as a Member of the International Law Commission. My delegation congratulates all newly elected Members of International Law Commission in general and Members elected from our Member States in particular.

Madam President, our delegation will be submitting a detailed statement to the Secretariat and intends only to briefly address a few topics now. On the topic general principles of law we take note of the second report on general principles of law. The second report deals with the methodology for identifying general principles of law which are one of the three principal sources of international law. The report proposes to six draft conclusions which has been referred to the drafting committee. My delegation recognizes the importance of the topic and at the same time believes that a careful approach is required to be taken with regard to the

sources of international law. We believe the basis for the work on the topic should be Article 38(1)(c) of the Statute of the International Court of Justice and also State practice and jurisprudence. We are of the view that there is no hierarchy among the sources of international law under Article 38 of the Statute of the ICJ. Accordingly, we opine that general principles of law, should not be described as a subsidiary source or a secondary source. Instead we suggest considering the term supplementary source to qualify the source general principle of law. As regards the use of the term civilized nations, we agree with the majority view that it is inappropriate and outdated. We appreciate the Special Rapporteur's view indicating that a definition of general principles of law could be useful to clarify the scope of the Commission's work on the topic and suggesting that the Commission could consider such a definition after considering the functions of general principles of law.

Regarding identification of general principles of law derived from national legal systems as reflected in draft conclusion 4 we do agree that analysis should be done in two steps. The determination that a certain general principle was common to the principal legal systems of the world on the one hand, and the ascertainment of the transposition of the said principle to the international legal system on the other. My delegation with interest looks forward to the future work on the question of the functions of the general principles of law and relationship with norms in other sources of international law.

On the topic immunity of state officials from foreign criminal jurisdiction we thank the Special Rapporteur for the eighth report on the topic of immunity of state officials from foreign criminal jurisdiction. We take note of the report examining immunity of state officials from foreign criminal jurisdiction and international criminal tribunals considering a mechanism for the settlement of disputes between the forum State and the State of the official and the issue of good practices that could help to solve the problems that arise in the process of determining and applying immunity. We reiterate our position that the topic represents complexities and the controversial nature of some of its fundamental aspects without the benefit of significant state practice. In that connection the Commission would need to overcome the divergent views of its Members on draft article 7 before completing its second reading of the topic. Since the topic is politically sensitive for some States and therefore diligence, prudence and caution needed to decide whether the Commission should focus on the codification aspect or progressive development of international law. This would be clear when the Commission would be able to show consistent state practice and treaty practice to support the exception supported in draft article 7. The status of and the nature of the duty being performed by person claiming immunity is factor of core importance at the time of the commission of the offence. There could be a situation where certain persons though belonging to the category of officials granted immunity by domestic law of the country for acts done during the course of official duty a State official may undertake a certain contractual assignment other than and in addition to the original official duty. In such situations factors such as the status of such official at the time of the commission of the offence, nature of the functions, the gravity of the offence, position of international law concerning immunity, victims interest, and totality of circumstances should be taken into account in determining immunity. In conclusion this delegation wishes to underscore that these provisions should not be viewed as codifying existing international law in any manner.

On the topic sea level rise we would like to thank the International Law Commission and particular the study group on sea level rise in relation to international law for their work over the past two years. India is aware of the impact of sea level rise and the immense challenge in understanding complex legal and political issues associated with sea level rise without losing



sight of their human dimension. The small island developing States are facing disproportionate challenges to their social and economic development given their small size, remote location and high costs for energy and transportation. The territories of States and their maritime zone established under the United Nations Convention on the Law of the Sea is central to their statehood, economics, food security health and education prospects and even their unique cultures and livelihoods. Therefore the work of the ILC is particularly of importance to SIDS countries and discussing this issue in other UN bodies and arbitrarily linking this issue to international peace and security is totally uncalled for. We are of the considered opinion that any possible recommendation by the ILC could only be considered at a later stage that is when both issue papers have been presented and analysed and when the necessary further studies on the relevant sources of the law and principles and rules of international law as well as on state practice and opinion juris have been conducted. We look forward to further discussions and consultations with due respect for the integrity of the UNCLOS reducing the vulnerability of States and strengthening their resilience to climate change should be a priority of the international community. Thank you Madam President.

**President:** Thank you for the comments. I would now like to invite the delegate from the Islamic Republic of Iran to deliver his comments, please.

**The Delegate of the Islamic Republic of Iran:** Thank you. “In the Name of God, the Most Gracious, the Most Merciful” Madam President, Distinguished Delegates, at the outset, I would like to commend the Secretariat for its comprehensive report on “Matters Related to the Work of the International Law Commission at Its Seventy-Second Session”, contained in the document AALCO/59/HONG KONG/2021/SD/S1. Whereas the Statute of AALCO stipulates that one of the functions and the purposes of AALCO is to examine subjects that are under consideration by the International Law Commission and to forward the views of the Organization to the Commission and to consider the reports of the Commission and to make recommendations thereon, my delegation believe that it is appropriate to convene Annual session of this significant Organization prior to the Annual Session of the General Assembly of the United Nations in order to have coordinated deliberations within the Legal Committee of the General Assembly. As to the topics on the agenda of the Commission during its Seventy-Second Session, we may elaborate some of our key points on the topics we presented in the Seventy-Sixth Session of the United Nations General Assembly in the framework of the Sixth Committee.

Madam President, with regard to the “protection of atmosphere”, we appreciate the Commission for the adoption of draft guidelines and its commentaries on the second reading. We also thank the Special Rapporteur, Mr. Shinya Murase, for his contribution to this process. Regarding these draft guidelines, we concur with the approach of the Special Rapporteur in recognition of the atmosphere as a limited “natural resource” which is in line with general principles of international law in particular the principle of sovereign equality of States. In this vein, we are also of the view that an equitable utilization cannot be realized without affording due consideration to the benefit of the international community as a whole, especially developing countries. We concur again with the Commission for replacing “pressing concern of international community” with “common concern of humankind” in the fourth preambular paragraph. The concept of “common concern of humankind” is a well-known concept which has already been supported and reflected in a preambular paragraph of the 2015 Paris Agreement. On the topic of “provisional application of treaties”, we would like to commend the Commission for the adoption of the “Guide to provisional Application of Treaties” and commentaries thereto in its second reading. We also thank Special

Rapporteur Mr. Juan Manuel Gomez Robledo for the contribution he made to this process. On the topic in consideration, we would like to emphasize that article 25 of the Vienna Convention on the Law of Treaties on provisional application of treaty merely offered States the possibility of provisional application without the imposition of any obligation. As a result, the provisional application would not serve as a basis for restricting States' rights with regard to their future conduct in relation to the treaty that might be provisionally applied. Regarding guideline 6, we accept the wording adopted by the Commission. However, we are of the view that the provisional application of a treaty produces different legal effects from that of accession of such treaty.

By this consideration, we maintain that the principle of consent prevailing in international law and particularly the law of treaties as well as flexibility and non-binding nature of the proposed provisions as the core elements of the provisional application of treaties indicates the different characteristics of the topic. Thus, defining a responsibility regime, through analogy, in guideline 8, is inconsistent with the nature of the regime of the provisional application. This guideline would undermine willingness of Countries to apply treaties provisionally.

Madam President, turning to the topic of “Immunity of State officials from foreign criminal jurisdiction” our contribution is related to the challenges emanated from draft article 7 concerning the immunity *ratione materiae*. First and foremost, we express our disappointment with the manner in which draft article 7 has been provisionally drafted, and we believe that this Draft Article is still a central issue for the Commission. We are of the view that Draft Article 7 is without prejudice in relation to the immunity *ratione personae*. Immunity of State officials, which derives from immunity of States lasts during their tenure in office. Other officials—and all former officials—enjoy conduct-based immunity, which lasts forever but applies only to acts taken in an official capacity. This approach implicitly has been affirmed in various judicial precedents including but not limited to the judgments of the International Court of Justice in the Arrest Warrant case, of the judgment of 14 February 2002 and Jurisdictional Immunity Case, the judgment of 3 February 2012. Thus, while we believe that immunity does not mean a lack of responsibility, at the same time, we are of the view that limiting the scope of immunity in favour of the responsibility of State officials shall be grounded on coherent State practices.

On the topic of “Sea-level rise in relation to international law”, we commend the study group of the Commission for the preparation of their first issue paper which addressed the legal effects of the topic on various maritime issues. The Islamic Republic of Iran attaches great importance to the law of the sea and related issues, including sea-level rise which might have drastic effects on the international community as a whole during a prolonged period. In this vein, we agree with the approach of the paper that the maritime zones designated by States cannot be assimilated into the established territorial boundaries. The coastal States, by determination of their maritime zones, entertain from sovereign rights which are granted through customary international law. Inevitably, sea-level rise might lead to changes in baselines and, consequently, outer limits of maritime zones. Nonetheless, we are of the view that any change in lines shall be based on principles of equity and fairness.

Madam President, finally regarding the topic of “General Principles of Law”, we concur with the formulation proposed in draft conclusions 4, 5, and 6. This formulation can help the Commission to identify the general principles of law in accordance with Article 38(1)(c) of the ICJ Statute. At the meantime, together with many other States which expressed their



concerns in the Sixth Committee, we would like to express our concern over the draft conclusion 3(b) concerning the inclusion of “general principles formed within the international law” in these draft conclusions. In the same way, the Commission should be cautious on draft conclusion 7. It is also important to mention that the *travaux préparatoire* of the ICJ Statute signifies that the general principles of law are limited to the principles of law which stem from the legal experiences of different national legal systems. In this context, we reiterate once again our position concerning the concept of “general principles formed within the international law”. We are not convinced that such principles or rules serve as category of general principles of law as embodied in Article 38 (l)(c) of the ICJ Statute. Moreover, principles formed within the international law generally come to existence through the process of the development of customary international law. In this regard, it should be underlined that the declaration on principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations was adopted by the General Assembly on 24 October 1970, have already provided States with the general principles formed within the international law. I thank you for your kind attention, Madam President, and Excellencies.

**President:** I will be inviting the delegate from Japan to deliver his statement followed by the Philippines, the Republic of Korea and Indonesia. So may I first give the floor to the delegate from Japan please.

**The Delegate of Japan:** Thank you Madam President. Given the limited time available to us this evening out of the subjects being addressed by the ILC I would like to focus on one particular subject that is sea level rise in relation to international law. During the general discussion held today a number of delegations mentioned the importance of this subject and Japan also has a strong interest in this topic fully recognizing how pressing the issue of sea-level rise is, especially for small island Countries.

As shown in the Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise that was issued by the Pacific Islands Forum in August this year, climate change-related sea-level rise can imperil the livelihoods and well-being of peoples particularly in island countries sea level rise can also undermine the full realization of a peaceful, secure and sustainable future for their region. In light of this urgency, Japan looks to the Study Group furthering in-depth discussion on the identified topics on a priority basis, and would like to emphasize that Japan is determined to engage in this serious issue and is committed to working closely with relevant countries including the PIF Members. It is significant and encouraging that a number of countries have agreed with the primacy of the UNCLOS even in tackling climate change-related sea level rise. We appreciate that the mentioned PIF declaration that I mentioned earlier is also in line with this understanding. As we are all aware, UNCLOS sets out the legal framework within which all activities in the oceans and seas must be carried out. Whatever our discussions on this issue may result in, we should always remember the importance of establishing maritime zones in accordance with the relevant provisions of UNCLOS. Japan also emphasizes the importance of addressing the issues of sea-level rise in the context of the law of the sea, considering the delicate balance of rights and obligations stipulated in UNCLOS.

Madam President, Japan notes that the ILC was unable to have exchange of views with regional organizations during the past two years due to the COVID-19 pandemic. As the ILC plays an important role in the process of codification and progressive development of international law it is important that the ILC maintain the dialogue with regional

organizations including AALCO in order for views from the international community particularly voices from Asia and Africa be properly reflected. Upon resuming the exchange of views between ILC and AALCO, AALCO can play a role to suggest topics selected for examination by the ILC. Japan wishes that the interaction between these two important organs be strengthened further. I thank you Madam President.

**President:** Thank you very much. If I may now give the floor to the delegate from the Philippines please.

**The Delegate of the Philippines:** Thank you Madam President. I will now state the position of the Philippines on selected items on the agenda of the International Law Commission. On “Immunity of state officials from foreign criminal jurisdiction” the Philippines is of the view that the question of immunity of state officials from foreign criminal jurisdiction must be approached from the perspective of respect for the sovereign equality of States and protection of State officials from politically motivated or abusive exercise of criminal jurisdiction, balanced against the recognized need to combat impunity for international crimes. To this while we welcome the focus on procedural safeguards we believe those proposed in the draft articles can still be strengthened. Abuse of the exercise of criminal jurisdiction over State officials must be prevented.

On “the Provisional Application of Treaties”, the Philippines considers the possibility of a rule of construction that a treaty shall not be deemed subject to provisional application unless the text of the treaty or other instrument expressly and categorically provides it. This would be consistent with our practice and takes into account realities of republican states where the executive negotiates treaties but shares foreign policy powers with other bodies, so provisional application which derogates from the sharing should not be presumed.

On “the Protection of the Atmosphere”, the Philippines views the atmosphere is our single biggest and one of our most important natural resources. It is a shared, common, and finite resource, therefore, our common concern. We have the general obligation to protect the atmosphere from human activity and a corresponding obligation to cooperate, in this regard. The recognition of the interests of future generation is consistent with Philippine’s practice.

On the “Succession of States in respect of State Responsibility” the Philippines finds that there is insufficient state practice to justify a codification of this topic at the moment. On “The General Principles of Law”, the Philippines believes that the ILC should first determine if there exists sufficient state practice to consider as general principles of law “those formed within the international legal system” even though the *travaux préparatoires* of the ICJ Statute do not preclude this, given that general principles of law traditionally derive from municipal or domestic law, further study by the Commission on this matter may be more prudent.

On “Sea-Level Rise in relation to International Law” the Philippines is of the view that it is proper for the ILC to take note of relevant legal frameworks that will help the maintenance of peace and stability in the region at large. I thank you Madam President.

**President:** Thank you very much for those comments. Now I would like to give the floor to the Republic of Korea, please. We cannot hear you just yet. No, we can’t hear you. I wonder whilst the technical glitch is being sorted out for the Republic of Korea can we move on to Indonesia first and then come back to the Republic of Korea while I’m sure the technical

team will find out what is the problem. So may I ask the delegate from Indonesia to first deliver your statement. Thank you.

**The Delegate of the Republic of Indonesia:** Thank you Madam President for giving me the floor. We appreciate the ILC's excellent work and progress in developing international law. I would like to comment on several topics in this regard. First on the topic of "Immunity of State Officials from Foreign Criminal Jurisdiction", second on the topic of "Protection of the Atmosphere" and third on "Sea-level Rise in relation to International Law".

On the topic of "Immunity of State Officials from Foreign Criminal Jurisdiction", Indonesia would like to reiterate our position that there should be no immunity for grave international crimes.

However due to complexity and sensitivity of this topic such as on 'definitions', 'dispute settlement' and draft article 18 relating to 'relationship with internationalized tribunal' or 'relationship to specialized treaty regimes', more extensive and in-depth study of the draft articles is necessary.

With regard to "the Protection of the Atmosphere", Indonesia wishes to emphasize the importance of several guidelines contained in the draft including guidelines 3, 4, and 8 concerning the obligation to protect the atmosphere, the obligation to undertake environmental impact assessment and international cooperation. These obligations are inseverable and mutually enforcing and comprise the essential healer of atmospheric protection. The obligation to protect entails the obligation to prepare and to carry out enforcement measures taking into account, cooperation with other states for its effective performance thereof.

As a matter of law, enforcing these obligations comes with prescription of relevant domestic legislation, criminalization of acts that cause atmospheric pollution, international cooperation, and importantly, the effective enforcement of criminal, administrative or civil measures against individual and legal persons. With respect to the environmental impact assessment, Indonesia concurs with the approach of the Commission as stated in the Commentary: that the obligation of conducting environmental impact assessment needs to take into account a variety of economic actors.

Indonesia also stresses the importance of the qualifier phrase, of "which are likely to cause significant adverse impact" in order to provide certain threshold in this regard. As specified in the Commission's commentary, the impact of the potential harm must be "significant" for both "atmospheric pollution" and "atmospheric degradation".

Indonesia believes that international cooperation in the protection of the atmosphere is imperative, especially in the area of law enforcement against offences and other transgressions in nature. This means that good will and good faith among countries is of paramount importance in strengthening and ensuring effective cooperation in legal matters relating to protection of the atmosphere.

With regard to the topic of "Sea-level Rise in relation to International Law" we concur that the principles of certainty, security and predictability and the preservation of the balance of rights and obligations should be maintained. My delegation therefore is of the view that change in sea level should not impact existing maritime boundary agreements and the law of

treaties shall prevail. In this regard, charts or lists of geographical coordinates of baselines that have been deposited with the Secretary General pursuant to Article 16 (2) and 47 (9) of UNCLOS shall be respected. We believe that while maintaining existing maritime baselines and limits corresponding to the principles of certainty, security and predictability, it also reflects the interests of many States in connection with the effects of sea level rise as expressed during the past session of this Organization. To conclude, my delegation welcomes and encourages further consideration by the international community, including AALCO Members, to seek an acceptable ‘best solution’ in addressing and settling the international legal dilemma relating to baseline and maritime boundaries impacted by sea level rise.

**President:** Thank you very much. I hope that we have resolved the little technical glitch. So may I give the floor again to the delegate from the Republic of Korea and we would love to hear your comments please.

**The Delegate of the Republic of Korea:** Thank you, Madam President, First, I would like to thank the Secretariat of AALCO for the preparation of the report containing in-depth analysis and comments regarding the agenda. My delegation would like to briefly touch upon four items on the agenda of this session.

With regard to the topic of protection of the atmosphere my delegation would like to express our gratitude to the International Law Commission for adopting the draft guidelines on the protection of the atmosphere comprised of a preamble and draft guidelines, together with commentaries. My delegation would like to note that the draft guidelines clearly distinguish between elaborations of existing international law and recommendations aimed at facilitating and promoting future-oriented cooperation. This feature of the draft guidelines is illustrated by draft guideline 10, which refers to “obligations under international law” in paragraph 1, and “recommendations” in paragraph 2 as separate concepts.

Regarding the topic, “Immunity of State officials from foreign criminal jurisdiction”, my delegation would like to appreciate its gratitude to the ILC for finishing in its plenary session discussions on the Special Rapporteur’s 8<sup>th</sup> report and provisionally adopting six draft articles. The Korean Government considers that it is important for the Commission to provide appropriate outcomes to meet states’ concerns and mediate divergent opinions within the Commission about this topic before completing its first reading.

My delegation also believes that regarding the procedural aspects of immunity of State officials, it is imperative that the Commission clarify, at an appropriate time, key terms used in the draft articles such as “criminal jurisdiction” and “criminal proceedings”, taking into account the diversity in criminal procedural systems that exist in States. Even though the Commentary to draft article 8 does point to “governmental, police, investigative and prosecutorial acts” as having the possibility of falling into the scope of the exercise of “criminal jurisdiction” under the aforementioned article, the Korean Government sees benefit in the Commission identifying the threshold by which a particular governmental action could be construed as an “exercise of criminal jurisdiction”.

With regard to the topic of “Succession of states in respect of State responsibility”, my delegation reiterates its view that an agreement between the parties concerned should be considered in priority when dealing with this issue. My delegation would like to recall that, in the Sixth Committee of the 76<sup>th</sup> Session of the United Nations General Assembly, many countries expressed doubt as to whether there is sufficient State practice to ascertain universal

rules regarding this topic, and would like to point out that draft article 1(2) also puts emphasis on the subsidiary nature of the draft articles.

Turning to the topic of “General Principles of Law”, the efforts of the ILC to replace the expression “civilized nations”, as stipulated in Article 38, paragraph 1 (c), of the Statute of the International Court of Justice, with “community of nations” as contained in the International Covenant on Civil and Political Rights is commendable. Also, with respect to the two types of general principles of law addressed in the Special Rapporteur’s second report, namely the one derived from national legal systems and the other formed within the international legal system, my delegation is of the view that the meaning and contents of the latter are rather unclear and would like to suggest the Commission to further examine and study on that issue more in depth. Thank you. Madam President.

**The Delegate of the Republic of Kenya:**\* Thank you, Madame 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.

Distinguished Delegates, the Republic of Kenya commends the important work of the International Law Commission and the continuous collaboration with AALCO. The ongoing discussion as highlighted during the 72<sup>nd</sup> session of the Commission is important in all aspects. Kenya is particularly keen on the discussion surrounding climatic change and specifically involving the rise in sea levels and the overall protection of the atmosphere.

The ILC draft guidelines on protection of the atmosphere are a step in the right direction as they consolidate global efforts towards protection of the environment. Whilst we acknowledge the efforts of the international community to formulate international rules on the subject, the higher call remains on individual States to adopt specific measures to mitigate the effects of harmful emissions. Indeed, the recent Glasgow 26<sup>th</sup> UN Climate change conference held in October-November 2021 asserted on the need for States to honor commitments made under the Paris Agreement.

Kenya has pursued these commitments by embracing renewable energy and developing other mechanisms for climate change resilience for the sustainable development of Kenya.

Madame President, Kenya’s regulatory framework include enactment of the Climate Change Act which provides for a mechanism and measures to achieve low carbon climate development and an overall enhanced response to climate change. We have plans to enhance the resilience and adaptive capacity of human and ecological systems to the impacts of climate change and eliminate of all forms of harmful emissions in efforts to prevent atmospheric pollution.

We therefore call upon the developed States to mobilize finances and assist the developing States in the collaborative efforts to eliminate atmospheric pollution.

Distinguished delegates, Africa is unique owing to its geographical location and the ripple effect of climatic change through global warming 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, on maritime delimitations, and on the exercise of

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\* This statement was not delivered at the Session.



sovereign rights and jurisdiction of the coastal State and its nationals, as well as on 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 adheres to commitments made under various international law instruments while individually working to enhance 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 to address global warming for the sake of present and future generations and ultimately save the planet.

Madame President, the Republic of Kenya also embraces the discussion by the ILC on Immunity of State officials from foreign criminal jurisdiction. The discussion is timely as States need to determine the extent of liability of State Officials in foreign criminal courts and tribunals. The discourse on procedural safeguards of the forum State and the State of the official and the exchange of information and co-operation in legal assistance between them should be carefully examined so as to formulate workable solutions for settlement of disputes concerning state officials in foreign jurisdictions.

While we acknowledge that the concepts of immunity and jurisdiction often conflict, a careful balance has to be placed when determining the procedural and substantive aspects in such matters as they have a political impact on relations between States.

Kenya's legal framework on Mutual Legal Assistance and Extradition affirms a promise towards co-operating with other members when required with a view to exchanging valuable information that will facilitate a seamless mechanism for criminal dispute resolution in foreign courts. I thank you Madame President.



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



**IX. VERBATIM RECORD OF THE THIRD GENERAL MEETING CONTINUED  
ON TUESDAY, 30 NOVEMBER 2021, AT 7:30 PM HONG KONG TIME**

**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:** Thank you very much. I believe that we have no other Member States who wish to make comments and I understand that no Non-Member State or observers have indicated that they wish to speak under this particular item. So, we will now move on to the next topic on the agenda which is “the Violations of international law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine”. I will now first invite Deputy Secretary-General, Dr. Ali Garshasbi to make the introductory remarks. DSG Ali please you have the floor. We cannot hear you I am sorry. No we still cannot hear you. I believe the technical people are trying to solve the problem and if that’s not resolved we do have a contingency plan. Let us see if this can be worked out first. Actually the contingency plan is that we are going to ask the Secretary-General to do the report in lieu of Deputy Secretary-General Ali. I am sorry Deputy Secretary-General Dr. Ali we are not able to hear you and we will have to resort to the contingency plan and ask the Secretary-General to present your presentation.

**His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO:** Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen. Few issues have arisen in the history of AALCO that represent strongly the moral resolve of the AALCO Member States against impunity as the issue of the rights of the people of the Occupied Palestinian Territories. Over the last thirty years, almost all legal aspects of the question of Palestine, have been discussed by the AALCO Member States.

AALCO has deliberated numerous aspects of the subject, 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” starting from 1988. AALCO has consistently applied itself to every conceivable international law dimension concerning the historic land of Palestine and her people. Different Special Studies on various aspects of the issue have been published by the Secretariat and have been well appreciated by our Member States. Our efforts have had an impact and AALCO’s efforts in this regard and the Afro-Asian position on the rights of the Palestinian people is well appreciated by the global community. It has been our consistent position over the decades that the Palestinian people have been denied the fundamental protections afforded to them by international law. The Occupying power in sheer disregard of international law continues to violate the most basic rights of the people of Palestine.

During the Fifty-Eighth Annual Session held in Dar es Salaam, in October 2019, AALCO released a Special Study on “The Status of Jerusalem in International Law” conceptualized in the context of recent attempts to disrupt the status quo. The Member States while commenting on the Special Study delivered statements addressing relevant aspects of the topic from an international law perspective, keeping in mind the decision of the US administration to shift its embassy in Israel from Tel Aviv to Jerusalem.

At the present Annual Session, the issues before us are threefold in addition to any other matter that may be incidental to the same. The report AALCO/59/HONG KONG/2021/SD/S4

firstly addresses the right to access to healthcare of the people living in the occupied territories of Palestine in light of the global COVID-19 pandemic. Secondly, the report focuses on the Decision of the Pre-trial Chamber of the International Criminal Court (ICC) confirming the preliminary investigation into the situation in Palestine which was pronounced in February earlier this year. Thirdly, the report focuses on the recent illegal uses of force and other violations of international human rights and humanitarian law that were perpetrated at the time of Ramadan and where currently the cessation of hostilities rests on a fragile cease-fire. I invite all of you to actively participate in the deliberations that follow and share your positions on this highly significant topic. I thank you very much.

**President:** Thank you very much Secretary-General for that presentation. I now open the floor to Member States to make their presentations on this topic. I would like first of all to invite the delegation from the State of Palestine to make your presentation. You may have the floor.

**The Delegate of the State of Palestine<sup>12</sup>:** In the name of Allah the most Gracious and Merciful

Madam President and Excellencies, Ladies and Gentlemen, Distinguished Attendees. We are pleased to be today, through the Internet in the People's Republic of China, whose people and leadership have the utmost respect and appreciation, thanking them for hosting the Fifty-Ninth Session of the Asian-African Legal Consultative Organization (AALCO), hoping that the session will be crowned with success.

Madam President and Excellencies, Ladies and gentlemen, a century and four years have passed since the Balfour Declaration issued in 1917, and based on this ominous declaration, a declaration by those who do not own to those who do not deserve, hundreds of thousands of Jews from Europe and elsewhere were transferred to Palestine at the expense of our Palestinian people who along with their fathers and grandfathers lived for thousands of years on the soil of their homeland. Later on, the British Mandate authority and the major powers at the time allowed the Jewish terrorist movements to uproot, expel and displace nearly half of the population of Palestine to the neighboring countries, and to the rest of historic Palestine.

Madam President and Excellencies, Ladies and gentlemen, on this day, 74 years ago, the United Nations General Assembly, on November 29, 1947, released a Resolution No. 181, that called for the partition of Palestine into two Arab and Jewish states. The United Nations set a notion for an international system for the city of Jerusalem. The decision to divide Palestine will remain one of the most significant dates in the history of our Palestinian people, as it is the beginning of the tragedy which is being experienced by entire people for seventy-four years, when their land was divided, and they were displaced to exile, forced to resort to homes of alienation and refugee camps, and the name of their homeland, Palestine, were removed from the geographical and political map unjustly.

In May 1948, after the establishment of the state of "Israel", the Zionist gangs unleashed many massacres against the Palestinian Arabs, the displacement of Palestinians from their villages and cities continued, and with reference to United Nations statistics, the number of Palestinians who were deported at that time is estimated at about 726,000 refugees, and about 531 Cities and villages were destroyed, and most of the residents were evacuated.

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<sup>12</sup> The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

This dangerous situation prompted the United Nations General Assembly, on December 11, 1948, to issue Resolution No. 194, which affirmed the right of Palestinian refugees to return and compensation, and on October 8, 1949, the General Assembly adopted Resolution No. 302 that established the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA).

The decision of the United Nations to accept the membership of the State of "Israel" was conditional on Israel's commitment that it accepts, without reservation, the obligations mentioned in the Charter of the United Nations from the day it becomes a member of the United Nations, and that it commits to implement UN resolutions issued on November 29, 1947 and on December 11 1948, and the Partition Resolution specified the consequences of Israel's acceptance of many things specified in Paragraph (C) of the Partition Resolution "that the Security Council consider every attempt to change the settlement contained in this resolution by force as a threat to peace, a breach of it, or an act of aggression," according to Article 39 of the charter.

Partition Resolution No. 181 is the first international recognition of the right of the Palestinian people to self-determination and the establishment of their state, with the text of the resolution establishing an Arab state for the Arabs of Palestine, hence the permanent legal responsibility of the United Nations comes towards the Palestinian issue, this responsibility referred to by the International Court of Justice in its advisory opinion concerning the construction of a wall when it concluded: "the responsibility of the United Nations in this matter also stems from the Mandate and from the partition resolution relating to Palestine," and the General Assembly described this responsibility as "a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy". Within the institutional framework of the Organization, this responsibility has been manifested by the adoption of many Security Council and General Assembly resolutions, and by the creation of several subsidiary bodies specifically established to assist in the realization of the inalienable rights of the Palestinian people (Advisory opinion on construction of a Wall, Paragraph 49)."

Madam President and Excellencies, Ladies and gentlemen, today, seventy-four years after the partition resolution was issued, and ten years have passed since Palestine obtained an observer member state at the United Nations, nothing has changed on the ground. The crimes of the Israeli occupation against the Palestinians have doubled, and settlement construction has increased at unprecedented rates since the signing of the Oslo Agreement in 1993. The displacement and demolition of Palestinian homes and facilities increased, especially in the occupied city of Jerusalem, in addition to the systematic killing practiced by the occupation army and its settlers against the Palestinian people.

With regard to the Jerusalem, the Israeli occupation is working systematically and relentlessly to Judaize East Jerusalem, to change its character, to uproot its Palestinian residents and attack Al-Aqsa Mosque and Islamic and Christian holy sites. Hence, it is necessary for the Member States of the Asian-African Legal Consultative Organization to move towards the United Nations and international organizations in order to prevent the Israeli occupation from implementing its destructive plans against Jerusalem, its history, civilization, landmarks and religious and spiritual monuments, the latest of which was its attempts to displace the Palestinian residents of Sheikh Jarrah, and to replace them by Jewish settlers.

The other urgent issue that preoccupies the minds of every Palestinian home, Ladies and Gentlemen, is the issue of our brave prisoner sons and daughters in the prisons of the Israeli occupation, who are subjected to serious violations, especially those on hunger strike, and it is our duty to work to liberate them.

The state of Palestine filed lawsuits in the International Criminal Court five years ago against the crimes committed by the Israeli occupation forces against our people and these issues “the war on Gaza,” settlement “and prisoners,” are considered as issues during which the occupation forces committed “war crimes” and “ethnic cleansing”, and we demanded an investigation into these issues, in the hope that they will lead the leaders of the occupation to international trials, and we count on you to support our efforts legally, politically and in the media, as well as to urge the influential international political forces to compel Israel to end its occupation and release all our prisoners from the prisons of the Israeli occupation. In conclusion, I hope this conference will achieve its desired goals and find viable solutions to the issues on its agenda.

Report and recommendations on violations of international law in Palestine and in the occupied Syrian Golan by Israel, the occupying force.

On the commemoration of the International Day of Solidarity with the Palestinian People, we remind the international community of its responsibilities to ensure respect for international law in the occupied Palestinian territory, and we will review the most prominent crimes of the Israeli occupation in the occupied Palestinian territories against the Palestinian people during the year 2021.

#### Murders of Palestinian civilians:

On May 10, 2021, the Israeli occupation forces launched an aggression on the Gaza Strip, which lasted for 11 days and witnessed a specific escalation on the infrastructure and dignitaries. These forces turned residential towers as a military target for their attacks, as well as directly targeted the offices of news agencies, satellite channels and other local, regional and international media. These practices constitute grave violations of basic rules of international law, particularly discrimination, proportionality and military necessity. It also sought to paralyze all aspects of life by targeting electricity and water networks, imposed a strict siege on the Gaza Strip and prevented the entry of all humanitarian supplies, especially fuel for the electric power plant.

The war attacks and siege entailed gross and systematic violations of the rules of international law, especially those explicitly stipulated in the Fourth Geneva Convention, and especially the provisions of Articles (50, 52, 53, 55, 56, and Article 147). These are the violations that fall under the original substantive jurisdiction of the International Criminal Court, especially since the grave violations committed by the occupying forces could be classified as heinous crimes.

The intense Israeli military escalation on the Gaza Strip, which lasted from May 10, 2021 to May 21, 2021, left 242 dead and 1,864 wounded, and 1,447 housing units in Gaza were completely demolished by the Israeli bombing, along with 13,000 others were damaged partially in varying degrees. 68 schools, health utilities, and primary care clinics were severely and partially damaged by the heavy bombardment in their surroundings, while 490



agricultural facilities, including animal farms, agricultural bathrooms, wells and irrigation water networks, were also damaged.

During the aggression, the Israeli occupation army focused on targeting streets and infrastructure, as the sewage networks and underground water supplies were significantly damaged, as a result of direct targeting.

#### Detaining the Bodies of Martyrs:

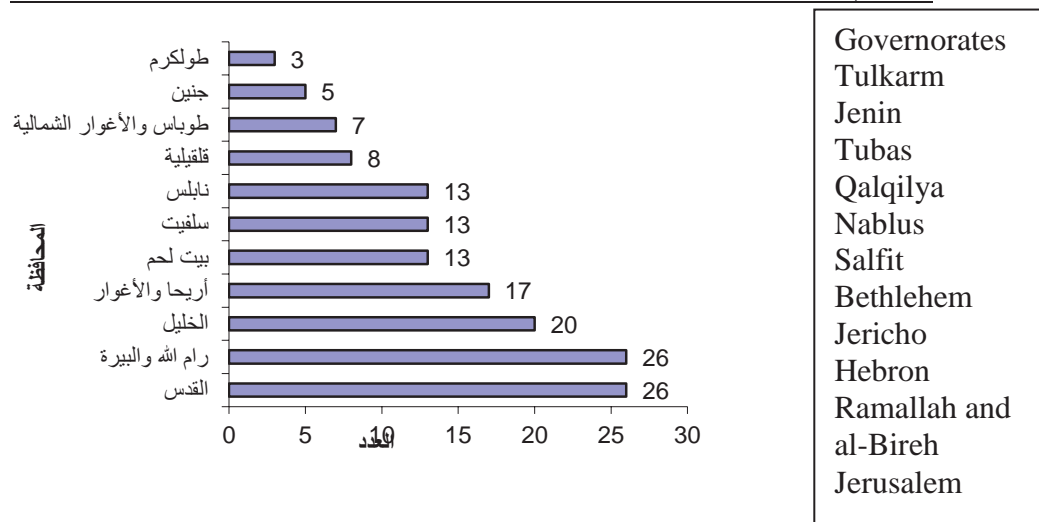
Israel, the occupying country, is still detaining more than 253 martyrs' bodies in the numbers cemetery, including more than 89 bodies that have been kept in Israeli refrigerators since the occupation's return to the policy of detaining bodies after the start of the Jerusalem uprising in 2015, and the detained bodies of martyrs are buried without being photographed or having a burial order issued by the Israeli district officer, and some of them are buried without an iron card attached in which the name and number of the martyr and the date of his martyrdom are written.

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

#### Settlements:

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

#### Governorate wise number of Israeli Settlements in the West Bank, 2019



Number of settlers:

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

Israeli Settlement in Jerusalem:

The main theme of the settlement measures in Jerusalem is the Judaization of the eastern part of the city. To achieve this end, the occupation authorities take immediate measures after occupying the city in 1967. The following is a reminder of the most prominent of these measures:

The Israeli Knesset issued several racist laws on Jerusalem, most notably a decision to annex East Jerusalem to Israel.

Dozens of Palestinian families in Sheikh Jarrah locality of Jerusalem, threatened with eviction from their homes.

Expanding the borders of Arab Jerusalem to ten times of its area and annexing it to the western part of the city.

Launching a campaign of intimidation against the Arab population in order to encourage them to leave the city.

Forcing citizens to demolish their homes and continuing the bulldozing work in the cemetery of the Martyrs' Memorial, adjacent to the Yusufiya cemetery in the Bab Al-Asbat area.

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

On 22/10/2021, the Minister of the Israeli Army announced the classification of six leading Palestinian civil society organizations with remarkable history and achievements as terrorist organizations.

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

We call on the international community and the esteemed States members of the Geneva Conventions, to put pressure on the Israeli occupying state to stop targeting Palestinian civil

society, and force it to respect international human rights and humanitarian law in the occupied Palestinian territory.

Crimes of arrests and incursions into Palestinian cities, villages and camps:

The Israeli occupation forces carry out daily incursions into cities, villages and camps in the West Bank, including occupied Jerusalem. During this period, these forces commit many violations, including raiding and searching residential homes, tampering with their contents, intimidating their residents, and beating them, as well as shooting in many cases.

Crimes of Blockade and restrictions on freedom of movement:

West Bank:

The occupation authorities continue to divide the West Bank into small cantons isolated from each other, while many roads are still completely closed since the Al-Aqsa Intifada in the year 2000 until now, in addition to (108) fixed checkpoints, and dozens of closed or prohibited roads for Palestinians in the West Bank, and occupied East Jerusalem, the occupation forces set up many sudden barricades, impede the movement of civilians, and arrest many of them on it and at fixed barricades, and border crossings, specifically Al-Karama crossing with the Jordanian border.

Gaza Strip:

The Gaza Strip has been subject, for 15 continuous years, to a strict blockade imposed by the Israeli occupation forces, which prevents and impedes the entry and exit of goods to and from the Gaza Strip, which has contributed to the deterioration of the human rights and humanitarian situation, and its repercussions have affected various sectors, from construction, industry, agriculture, water, electricity and the environment, up to education, health, transportation and trade, and these sectors were affected more at different stages during the past years, due to the policy of the occupation forces to focus on targeting some sectors and not others. At the same time, the occupation forces were keen to keep some sectors deteriorating continuously, such as the energy sector which has its impact on all activities in the Gaza Strip.

Prisoners in Israeli prisons and administrative detainees:

4,850 Palestinian prisoners are still forced to remain in the occupation's prisons, amid great suffering as a result of the violations they are subjected to, and according to the latest statistics of the Prisoners' Affairs Authority, out of the total prisoners there are 43 women, and 225 children, and more than 500 male and female prisoners - according to the authority - suffer from various diseases, including dozens of people with disabilities and cancer diseases.

Six administrative detainees continue their hunger strike to protest their administrative detention. The case of the six detainees on hunger strike sheds light on about 540 administrative detainees in the prisons and detention centers of the occupation forces, without the defendants receiving their right to defend themselves, including knowing the charges against them, and their right to defend it. Administrative detention is considered an illegal measure that has been used excessively and arbitrarily against thousands of Palestinians. In many cases, administrative detention is renewed for several years. The lawyers are unable to

take any legal action in view of the confidentiality of the information submitted by the Israeli intelligence to the court, and the lawyers do not have access to it.

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

#### Racist Israeli Laws:

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

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

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

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

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

#### The crime of preventing residents of the West Bank and Gaza from accessing the holy sites in Jerusalem:

For years, the Israeli occupation authorities have continued to ban worshipers from the West Bank and Gaza from entering Jerusalem and accessing Islamic and Christian places of worship within the walls of the Old City of Jerusalem, except for those over the age of seventy years, while many elderly men and women were prevented from crossing the checkpoints and military crossings set up on Jerusalem entrances.

The crimes of the Israeli occupation against journalists:

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

Recommendations:

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

accordance with Resolution No. 194, and a request from the Conciliation Committee and the committee concerned to the Palestinian people's exercising of their inalienable rights, to establish the position of trustee or custodian of refugee property.

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



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

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

**President:** I thank the delegate from the State of Palestine for his presentation and statement and I would like now to give the floor to the delegate from the People's Republic of China.

**The Delegate of the People's Republic of China:** Madam President, Distinguished delegates, since May this year, when a conflict of the largest scale in the past seven years took place between Israel and Palestine, tension in the Gaza Strip and West Bank has been flaring up. There are many Palestinians injured or displaced, and the security and humanitarian situation was severe. China is deeply concerned of the situation. It is the view of the Chinese side that Israel must fulfill its obligations under international humanitarian law, protecting the safety of Palestinians in the occupied territories and supporting humanitarian assistance of the international community. At the same time, Israel shall stop actions such as expansion of settlements which violates international law and undermines the prospects of the two-state solution.

Madam President, China's position on the Palestine issue is consistent and clear. We have been always firmly supporting the just cause of Palestinians in pursuing the restoration of their legitimate national rights, and the establishment of a fully sovereign and independent State of Palestine based on 1967 borders with East Jerusalem as its capital, to eventually realize the peaceful coexistence between Palestine and Israel, harmonious life of both Arabic and Jewish people, and lasting peace in the Middle-East. China believes that the persistent turmoil between Palestine and Israel is largely due to the deviation from the right track of the Middle East peace process, the failure of implementing relevant UN resolutions, and the repeatedly violation of the Palestinians' right to statehood. Above all, the fundamental way to solve the Palestinian issue lies in the implementation of the two-state solution.

China has always been making active efforts to promote peace and improvement of humanitarian situation in Palestine. China's State Councilor and Foreign Minister Wang Yi put forward 4 proposals when he chaired the UN Security Council open debate on Palestine-Israel conflict in May, including ceasefire and cessation of violence, humanitarian assistance, international support, and the two-state solution. During his visit to the Middle East in July,

H. E. Mr. Wang Yi further put forward three specific suggestions for achieving the two-state solution. On November 23 His Excellency Mr. Wang Yi had a telephone talk with the Deputy Prime Minister of Palestine and once again expressed China's firm support for Palestine and commitment to the peace process. China also hosted the 4<sup>th</sup> Palestine-Israel Peace Symposium recently, and called for robust actions to solve the Palestinian issue at UN Security Council meetings and on other occasions.

As a sincere friend of Palestine, China has provided emergency aid fund, anti-pandemic supplies, vaccines and other humanitarian assistance to Palestine on many occasions. And we will continue to take concrete actions to support the Palestinian people in their fight against the pandemic, including donating vaccines to Palestine, as well as donating vaccines to people in the Gaza Strip together with Egypt and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

China stands ready to work with the rest of the international community, to redouble our efforts in promoting peace, make unremitting efforts to help alleviate the suffering of Palestinian people, settle the conflict in the Middle-East from its source, and resolve the Palestine Issue comprehensively, fairly and permanently. Thank you, Madam President.

**President:** Thank you very much. Before I give the floor to the delegate from Malaysia I will just state that after Malaysia we are going to invite the Islamic Republic of Iran followed by India and then Indonesia to share their comments. May I first give the floor to the delegate from Malaysia.

**The Delegate of Malaysia:** Thank you Madam President. Malaysia wishes to express its appreciation and gratitude to the AALCO Secretariat and acknowledges the work done by the AALCO Secretariat in preparing a brief report on the topic.

Madam President, Malaysia notes the proposal by the AALCO Secretariat conducting a Special Study and published journal on "The Status of Jerusalem in International Law: A Legal Enquiry into the Recent Attempts to Disrupt the Status Quo" during the Fifty-Eighth Session of AALCO in 2019.

In this regard, Malaysia reiterates the statement made by our Honourable Prime Minister during the recent General Debate of the 76th Session of the United Nations General Assembly in September 2021, that Malaysia is deeply appalled by the deaths of many Palestinian civilians, including women and children, following the brutal attacks by Israel in May of this year and strongly condemns repeated violations and aggressions by Israeli forces.

In this regard, to lend support and solidarity with the Palestinians, Malaysia had contributed RM 5 million to the Palestinian Government for the rebuilding of the Al-Rimal Clinic, which houses the one and only COVID-19 testing laboratory in Gaza, damaged by the recent airstrikes.

In support of the agency's efforts to assist Palestinians, the Malaysian Government had also decided to extend predictable long-term contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East ("UNRWA").

Malaysia supports calls for the establishment of a Commission of Inquiry (“COI”) over Israel’s continuous illegal occupation of Palestinian lands and Malaysia believes and hopes such an inquiry would ensure accountability and humanitarian support for the Palestinians.

Malaysia strongly condemns Israel’s recent decision to construct more than 3,000 new settlement units in the Occupied Palestinian Territory, including East Jerusalem. This is a flagrant violation of international law under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War 1949 as well as the United Nations Security Council resolutions, in particular Resolution 2334 (2016).

On the occasion of the 44th year of the International Day of Solidarity with the Palestinian People as instituted by the United Nations General Assembly, Malaysia reaffirms its unwavering support for the Palestinian cause, and will continue to pursue actively the agenda towards realising the Palestinian peoples’ aspirations for self-determination, freedom and their independent state of Palestine. Thank you.

**President:** Thank you for the statement. May I now give the floor to the delegate of the Islamic Republic of Iran.

**The Delegate of the Islamic Republic of Iran:** “In the name of God, the Compassionate, the Merciful” Madam President, at the outset, my delegation would like to welcome the comprehensive and well-researched report of the AALCO’s Secretariat on the topic of “Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine” in document AALCO/59/HONG KONG/2021/SD/S4.

Madam President, the current international legal system is based on some exact and precise determinations enshrined in the Charter of the United Nations. These include saving succeeding generations from the scourge of war, faith in fundamental human rights, establishing conditions under which justice and respect for the obligations can be maintained and promoting social progress and better standards of life. For achieving these goals, the UN Member States pledged themselves to unite their strength to maintain international peace and security.

Believing to such ends, all nations based their behaviour on the general principles of international law. For instance, all States attempt to settle their international disputes through peaceful means and refrain from threat or use of force in their international relations. Just in an opposite way, the Zionist regime based her behaviour on the daily violations of the international law. It has been years that we are counting the flagrant violations of this regime. These violations include a wide range of issues from occupying territories by resort to force, ignorance of the various UN Security Council and General Assembly resolutions, violations of international human rights and humanitarian law, to application of obsolete apartheid policies.

One of the most heinous features of this coward regime is the recourse to terrorism as a way to intimidation of others which it goes beyond the borders of occupied territories. Moreover, illegal threat constitutes a gross violation of international law, the United Nations Charter, particularly its Article 2(4) and therefore must be denounced and condemned by the Security Council. Under the circumstances in which Zionist regime continues its gross violations of international law, to the extent that even in some cases her most important supporter, namely,

the United States fails to come up with her extravagancies, in line with the Advisory opinion of 9 July 2004 of the International Court of Justice concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, States shall bear in mind that we are under an obligation not to recognize the illegal situation arising from the violation of the most fundamental rules of international law, not to render aid or assistance in maintaining that situation and to co-operate with a view to putting an end to the alleged violations.

Madam President, my delegation also would like to recall some of the gravest recent violations of international human rights and humanitarian law in Gaza Strip by this regime. In the meantime, the Israeli regime has continued the desecration of religious shrines and Islamic sanctities. As the prominent example of such aggressions, the Al-Aqsa Mosque has been continuously the target of attacks, provocations, and day incursions by Israeli settlers, with the aim of speeding up the implementation of Israel's illegal plan of temporal and spatial division of this holy shrine. Equally important, the humanitarian situation in Gaza Strip remains dire. The blockade has devastated Gaza's economy, caused widespread destruction, and left most people largely cut off from the outside world. Failing to act against the violation of international law in the occupied Palestinian territory has emboldened the Israeli regime to continue its heinous crimes against the oppressed people of Palestine. For example, only in its 11-day brutal and all-out war on Gaza in May 2021, Israeli forces killed 256 Palestinians, including 66 children and 40 women. This includes 13 members of an extended family who have been killed and buried in the rubble of their own home -- many of whom were children, one as young as six months. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), almost 2,000 Palestinians were also injured during attacks on Gaza, including over 600 children and 400 women, some of whom may suffer from a long-term disability requiring rehabilitation. As clearly stated by the Secretary-General, in his note on "economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan", the blockade "may amount to collective punishment, which is prohibited under international law." Yet, the Israeli regime occasionally continues striking Gaza strip.

The latest example of such measures was the act of the United States, in May 2021, in blocking the Security Council from issuing even a simple press statement calling for an end to Israel's bombardment of Gaza. Such unwavering support for Israel by the United States is against the inherent rights of the oppressed Palestinians, including their right to life, to dignity, to liberation, to self-defence, to self-determination, and to establish their own independent State. The all-out and illegal Israeli blockade of the besieged Gaza Strip, which amounts to collective punishment of the Gaza population, has entered its thirteenth year. The violations of basic humanitarian laws and human rights of Palestinians especially the right to an adequate standard of living, clean water and sanitation, health care, and free movement continue with no end in sight. The unlawful and inhuman blockage imposed restrictions, which have continued even during the COVID-19 pandemic, could be counted as the most flagrant violation of human rights of people of Palestine.

Madam president, at the same time, it is evident that the decades-long silence and inaction of the Security Council against such grave breaches of the peace constituting a serious threat to international peace and security, is because of the fact that the United States has systematically shielded the Israeli regime against any action by the Council, one example of which is the use of veto for 44 times to prevent the adoption of draft resolutions of the Security Council against Israel; unprecedented in the Council's history.



The so-called “Deal of the Century” is designated to eternalize the gravest injustice of the century by normalizing the plights of the Palestinians and to continue to deprive Palestinian refugees from their inalienable right to return. We invite the international community to hold the Israeli regime to account for the continuing pattern of systematic and massive human rights violations in the occupied Palestinian territory. Those States that have shielded this regime against any meaningful accountability are accomplices in the rights abuses of Palestinian people and must be accountable as well.

We call on the international community, particularly the Security Council, to take necessary measures to put an immediate end to Israel’s occupation of Palestine and repeated attacks on the Palestinian people and cruel blockade of Gaza, where people are suffering under inhuman, tragic living conditions.

Madam President, the settlement of the Palestinian crisis can only be achieved if the inalienable rights of the people of occupied Palestine are fully recognized, restored, and maintained.

The Islamic Republic of Iran believes that the only possible solution for the realization of the fundamental rights of Palestinian people, particularly their right to self-determination, is to hold a national referendum, in line with historical realities and in conformity with the principles of international law with the participation of all Palestinian people, including Muslims, Christians and Jews and their descendants. Such a referendum could constitute a solid basis for the settlement of the question of Palestine, restoring Palestine’s sovereignty and ending the occupation. Thanks for your attention.

**President:** I thank the delegate from Iran for his statement. Now I would like to invite the delegate from India. You have the floor please.

**The Delegate of the Republic of India:** Thank you Madam President for giving us the floor. On behalf of the Indian delegation I take this opportunity to thank the AALCO Secretariat for the detailed report and for the introductory speech made by the Secretary-General. My delegation would like to begin by reaffirming India’s unwavering commitment to the peaceful resolution of the Palestinian issue. India strongly supports a negotiated two State solution leading to an establishment of a sovereign independent and viable State of Palestine living within secure and recognized borders side by side at peace with Israel taking into account all legitimate security concerns of all concerned parties.

India has consistently called for direct peace negotiations between Israel and Palestine based on the internationally agreed framework to achieve the ultimate goal of a two State solution. Resolution 2334 adopted by the Security Council calls for advancing is two State solution through negotiation as well as for traversing the negative trends on the ground. It also calls for preventing all acts of violence against civilians including acts of terror and for both parties to refrain from provocative acts and unilateral measures. India has always attached great importance to ensuring a better livelihood for the Palestinian people and provided timely assistance to improve the economic and humanitarian situation in Palestine. India has also helped schools, hospitals and technology parks and is supporting fifteen community backed projects in Palestine. Thank you Madam President.

**President:** Thank you. I will now give the floor to the delegate from Indonesia and thereafter to the Philippines and Turkey. The delegate from Indonesia you have the floor now, please.

**The Delegate of the Republic of Indonesia:** Thank you Madam Chair for giving me the floor. Excellencies, distinguished delegates, ladies and gentlemen, the COVID-19 Pandemic has come with many challenges. We have been suffering from its dire consequences. For the Palestinian people the Pandemic has worsened their hardship. This is exacerbated by the discrimination of not having the vaccine available. This is suffered by the Palestinian people living under occupation. This is an injustice that we need to stop.

Indonesia fully believes that no one is safe until everyone is. Therefore, Indonesia urges the international community to ensure the rights of Palestinian people have access in accordance with international law particularly the International Covenant on Economic, Social and Cultural Rights and Article 25 of the Universal Declaration of Human Rights. On the issue of the decision of the Pre-trial Chamber of the International Criminal Court on the prosecution request pursuant to Article 19(3) for a ruling on the Court's jurisdiction in Palestine, Indonesia takes note of and respects the initial decisions of the Pre-trial Chamber and will closely follow the next process taken by the Prosecutor. Indonesia would like to underline that initial decision taken by the Court in line with the views expressed by various UN bodies as well as the ICJ.

With regard to the Thirtieth Special Session of the UN Human Rights Council on the Grave Human Rights Situation in the Occupied Palestinian Territories, Indonesia would like to call on all parties to refrain from any acts of violence and to adhere to the cease-fire agreement. Indonesia takes note of the decisions of the Special Session on establishment of an Independent International Commission of Inquiry to investigate in the Occupied Palestinian Territory including East Jerusalem and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021 and all underlying root causes of recurrent tensions, instability and protection of conflict including systemic discrimination and repressions based on national, ethnic, racial or religious identity. Indonesia will closely follow the work of the International Commission of Inquiry to ensure that the human rights of the Palestinian people are duly protected and guaranteed. Indonesia will stand ready to support the Palestinian people in all the efforts aimed to achieve a comprehensive just and lasting peace in the Middle East.

Madam President, Excellencies, distinguished delegates, allow me again to reiterate Indonesia's continued support for the Palestinian people's right, particularly rights for freedom and the end of violence committed by the Occupying power. Thank you Madam Chair.

**President:** Thank you very much for your statement. I will now give the floor to the delegate from the Philippines for his statement.

**The Delegate of the Republic of the Philippines:** Thank you, Madam President. The Philippines supports the implementation of all UN initiatives towards the resolution of the Middle-East conflict. The Philippines recognized the Israel-Palestine Conflict as the core problem in the Middle-East and its resolution is key to peace and security in the region. As such the Philippines has consistently expressed support for the creation of the State of Palestine living in peace and security with its neighbour. This position is inherent in the Philippines' vote for partition and continued expression of support for the Palestinian people since 1948. The Philippines also joins the call for full respect for International Humanitarian Law particularly in respect of civilians living under occupation. In this regard, the Philippines



shall continue supporting in humanitarian and other forms of support for Palestinian refugees, including access to vaccines and other medical supplies essential in addressing the COVID-19 Pandemic.

**President:** Thank you very much for the statement. I will give the floor to the delegate from Turkey, please.

**The Delegate of the Republic of Turkey:** Thank you, Madam President, at the outset, we would like to express our appreciation of the comprehensive report of the AALCO's Secretariat on this topic and we particularly thank Mr. Secretary-General for his introductory remarks.

It is unlikely to bring lasting peace to the Middle East without the resolution of the Israeli-Palestinian conflict, the root cause of which is the Israeli occupation. Until and unless Israel's unilateral policies and actions are eliminated, there will always be new confrontations and crises in the region.

Unfortunately, Israel's provocations and violations in the occupied Palestinian territories still continue. International community needs to address Israeli occupation and unilateral/illegal steps, such as: expansion of illegal settlements, initiatives to change the demographic and legal status of Jerusalem, forced evictions, destruction of Palestinian homes, use of excessive and disproportionate force against Palestinian civilians, violation of the sanctity of Haram Al-Sharif, attacks of racist Jewish groups on al-Aqsa Mosque, targeting the freedom of worship and also Israel's inhumane blockade in Gaza. These acts constitute violations of international law, including international humanitarian and human rights law. We reiterate our support for judicial processes to hold Israel accountable for its crimes in the occupied territories.

In this regard, UN Human Rights Council (HRC) and International Criminal Court (ICC) processes are important to put an end to the impunity with which Israel is continuing to perpetrate these serious crimes. Returning to the path of peace negotiations and accelerating all efforts to revitalize the peace process is an urgent necessity. We support holding of an international peace conference to this end. Turkey will continue to support the two-state vision based on established international parameters.

The establishment of an independent, sovereign and contiguous State of Palestine on the basis of the 1967 borders with East Jerusalem as its capital is the only viable solution to this conflict.

Before concluding this statement, since yesterday marked the International Day of Solidarity with the Palestinian People, we once again emphasize that Palestine will never be alone. Turkey will continue to stand by its sisters and brothers fighting for their just cause. Thank you, Madam President.

**President:** Thank you very much. We have exhausted now the number of Member States who wish to make a statement and I now invite Non-Member Observer States to make statements if any. I see no Observer States wishing to take the floor. I will now turn to the International Organizations to give them the floor if they wish to make any statement again, I see no international organizations wishing to take the floor. I wish to thank the delegates for their statements and with this we come to the end of today's proceedings. I look forward to welcoming you all to the final day of the Annual Session tomorrow. Thank you very much.



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



**X. VERBATIM RECORD OF THE THIRD GENERAL MEETING (CONT.) HELD  
ON WEDNESDAY, 1 DECEMBER 2021, AT 3:00 PM HONG KONG TIME**

**AGENDA ITEM: INTERNATIONAL LAW IN CYBERSPACE**

**President:** Distinguished delegates welcome to the third and last day of the Fifty-Ninth Annual Session of AALCO. We shall continue with the third general meeting that we started yesterday and take up the remaining substantive agenda item that is “International Law in Cyberspace”. I now invite Deputy Secretary-General Mr. Sun Guoshun for the introductory remarks.

**Mr. Sun Guoshun, Deputy Secretary-General of AALCO:** Thank you Madam President. Excellencies, Distinguished Delegates, Ladies and Gentlemen, the topic ‘International Law in Cyberspace’ was introduced as an agenda item at the Fifty-Third Annual Session of AALCO held in Tehran, Iran, in 2014. At the Fifty-Fourth Annual Session held in Beijing, China it was decided to establish an Open-ended Working Group (OEWG) on International Law in Cyberspace to further discuss the issues identified. Thereafter, the agenda item was discussed at subsequent Annual Sessions, as well as in meetings of the OEWG. A wide range of topics under this item were discussed over the years.

The Secretariat also prepared a Special Study on International Law in Cyberspace, dealing with the following topics - Sovereignty in Cyberspace, Law and Governance of Cyberspace, Cyber Warfare: Legal Implications, and Cybercrimes and International Law - which was released at the Fifty-Sixth Annual Session, held at Nairobi, Kenya, in 2017.

The Rapporteur of the OEWG was mandated by the Fifty-Seventh Annual Session, held in Tokyo, Japan, in 2018, to prepare a Report on ‘Special Need of the Member States for International Cooperation against Cybercrimes’. The revised Report of the Rapporteur as well as the Secretary-General’s draft proposal on ‘Consensual Basic Principles of International Law Applicable in Cyberspace’ were intended to be discussed at the Fifth Meeting of the OEWG. Due to the COVID-19 pandemic the Fifth Meeting of the OEWG was not held yet.

It is suggested that the present discussions be limited to the following topics: a) Application of the Principle of Non-Interference in Cyberspace; b) Data Sovereignty, Trans-border Data Flow, and Data Security; c) Regulating Online Harmful Content; and d) Peaceful Use of Cyberspace.

The first and the last topics, have been discussed at previous annual sessions and at the meetings of the OEWG, as well as in the Secretariat’s Special Study on the topic.

The other two topics namely, ‘Data Sovereignty, Trans-border Data Flow, and Data Security’ and ‘Regulating Online Harmful Content’, are relatively new to AALCO’s deliberations on the topic International Law in Cyberspace

The International Community does have consensus on the application of international law to cyberspace, however owing to the unique characteristics of cyberspace there are divergent views on how to apply it. Even the various reports of the UN group of Governmental Experts failed to indicate as how international law may apply to cyberspace.

The absence of an international convention or rules to regulate important aspects of applicability of international law in cyberspace, such as those that form topics of focused deliberations for today, has created a gap in international regulation of cyberspace, resulting in fragmented and many a times contradictory law originating from national legislations that regulate global cyberspace. Therefore, there is an urgent need for international cooperation to build a common foundation on the application of international law to cyberspace.

AALCO provides such a platform for States to arrive at a consensus for many of such contentious issues, which may eventually form a part of the international law on the subject-matter. Therefore, I encourage Member States to actively participate in today's discussions. I further urge them to submit their responses to the Rapporteur's questionnaire in preparation of his Report on 'Special Need of the Member States for International Cooperation against Cybercrimes', as well as to the Secretary-General's draft on the 'Consensual Basic Principles of International Law Applicable in Cyberspace', so that a tangible outcome of the AALCO deliberations on the topic may emerge as a necessary first step. In this regard it may be pertinent to mention the Sixteenth Annual meeting of the Internet Governance Forum, the main global space convened by the UN for addressing internet governance and digital policy issues, to be hosted by the Government of Poland in Katowice, from 6-10 December, under the overarching theme: Internet United. Finally, I would like to state that the Secretariat sincerely hopes that the present Session is successful in attaining the afore-stated objectives.

**President:** Thank you very much Deputy Secretary-General Sun. I now give the floor to the Chair of the OEWG His Excellency Dr. Behzad Saberi Ansari, from the Islamic Republic of Iran. You may have the floor now, Sir.

**Mr. Seyed Ali Mousavi, on behalf of Dr. Behzad Saberi Ansari, Chairperson of the Open-ended Working Group on Cyberspace in International Law:** Madam President, Excellencies, distinguished delegates, ladies and gentlemen, due to an urgent mission for Dr. Saberi the Chairman of the Open-ended Working Group on International Law in Cyberspace, I, Seyed Ali Mousavi, have the honour to deliver a statement on the working group to the Session.

Madam President, at the outset let me thank you for your effort and your able chairmanship of the session, I also thank the Member States for their continued support to the work of the Open-ended Working Group on International Law in Cyberspace. Since the inception of the topic International Law in Cyberspace as an agenda item in the Fifty-Third Annual Session of AALCO in 2014 Tehran and the establishment of the Open-ended Working Group (OEWG) at the Fifty-Fourth Annual Session of AALCO held 2015 in Beijing. The topic has gained much attention by the Member States and as such the working group has had four sessions where Member States deliberated upon the crucial aspects of the topic. To know briefly the first and second meetings on the topics were held on State Sovereignty in Cyberspace, Law and Governance in Cyberspace, Peaceful Use of Cyberspace, Legal implications of Cyber-warfare, and the Rules of International Cooperation in Combatting Cyber-crime.

At the Fifty-Sixth Annual Session held in 2017 in Nairobi, Kenya the Rapporteur on International Law in Cyberspace was mandated to prepare a report laying down the future plan of action for the working group. The report prepared by the Rapporteur was discussed in detail in the Third Meeting of the working group which took place on the sidelines of the Fifty-Seventh Annual Session of AALCO held in Tokyo, Japan in 2018. The Rapporteur was there mandated to prepare a report on the latest development in International Law in



Cyberspace and on the Special Needs of the Member States on International Cooperation against Cybercrime in order to enhance cooperation in countering Cybercrime. In preparation of the Rapporteur Report on the Special Needs of the Member States for International Cooperation against Cybercrimes, a questionnaire consisting of thirty eight questions was prepared by the Rapporteur and circulated among the Member States to which responses were received from eleven Member States. The Rapporteur presented his report on the Member States' response to the questionnaire at the Fourth Meeting of the Working Group that was held from two to fourth September, 2019 in Hangzhou, the People's Republic of China. While there appeared to be moral normative similarities in the responses received from the Member States there were some differences on the actual application and practice on the law of Cyber-crimes. Certain challenging aspects of the International Law in Cyberspace were discussed namely, (a) application of the principle of non-interference in Cyberspace, (b) data sovereignty, transborder data flow and data security, and (c) regulating online harmful content. Lastly, the topic of peaceful uses of Cyberspace was discussed among the participants.

In follow-up discussions held in the Fourth Meeting of the Working Group, the Secretary-General drafted a Non-Binding, Non-Exhaustive, Consensual Basic Principles of the International Law applicable in Cyberspace based on the existing work of the Special Rapporteurs and various efforts made within the United Nations and other relevant international organizations.

On the first draft the Secretariat received comments from four Member States, Qatar, the People's Republic of China, India and Japan and one observer ICRC. The comments received were generally supportive and constructive with a suggestion of further elaboration additions and modifications so as to make the draft more reflective of the positions and comments of the AALCO Member States consistent with the current international practice on the subject. Based on these comments a second draft was prepared which was sent out to the Member States for their comments on 26 July 2021. The New draft comprises 14 basic principles and an explanatory note providing detailed information and references to the basic principles. The draft includes but is not limited to principles of sovereign equality of States, non-interference, the principles of non-harm, peaceful settlement of disputes, State responsibility for internationally wrongful acts, prohibition of use of force, peaceful use of Cyberspace, international cooperation and other provisions concerning the information and communication technologies and combatting harmful content on the internet. So far comments have been received from Nine Member States namely Japan, the Republic of the Philippines, Malaysia, the Sultanate of Oman, the Islamic Republic of Pakistan, the State of Qatar, Mauritius, the Republic of India and the Republic of Korea. While agreeing in principle with the provisions some Member States have emphasized that the principles ought to be modified as to reflect existing international law on the subject specially the past reports of the various editions of the UN Group of Governmental Experts and the 2018 UN Mandated Open-ended Working Group on the development in the field of information and communication technologies in the context of international security. Some States suggested changes broadly of a formal nature. Further Some States were of the view that as the principles are intended to be non-legally binding, legally binding terms such as agree and shall are not to be used in the text. Some States have been of the view that some paragraphs in the draft including paragraphs 7 to 14 go beyond what is accepted as international law applicable to cyberspace and therefore the draft should still reflect what is supported by consensus by the general practices of States as reflected in the UN OEWG and GGE reports. The draft Basic Consensual Principles of International Law applicable in Cyberspace and the

comments received will be submitted to the next Working Group Meeting on International Law in Cyberspace for further in-depth discussions. I would like to encourage the Member States to further extend their views and comments on the draft Basic Consensual Principles of International Law applicable in Cyberspace to enrich the discussion on the topic and to further contribute to the mandate entrusted to the Working Group.

Madam President, before I conclude I thank the Government of the People's Republic of China for the warm hospitality extended for the Fifty-Ninth Annual Session in the Hong Kong Special Administrative Region of the People's Republic of China and look forward to fruitful deliberations on the topic. Thank you so much, Madam President.

**President:** Thank you very much for those remarks made on behalf of the OEWG. I will now open the floor to the Member States to make their statements but I will also ask you to note that the Special Rapporteur of the OEWG is Prof. Huang Zhixiong of the Wuhan University Law School of the People's Republic of China and we also thank him for the work he has contributed. So may I now invite delegates from the Member States to make their statements on the topic. From the list that I have, the first statement is to be made by the delegate from Viet Nam, you have the floor please.

**The Delegate of the Socialist Republic of Viet Nam:** Excellencies, distinguished colleagues and participants, as we proceed in the era of the Fourth Industrial Revolution, technology has been playing an increasingly prominent role in all aspects of life, it has helped spur economic growth, bridged developmental gaps, improved livelihood, and even assisted nations in overcoming the COVID-19 pandemic. At both regional and international levels, there have been discussions on how to harness the power of digital technology for good.

But at the same time, concerns have been raised on the side-effect of digitalization, including violation of basic principles of international law such as sovereign equality, non-intervention, and non-use of force through digital means. These concerns reflect the reality that, as countries become increasingly dependent on technology, they too shall become increasingly vulnerable to malicious activities, that the cyberspace is easy to use but also very easy to misuse and difficult to defend, and that there exists a gap among countries in their technical capacity, understanding, and approach.

We are encouraged by the level of interest that the international community has given to international law in cyberspace. Multiple fora and mechanisms have been set up with an aim to address this issue, including at ASEAN, the United Nations, and AALCO which in recent years Viet Nam has taken an increasingly active part. And as we attend these forums, we note that all countries are well aware of what's at stake and all are eager to contribute to the creation of international norms in cyberspace, even though differences remain in how to move forward with the initiatives.

Excellencies, dear colleagues, with respect to the topics for today's discussion, I would like to share the following points from Viet Nam's perspective.

First, Viet Nam shares the broad consensus of the international community that the principle of sovereignty applies in cyberspace and, thus, that the principles relevant to sovereignty, including non-intervention in domestic matters, shall also apply therein. However, its practical application continues to be a matter of debate. We believe that a careful balance should be struck in order to harness the benefits of cyberspace on the one hand and safeguard

States' security interests on the other. If regulated too strictly, cyber-sovereignty may hinder socio-economic progress achieved through cyberspace's interconnectedness; too loose, then the security of nations will be at risk, as is evident in the large number of cyber incidents in recent years. The way forward, in our view, is for the international community to continue to adhere to the norms of responsible state behaviour in cyberspace, engage in discussions, practice confidence-building, and on the basis of shared understanding, discuss the implementation of the principle of sovereignty in cyberspace.

Second, with respect to data regulations, Viet Nam is in the process of drafting a legal document on the protection of personal data. In doing so, we are studying the best practices from the international community while also remaining mindful of Viet Nam's international commitments, including those requiring States to respect personal freedom, ensure the flow of data for trade and economic purposes and those demanding that States protect such data for national security and that of their people. This has not been an easy task but one that is necessary to achieve both security and economic interests and one that countries would benefit from undertaking.

Third, regarding harmful online content, Viet Nam supports the regulation of online content in accordance with international law. Our country has experienced first-hand its impacts on socio-economic stability. Misleading and malicious information, if unregulated, may cause panic and unrest among the population, hinder the State's ability to exercise its function, and affect the rights and dignity of individuals. This is especially true during the COVID-19 pandemic where unverified information on the number of infected cases, severity of the situation, effects of vaccines, among others, have substantially affected the fight against the pandemic. With its existing laws, Viet Nam has been able to suppress the spread of such information, provide restitution for those affected, and achieve remarkable progress in containing the pandemic.

Finally, with respect to the peaceful use of cyberspace, Viet Nam supports international discussions to establish norms regulating the application of the principles of non-use of force and international humanitarian law in cyberspace. As the substance of these principles in cyberspace will inevitably change with the rapid development of technologies in the fourth industrial revolution, we believe that it is necessary to clarify the definitions of the use of force and threat of force in cyberspace as well as the right to self-defense in cyberspace, which are important bases for States to protect their sovereignty. Thank you.

**President:** Thank you for the statement. I would now like to give the floor to the delegate from the Kingdom of Thailand to present his statement. You have the floor please.

**The Delegate of the Kingdom of Thailand:** Thank you very much Madam Chair. Excellencies, distinguished delegates. Thailand commends the work of the Secretary-General of AALCO in the drafting of the Consensual Basic Principles of International Law Applicable in Cyberspace which aims to identify and encapsulate various views on the subject. As we know, the law applicable in cyberspace is still in a stage of development with ongoing ideas, opinions, and interpretations – many of which have not been settled. This is a challenging, but much needed, task to undertake. However, with that said, the resulting document has provided us with a strong foundation for further discussions.

Overall, the draft principles serve as a good basis for the identification of non-binding norms and principles which will complement the work of the United Nations Group of

Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (UNGGE), as well as the Open-ended Working Group on development in the field of information and telecommunications in the context of international security (OEWG). The work of those two bodies should be our starting point.

Many of the draft principles are consistent with Thailand's national policies in combatting cybercrimes, enhancing cybersecurity and promoting economic growth through peaceful use of ICTs. In particular, Thailand agrees with peaceful use of cyberspace and that the principle of peaceful settlement of disputes should also be applied. International cooperation in combating cybercrime should be enhanced through procedures of international criminal judicial assistance in order to tackle the issue more efficiently. The digital gap, through various means, should indeed be bridged in order to benefit everyone on a global scale, so that common and sustainable development can be achieved.

Thailand sees the draft principles as a living document which still needs to be thoroughly examined and discussed. For example, harmful content is a concept that carries with it different connotations and thus makes it difficult to define.

We, therefore, encourage further discussions on this subject. In conclusion, Thailand will submit written comments to the draft basic principles in further details and look forward to fully cooperate with our colleagues here in driving the issues forward. Thank you.

**President:** Thank you the delegate from Thailand. I would now like to invite the delegate from the Republic of Korea to deliver his statement please.

**The Delegate of the Republic of Korea:** Thank you, Madam Chair. The remarkable advances in ICT continue to provide us with a new domain of immense opportunities for social and economic development. At the same time, however, we have witnessed increasing threats emanating from the ICT environment in various ways. In 2021 alone, ransomware attacks have been occurring every 11 seconds, with the estimated damage amounting to 20 billion dollars in total. Malicious ICT activities by states and non-state actors can pose a significant risk to international peace and security. These threats cannot be addressed single-handedly by one state. My delegation would like to emphasize anew that an open, secure, stable, accessible and peaceful ICT environment is essential for all. And this requires multilateral cooperation to reduce potential risks to international peace and security.

My delegation is of the view that existing international law, including the UN Charter in its entirety, is applicable to cyberspace, as reaffirmed in fora such as the UN GGE and the OEWG. In this sense, my delegation strongly believes that each State should faithfully implement the voluntary, non-binding norms agreed upon in the UN GGE and OEWG reports. Moreover, now is the time to deepen the common understanding of how existing international law applies to cyberspace. Further deliberations and consultations among states are therefore necessary. In such a process there is a call to take into account the unique features of the cyber environment such as anonymity and its transboundary nature.

My delegation believes that it is imperative to take practical measures for confidence-building and capacity-building at the regional and global levels, with a view to enhancing transparency and resilience in cyberspace. In this regard, my delegation notes that the recent report of the 6<sup>th</sup> GGE and the final OEWG report both stress the importance of the role of regional and sub-regional bodies in taking forward the assessments and recommendations of

the reports of the GGE and OEWG. And indeed in developing region-specific mechanisms and strengthening capacity-building efforts and confidence-building measures to support their implementation.

Lastly, my delegation also notes that the AALCO Secretariat circulated the updated version of the Draft Consensual Basic Principles of International Law Applicable to Cyberspace this summer. My delegation would once again like to express deep appreciation to the Secretariat for its efforts. Furthermore, the Republic of Korea submitted its comments on the draft in October. One thing my delegation would like to emphasize here is that creating any legally-binding consensual principles in cyberspace will go beyond the mandate of our working group. Accordingly, the reports adopted by the GGE and the OEWG should be used as the basis for discussions in the working group. I hope that further discussions on the Draft can lead to a document in line with the consensus in the international community, as reflected in the reports of the GGE and OEWG. Thank you.

**President:** Thank you very much. I am going to mention the next three States that are going to make their presentations. We will start with Indonesia, followed by Nepal and then the People's Republic of China. So may I give the floor now to the delegate from Indonesia please.

**The Delegate of the Republic of Indonesia:** Thank you Madam President for giving me the floor. Under the agenda of International Law in Cyberspace, Indonesia would like to comment on the issue of application of the principles of non-interference in cyberspace, data sovereignty, transborder data flow, data security, regulation of online harmful content and peaceful use of cyberspace.

Under the issue of the application of the principle of non-interference in cyberspace, Indonesia commends the adoption of the 11 cyber norms on responsible State behaviour in cyberspace. It is in line with the 1991 UN Group of Governmental Experts Report to encourage responsible State behaviour in Cyberspace. In this regard, Indonesia encourages the formulation of the global framework on cyberspace including the United Nations and AALCO by means of a multi-stakeholder approach to build a tolerant and inclusive cyberspace while respecting State sovereignty and human rights through inclusive participation. Indonesia has been fully promoting cooperation and collaboration with various stakeholders both public and private in sharing cyber-security related information.

On the issue of data sovereignty, transborder data flow and data security, we observe that there is an increase in cyber-attacks such as malware, web defacement, data breaches and ransomware. To address these challenges in line with the guarantee of protecting international interest and maintaining national security in cyberspace, Indonesia has established a programme called Indonesia Internet Exchange \_\_\_\_\_ which \_\_\_\_\_ selective and secure as the implementation of the internet protocol based national telecommunication network.

In addition to that, Indonesia has developed cooperation and collaboration with international partners and strengthened coordination among various national institutions to protect data sovereignty and mitigate cyber-attacks.



In this regard, Indonesia is of the view that international cooperation in strengthening cybersecurity including ICTs are of utmost importance. Regarding the topic of regulating online harmful content, Indonesia has enacted several laws and regulations related to its electronic system and transactions. Furthermore, Indonesia has enacted the National Action Plan on Countering Extremism that leads to terrorism in line with 11 cyber norms of responsible State behaviour to stop crime and terrorism. The National Action Plan also contains cyber guidelines to preventing extremism.

On the issue of peaceful use of cyberspace, Indonesia has developed various measures to prevent various terrorism activities aimed at eliminating radical terrorism, propaganda and terrorism financing to ensure peaceful use of cyberspace.

Other measures include, firstly implementing Presidential Regulation No. 7/2021 on National Action Plan on Containing Extremism that leads to terrorism.

Second, coordinating with relevant ministries and agencies to identify radical content in social media and websites.

Third, monitoring, analysing and countering radicalism by terrorism groups on social media by encouraging peaceful use of cyberspace among others. Likewise, Indonesia also publishes a practical digital media literacy and cyber security guide intended for the public and encourages increased public awareness to face various challenges of cyber-attacks.

At the international level, Indonesia has concluded Memorandum of Understanding with 24 countries to counter terrorism and prevent the use of cyberspace for terrorism. At the technical level, Indonesia has conducted a Joint Working Group on Counter Terrorism among others with the Philippines, the People's Republic of China, Egypt, Pakistan, India and Sri Lanka. \_\_\_\_\_ cyber incidents and cyber-attacks, Indonesia has established the national, sectoral, organizational, and ad-hoc cyber security incident response team. \_\_\_\_\_

Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, through this forum, Indonesia would also like to draw the attention of the AALCO Member States to the ongoing process of the Ad-Hoc Committee to elaborate a comprehensive international convention on countering the use of information and communication technologies for crimes as established by General Assembly Resolution \_\_\_\_\_.

Indonesia believes it is timely and critical to discuss the specifics of a crimes convention within the framework of the Ad-Hoc Committee and hopes that States will negotiate an international instrument capable of responding to cyber-crime challenges in an inclusive and transparent manner. Indonesia encourages AALCO Member States to actively and constructively participate in the process to promote international cooperation to combat the use of ICTs for crimes including by providing technical assistance to improve Member States' National Legislations and to build the capacity of National Authorities to deal with such crimes.

Thank you Madam President.

**President:** Thank you very much. I will now invite the delegate from Nepal to make his statement. You have the floor now please.



**The Delegate of Nepal:** Thank you Madam President, the Nepali delegation would like to extend sincere appreciation to AALCO Working Group on International Law in Cyberspace for the effort to progressive development in International law in Cyberspace.

It is well known that the importance of cyberspace has grown manifold in recent years. And, AALCO has endeavoured to make a significant contribution to the development of international law of cyberspace within Asian and African continent.

Madam President, Cyberspace, as we all know, is a global network of interdependent information, technology infrastructures, telecommunications networks in which online communications take place.

It knows no boundary and thus makes it complex and challenging. It concerns sovereignty, security, and development of every country.

As digitization grows in Nepal it is inevitable that increasingly vast amounts of data across the public and private domains are at risk. At present, the Electronic Transaction Act (ETA) 2006, governs cybersecurity matters. We are aware the gap of sufficient legal and administrative mechanism.

To address the gap our concern is focused on strengthening cyber security apparatus, use of safe technology, infrastructure enhancement, and process on the basis of international practices in making of new national law on ICT.

To secure communication and information technology systems, institutional and organizational structures we are in progress to comply with international standards in our legislation and functional authorities.

The Cyber Security Bylaw 2020 prepared by the Nepal Telecommunications Authority is in implementation, which seeks to protect information and communication systems from cyber-attacks and other associated risks. Along with that we have developed Information Technology Crisis Assistance Group Operation and Management Guidelines, 2018 for identification and regulation of cyber security threat in order to minimize its impact.

Madam President, Nepal is working sincerely to meet its commitment to cybersecurity, and it has been increased. The Global Cybersecurity Index 2020 shows that Nepal has moved up to the 94th position from the 106th slot in the 2018 edition.

The Globe Cybersecurity Index is assessed on five pillars. Nepal secured 15.61 points in legal measures, 5.94 points in technical measures, 9.58 points in organizational measures, 9.60 in capacity development and 4.26 in cooperative measures.

Legal measures were a relative strength for Nepal, and the report said the country can gain potential growth through cooperative measures. Considering the existing and potential threats posed to international peace and security by the nefarious use of ICTs, it is important to prioritize the need to have a common understanding and implementation of important norms.

Therefore, to comply with sprit of international mechanism on use of cyber space and security, we urge the establishment of special measure to address inclusion and cooperation

among Member States to enhance cooperation in capacity building and set uniform standards for peaceful use of cyberspace.

As new challenges in cyber security are emerging, the Ministry of Communication, Information and Technology has prepared a draft National Cyber Security Policy 2021 to control and minimize cyber-attacks in information and technology and provide security from possible future attacks.

Madam President, as a Member State, Nepal has always extended its full cooperation in developing international law of cyberspace.

Finally, I would like to repeat that Nepal believes, we need to engage bilaterally and multilaterally to discuss the various international law for their relevance and applicability to cyberspace that may be necessary.

We need to demarcate a consensual definition of cyber sovereignty, jurisdiction, crime, etc. It helps the international community for building robust mechanism and modality. It gives the balanced mechanism between state domain and public domain as well. Thank you very much.

**President:** Thank you very much. I would give the floor now to the delegate from the People's Republic of China and thereafter to the delegate from Kenya followed by Japan and then the Philippines.

**The Delegate of the People's Republic of China:** Madam President, the world has found itself in a digital age in which Information and Communication Technology has increasingly become an important force for economic and social development. Meanwhile, unbalanced development, inadequate rules in cyberspace are becoming increasingly prominent. Establishing a multilateral, democratic, transparent global governance system in cyberspace is now a shared mission for the international community. It is of vital importance for Asian and African countries to seize the opportunities offered by this digital age, so we should take a more proactive approach in discussing international rules in cyberspace to safeguard our shared interests.

In the first half of this year, OEWG and UNGGE adopted reports respectively which reiterated that countries should abide by the UN Charter, respect sovereignty and resolved to maintain peace in cyberspace. China welcomes the said progress. International law is crucial to safeguard peace and stability in cyberspace and international law including the UN Charter shall be applicable in cyberspace. The Chinese side always advocates the idea of a Community with a Shared Future in Cyberspace and stays committed to respecting sovereignty, upholding peace and security, promoting openness and cooperation and establishing a sound order in cyberspace. China is ready to join other Asian and African countries to improve global governance system in cyberspace, put in place rules that could be accepted by all and jointly build a peaceful, secured, open, cooperative and orderly cyberspace.

Madam President, an important outcome in cyber area this year is the adoption of Resolution 75/282 by the 75th UN General Assembly. It made clear the negotiation arrangement of the United Nations Convention on Countering the Use of Information and Communication Technologies for Criminal Purposes and the first negotiation meeting was scheduled for Jan 17-18 2022. It would be the first global convention on internet governance. Yesterday many

delegations of Member States have also mentioned this process, and China is pleased to hear that this process has taken positive expectations of many countries. China is ready to work with other Asian and African countries to facilitate the early conclusion of this convention under the auspices of the UN, so as to provide a pragmatic and effective solution for the international community to combat cybercrime. China believes that the new convention should respect sovereignty including judicial sovereignty in cyberspace, lay more emphasis on crime prevention and provide support in technical assistance and capacity building to developing countries.

Madam President, China appreciates the efforts made by the AALCO Secretary-General and the AALCO Working Group on the International Law in Cyberspace in drafting the AALCO's Consensual Basic Principles of International Law Applicable in Cyberspace. China notices that the draft of the "Consensual Basic Principles" not only focuses on how traditional international law is applied to cyberspace, but also enriches the discussions on international rules in cyberspace. It sets forth new solutions to emerging issues including managing cross-border data flow, conducting international cooperation in cyberspace and combating cybercrime, which is conducive to promoting peace in cyberspace and common development. We look forward that the Working Group could adopt the "Consensual Basic Principles" at an early date and contribute Asian and African ingenuity and solutions to global cyberspace governance. Thank you, Madam President.

**President:** Thank you very much. I would like now to give the floor to the delegate from Kenya to deliver his statement, please.

**The Delegate of the Republic of Kenya:** Thank you Madam President. On behalf of my delegation I wish to make the following statement on this agenda item.

Cyberspace involves a widespread interconnected digital technology and plays a critical role in the global economy. To this end, Kenya is putting a lot of effort in securing its cyberspace that adopts national and international dimensions including industry, commerce, intellectual property, security, technology, culture, policy, and diplomacy.

It is acknowledged that cyberspace is a phenomenon with distinct characteristics and has new and emerging technology which is expected to change and improve many fundamental tasks and interactions in the coming years such as artificial intelligence, block chain, internet of things and quantum computing, among others which present significant opportunities for the global community at large.

Distinguished Delegates, the Principle of Non-Intervention is one of the most potent and elusive of all international law principles. It is considered potent due to the countermeasures deployed in response to an intervention but elusive due to the uncertainty and lack of clarity regarding which actions constitute a breach of the non-intervention principle within the cyber domain. This absence of certainty largely stems from the fact that States find themselves applying a legal framework implemented years ago before the emergence of cyber technologies that are being used in the emerging attacks. This has resulted in frustration within the international community as the existing law trails behind the advancement of technology and an ever-increasing risk that will be used to the advantage of some States over others. Greater clarity is therefore required regarding the international law principle of non-intervention within the cyberspace domain.

Madam President, the rapid development of technology, the proliferation of the Internet, and the ongoing interconnection of critical infrastructure and services have resulted in increasing concern regarding the regulation of cyberspace and the supporting legal framework.

It is also acknowledged that challenges have emerged with these technological advancements. There is need to urgently address the emerging issues and threats attached to the use of cyberspace by bringing together every service and facility to expedite actions against money laundering; terrorist attacks; purchase of anonymous credit cards, bank accounts, encrypted global mobile telephones, and false passports.

The work that has been ongoing within the auspices of AALCO to encourage Member States to deliberate on matters pertaining to emerging international legal issues on cyberspace is therefore very important. We note with appreciation the work and the reports submitted by the Open-ended Working Group.

Distinguished Delegates, Kenya acknowledges in particular the emerging legal issues surrounding misuse of computers and cyberspace in general and the need for an international legal framework, in addition to existing regional frameworks, to enhance cooperation in combating cybercrime. In order to mitigate cyber threats and foster a safer Kenyan cyberspace, Kenya has taken considerable steps to develop strategies and strengthen its domestic legal framework to address threats attached thereto. It aims to reduce the risk of cyber-attacks and protect against the unauthorized exploitation of systems, networks and technologies.

To this end Kenya has enacted the Misuse of the Computer and Cybercrimes Act, 2018 which aims at preventing the unlawful use of computer systems; facilitation of the prevention, detection, investigation, prosecution and punishment of cybercrimes; protection of the rights to privacy, freedom of expression & access to information; and facilitating international co-operation on matters covered under the Act. The Act has gone a long way in strengthening this multi-agency collaboration framework, among other key facets that support national cyber security resilience.

To enhance International Co-operation in combatting cybercrime, the provisions of this Act compliment Kenya's existing legal Framework for Mutual Legal Assistance and Extradition. This will therefore allow for international cooperation in investigations, information and intelligence sharing in any criminal matter with requesting or requested States for purposes of proceedings concerning offences related to computer misuse and cybercrime.

The enactment of Kenya Information and Communications Act, 2015 has gone a long way in strengthening the multi-agency collaboration framework, among other key facets, that support national cyber security resilience. The National coordination agency detects, prevents and responds to various cyber threats targeted at Kenya and acts as the interface between local and international ICT service providers whose platforms are used to perpetrate cybercrimes, and our Judicial Law and Order Sector which investigates and prosecutes cybercrimes.

Madam President, the enactment of The Data Protection Act, 2019 regulates the processing of personal data; and protects Kenyan individuals' rights and interests on data and data subjects located in Kenya as well as data processors outside of Kenya. The Act also establishes the legal and institutional mechanism to protect personal data and provides data

subjects with rights and remedies to protect their personal data from processing that is not in accordance with the Act. Consent is highlighted as a key requirement of the Data Protection Act of Kenya.

Distinguished Delegates, science is designed to produce knowledge and technology that advances innovation and development. However, it should not be assumed that science will directly result in technological advancements and innovations. Much more must be done for Science, Technology and Innovation (STI) to develop and transform the countries' economies and especially in Africa. Moreover, low and Middle-Income countries such as Kenya should not be left out from the rapid development of technology.

As part of transforming the Science, Technology and Innovation system (STI), Kenya has taken strides in shaping effective policy framework for STI through a number of progressive changes including the enactment of the Science, Technology and Innovation Act, 2013 that ensures promotion, coordination and regulation of the Science, Technology and Innovation (STI) process in Kenya.

However, despite Kenya making some strides, the Science, Technology and Innovation (STI) is marred by different challenges. These include fragmentation of research owing to weak knowledge sharing and dissemination as most research institutions and individuals are heightened with the fear of intellectual property loss as a result of threats attached to the use of cyberspace which is a crucial element to STI. There is therefore an urgent need to formulate ways of adapting to this evolving environment of both technological and non-technological innovations. I thank you Madam president.

**President:** Thank you very much. I would like now to invite the delegate from Japan to make the statement and later on to be followed by the Philippines, India and Malaysia. You have the floor now please, the delegate from Japan.

**The Delegate of Japan:** First of all, I would like to express my appreciation to the Secretary-General and his staff for compiling a report. I would also like to appreciate the effort of Prof. Zhixiong Huang, Rapporteur of the AALCO Working Group on International Law in Cyberspace.

Japan believes that the discussion on “international law applied in cyberspace” should be in conformity with the continued discussion in the UN GGE and the OEWG.

In particular, concerning international law applied in cyberspace, the UN GGE and the OEWG have conducted balanced discussion about the relationship between control based on territorial sovereignty and freedom of data flow. The discussion in AALCO should not be excessively inclined toward one side of the discussion in the UN GGE and the OEWG. In light of this, the latest draft of the “AALCO's Consensual Basic Principles of International Law Applicable in Cyberspace” seems to put too much emphasis on the importance of sovereignty, and seems significantly different from the discussion in the UN GGE and the OEWG.

Having considered these, Japan submitted its comments to the Revised Draft of “AALCO's Consensual Basic Principles of International Law Applicable in Cyberspace.” Japan considers that AALCO should take time to discuss closely and carefully with AALCO Members and Observers, rather than jumping to conclusion in a hasty manner.



Especially, Japan is of the view that it is important to enhance international cooperation against cybercrime. Japan has dealt with cybercrime under the framework of existing treaties on the assumption that existing international law applies in cyberspace. In particular, Japan regards the Budapest Convention as a useful framework against cybercrime. Based on this recognition, Japan proposed an amendment to Principle 12.

The new convention that UN Member States will begin to elaborate shortly should be firmly based on previous and current discussions in the existing frameworks for combating cybercrime, while taking into account the discussions and works in other fora related to discussions on cybercrime, with the aim of avoiding duplication or undermining of the works. Japan believes that we should aim to ensure “a free, fair and secure cyberspace” and enhance our capability to prevent and combat cybercrime all over the world by making the substance of the new international convention universal and agreeable for all. Thank you, Madam President.

**President:** Thank you Japan for the statement. I would like now to invite the delegate from the Philippines to make his statement please. You have the floor thank you.

**The Delegate of the Philippines:** Thank you Madam President. The Philippines recognizes the importance of instituting mechanisms aimed at providing environment conducive to the development of its people in the field of information and communication technology. Indeed, the Philippines has always been supportive of efforts towards addressing cyber security threat as well providing maximum protection and opportunities for our country and our people in this digital age, through among others equitable capacity building given the various levels of States’ development cyber infrastructure and appreciation of international law.

We note the need to closer and more calibrated coordination between the Open-ended Working Group and the Group of Governmental Experts to ensure efficient use of resources to produce outcomes that complementary rather than redundant and competing. In this regard we support AALCO’s objective of adopting Model Provisions on Cooperation on Combatting Cyber Crimes. International cooperation and the development of international law on cyber space play a critical role in ensuring everyone reaps the benefits of high technology. Thank you, Madam President.

**President:** Thank you for that statement. We would now like to invite the delegate from India to make the statement please. You would have the floor. It seems that India is offline for the moment for some reason so maybe we can come back to India in a moment and in the meantime as previously mentioned the next on my list would be the delegate from Malaysia. If I may give the floor to the delegate from Malaysia, please thank you.

**The Delegate of Malaysia:** Thank you Madam President, Malaysia applauds the continuation of the ongoing work of this topic that has been deliberated since the Fifty-Fourth Annual Session of AALCO in 2015, for further deliberation and appreciates the effort made by His Excellency Secretary-General and the AALCO Secretariat for the continued relevance of the Working Group on International Law in Cyberspace.

Madam President, based on the issues for General Discussions and Recent Developments, Malaysia further notes that harmonizing competent laws to combat various offences of cybercrime is of utmost importance. It is also acknowledged that it can only be implemented



if all Member States are to arm themselves with proper and specific laws on cybercrime at their national levels.

Further, Malaysia supports the proposal to adopt a Consensual Basic Principles which would summarize and identify core common positions and values of AALCO Member States in application and development of international law in cyberspace since the Consensual Basic Principles will be the collective voice of Member States to the international community and enhance the influence of AALCO as a whole in this realm. In this regard, Malaysia had submitted our comments and feedback on the revised draft Consensual Basic Principles in August of this year. Malaysia notes while it is essential to have rules of international cooperation in combating cybercrimes which are commonly accepted by the Member States such as the proposed draft Consensual Basic Principles, nonetheless prior to the formulation and eventual adoption of the said Principles, extensive consultation on the legal framework of international cooperation of AALCO Member States should be conducted to ensure the rules are acceptable and practical. With regard to the 38 questionnaires which had been circulated to all Member States, Malaysia had responded and submitted our response to the AALCO Secretariat in 2019 as confirmed in the Verbatim Record of the Fifty-Eighth Annual Session, Dar es Salam, 2019.

Amidst the controversies surrounding the United Nations Group of Governmental Experts on Development in the Field of Information and Telecommunications in the Context of International Security (UN GGE) in the application of the UN Charter for the International Law in Cyberspace, Malaysia views that AALCO can play a significant role in supporting International Law in Cyberspace due to the growing importance and global increasing dependency on Cyberspace which also unfortunately may attract malicious usage. Thus there is a dire need to develop norms and principles of state behaviour in cyberspace. In this regard, Malaysia is agreeable with the principle for adoption of the 11 Cyber Norms on Responsible State Behaviour in line with the 2015 UN GGE Report.

In the face of constantly changing cyber threats, Malaysia, like other countries, needs to protect its national security and sovereignty. In order to meet this challenge, the Malaysia Cyber Security Strategy for the year 2020-2024 has been designed with tools to provide trust in Malaysia's cyber environment not only for national security, but also to support the government agenda in the digital economy, Industry 4.0 and the adoption of other disruptive technologies for Malaysia's advancement.

The National Cyber Security Agency (NACSA) which was also established in 2017 as the national lead agency for cyber security matters, with the objectives of securing and strengthening Malaysia's resilience in facing the threats of cyber-attacks, by coordinating and consolidating the nation's best experts and resources in the field of cyber security.

Whilst the rapid advancement of ICT brings benefits and advantages to people, it also carries risks to the nation's economy, social harmony and security. To manage such risks, relevant agencies have been carrying out various awareness programmes to educate Malaysians. As a means to coordinate these programmes, NACSA is developing the National Cyber Security Awareness Master Plan ("Master Plan"). The Master Plan aims to increase the level of cyber security awareness among Malaysian cyber citizens through concerted and effective programmes and initiatives which focuses on four (4) main target groups, namely, kids, youth, adults, parents and organisations. This Master Plan also outlines an implementation strategy to ensure it achieves its anticipated goals and objectives.

To conclude, Malaysia reiterates its concern on the new threats and challenges in the development and application of information and communication technologies such as cybercrimes, cyber-warfare and the use of cyberspace for terrorist purposes. Thus, the establishment of continuous and active participation in the relevant regional and global forums deliberating on the governance of cyberspace are welcomed in order to strengthen their communication and cooperation on this topic. Thank you madam President.

**President:** I believe that we have India back online; So I will be giving the floor to the delegate from India then followed by the Islamic Republic of Iran and the Arab Republic of Egypt thereafter. You have the floor please India.

**The Delegate of the Republic of India:** Thank you Madam President. On behalf of the Indian delegation, I take this opportunity to thank the AALCO Secretariat for their preparation of detailed background document on the topic and introductory statement made by the Deputy Secretary-General.

International law has been the basis for States' shared commitment to preventing conflict and maintaining international peace and security. The information and communication technologies have fast emerged as major tools for socio-economic transformation of people and offered an unprecedented scale of affordability and accessibility for people especially the poor. A swift adoption of ICTs and ICT enabled products and systems has benefited the international community at large. However, the widespread use of ICTs now being challenged by various risks and threats to individual privacy and freedom as non-state and state actors along with proxies threaten security on cyber space.

Madam President, the misuse of ICT for interfering in the internal affairs of other States should be strictly avoided as such acts threaten international peace and security. The international law needs to be strengthened to discourage States from misusing ICTs that are inconsistent with international peace and security. The principle of non-interference in the cyber-space during peacetime is one of basic components of the ongoing discussion on application of international law in cyberspace. The misuse of ICTs for criminal and terrorist purposes has been on rise. The States need to cooperate with each other under the umbrella of international cooperation to counter online radicalization, creation of harmful content, and threats posed by misusing anonymity for terrorist purposes.

The use of command and control centres, malware attacks, ransomware and other forms of cyber-attacks by non-state actors and proxies within the boundaries of another State that is detrimental to the stability of another State is a serious concern to international security. In this regard India appreciates the role of the Group of Governmental Experts on advancing responsible State behavior in cyber space under the auspices of the UN. Successive GGEs including the Sixth UN GGE worked on the applicability of international law to cyberspace and have provided norms and guidelines of responsible State behavior that are of significant importance to countries. India attaches a great deal of importance to such norms and guidelines and believes that they help in ensuring peace in cyberspace. India welcomes the work of the Open-ended Working Group in the field of information and telecommunications in the context of international security and consensus-based outcomes report that talks about international law in cyberspace. India believes that the Open-ended Working Group in the field of information and telecommunication in the context of international security for 2021-2025 would offer an open platform for States to take forward further discussions on the

applicability of international law in cyberspace. We are looking to take part and contribute to the upcoming sessions.

The data governance at the international level needs to be inclusive, open, secure, transparent and safe. Legislative and other safeguards that enhance the protection of data and privacy needs to be formulated and the best practices of States could be incorporated into the broad guidelines and principles of data protection under the auspices of the United Nations. The transborder flow of data has been an enabler of large-scale enterprise activity however the emergence of multiple risk and threats to the protection of data of the individuals and their privacy have made necessary for the States to take an efficient approach to transborder data flows. Considering the broad objectives of data protection and ensuring privacy of individuals, transborder data flows must be in compliance with domestic national legislations of the State.

Madam President, as regards the AALCO's draft consensual basic principles on international law applicable in cyber space, India would like to place on record the following observations:

Report of the 4<sup>th</sup> Meeting of the Open-ended Working Group on International Law in Cyberspace states that the working group sought the guidance and assistance of the Secretary-General to explore the drafting of a non-binding general document. A zero-draft clarifying the consensual basic principles of international law applicable in cyberspace. However, the preambular paragraph of the draft document states that recalling the relevant discussions at previous meetings of the open-ended working group meetings on international law in cyberspace in particular the 4<sup>th</sup> Meeting of the OEWG on International Law in Cyberspace which mandated the Secretary-General of AALCO to draft a set of non-binding consensual basic principles of international law applicable in cyberspace to provide guidance and assistance for States so as to facilitate the progressive development of international law in cyberspace. We see a difference in the proposal of the OEWG and the language used in the preambular paragraph of the draft document relating to the proposal of the OEWG. India is of the view that it is important to have regular institutional dialogue at the UN level and all available forums including at the regional, bilateral levels however any such work or discussion at AALCO should consider the work on topic that is being conducted within the auspices of the United Nations with a view to avoid duplication of work. Since the final substantial report of the OEWG on development in the field of telecommunication in the context of international security and the Group of Governmental Experts on advancing responsible State behavior in Cyberspace have identified the principles of international law applicable on the topic under consideration it is requested that the AALCO Secretariat would kindly undertake a comparative study of the present draft document prepared by the AALCO Secretariat and the report mentioned above for better of Member States and avoid duplication of work on the topic. My delegation is of the view that AALCO and the working group being consultative bodies may not attempt to bring any outcome document and urge to remain active in discussion and deliberations on the topic. Thank you, Madam President.

**The Delegate of the Islamic Republic of Iran:** Madam President, at the outset, let me express my delegation's gratitude to the Secretariat of the Asian-African Legal Consultative Organization for its diligent and comprehensive work on the item "International Law in Cyberspace" contained in document AALCO/59/HONG KONG/2021/SD/S17 in particular the special study prepared by the Secretariat.

And we would also like to appreciate the Secretary-General and OEWG Rapporteur for

preparing an updated proposal on “Consensual Basic Principles of International Law Applicable in Cyberspace” which reflects almost the most important principles existing in the field of the international law applicable on cyberspace.

We also commend those governments provided their contributions and views to the draft. Madam President, the Islamic Republic of Iran attaches great importance to the item “International Law in Cyberspace” since its inception in 2014 and subsequent developments thereof.

We consider AALCO and its working group as a forum for Member States to exchange ideas in a legal context and a platform to pave the way for further development of international law in cyberspace. With regard to international law applicable in Cyberspace, we actively participate in the relevant discussions within the context of the United Nations OEWG along with other states and share views to come up with a universally negotiated and adopted instrument on the topic.

At a national level, Iran has established a national working group on Cyberspace comprising concerned state bodies to coordinate in order to implement general policies of the country to cyberspace related issues, which codified by High Council on Cyberspace.

Madam President, cyberspace can provide opportunities for mankind to develop and promote all aspects of its life. However, it can also endanger the established norms and principles of existing international legal order. Under the current circumstances, recognition of the applicable principles in use of cyberspace would contribute to the codification and development of international norms and rules governing this space. That’s why my delegation attaches great importance to the draft principles provided by the Secretariat and its commentaries. As cyber substantially differs from physical world, the international law applicable to Cyberspace or the way to apply international law may be different. However, we believe nothing prevents application of principles of the UN Charter and generally accepted principles of international law to Cyberspace.

Madam President, we believe international law should be applied to use of Cyberspace. But the way of applying international rules on Cyber is still a vague topic. Thus, we think at the current stage we can just talk about the applicability of General Principles of international law on Cyberspace as the Secretary-General’s proposal implicitly indicates.

Madam President, one of our first goals should be to maintain the peaceful use of Cyberspace through the application of general principles of international law. The international community must work towards developing required norms and it goes from the path of general principles of international law.

A major task before us in AALCO is to first determine “to what extent” and “how” the existing international law can be applied to the use of Cyberspace; and second, is to facilitate and assist the process leading to a legally binding instrument.

Regarding the draft, we concur with the view expressed by the Special Rapporteur in the first preambular paragraph that there are similarities and connections between cyberspace and territorial space. Nonetheless, nothing prevents the application of the fundamental principles of international law on the use of cyber, particularly those principles enshrined in the Charter of the United Nations.

Madam President, what is left is a legally binding instrument to fill the legal gaps arising from unique features of Cyberspace, including the wider possibilities for its use and misuse. Such gaps have exacerbated in the field of cybercrime as we all witness, on a daily basis, exponential increases and sophistication in the cases as well as modus operandi of cybercriminals who relentlessly aim to use information and communication technologies for criminal purposes. Under such circumstances, elaboration of an international legal framework to address this acute challenge is more than necessary.

The international community has well responded to such urgent need by establishing the Ad hoc Committee for elaboration of a convention on countering the use of ICT for criminal purposes pursuant to General Assembly resolution 74/247. Looking forward to the substantive session, we would like to recall the underlying rationale of the resolution 74/247 which is to provide a unique opportunity to counter the menace of cybercrime through elaboration of an international convention and emphasize the immense significance of the constructive engagement of Member States in the works of the Committee.

The envisaged cyber-specific body of law should not be open to manipulation and biased interpretation by those who have dominance in Cyberspace, especially states with offensive cyber strategies and capabilities. A clear reference should also be made to the responsibility of States towards activities of companies and platforms under their jurisdiction, which undermine national security, identity, integrity, culture and values, and public order of other states.

Madam President, in wrapping up, my delegation would like to once again emphasize great importance of the item “International Law in Cyberspace” in the agendas of the Organization. We believe that AALCO is one of the valuable forum for debating this topic. We also consider the working group as a proper platform to pave the way for further development of international law in cyberspace. I thank you, Madam President.

**President:** Thank you very much. I would now give the floor to the Arab Republic of Egypt.

**The Delegate of the Arab Republic of Egypt<sup>13</sup>:** Excellencies, heads of the Delegations, Ladies and Gentlemen, on behalf of the Head of the delegation of the Arab Republic of Egypt His Excellency Ambassador, Assistant of the Foreign Minister for International Law and Treaties Affairs and on my own behalf I express the regret that his Excellency the Ambassador could not make it to the Conference. I feel honoured and privileged to deliver statement on behalf of the delegation of the Arab Republic of Egypt.

At the outset, I wish the Fifty-Ninth Session of this Organization all success. I also thank His Excellency Prof. Dr. Kennedy Gastorn, the Secretary-General of the Asian-African Legal Consultative Organization. I extend thanks to Her Excellency the President of the Fifty-Ninth Session of the Organization. I also would like to applaud the efforts made to ensure the success of this current session which is being held in a hybrid format with special symbolic nature.

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<sup>13</sup> The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.



Since this Session is taking place in highly challenging circumstances and notwithstanding the challenges the world is going through at all levels due to the pandemic Covid-19, I wish everyone across the world to surmount and overcome this difficult time peacefully.

I would like to congratulate His Excellency Dr. Kamalinne Pinitpuvadol on assuming the charge of the Secretary-General of the Asian-African Legal Consultative Organization expressing my good wishes and success for him in discharging the new duties of his new position.

Ladies and Gentlemen, we mourn with deep grief and profound sorrow for the demise of His Excellency the Ambassador Dr. Augustine P. Mahiga, Minister of Justice and Constitutional Affairs, the United Republic of Tanzania and the President of the 58<sup>th</sup> Session which held in Dar es Salaam, the United Republic of Tanzania during 21-25 October 2019. I offer my deepest condolences and sympathy to his family and the Government of the United Republic of Tanzania and its people. He will be remembered as a seasoned politician and a brilliant son of Tanzania and the Afro-Asian region.

Ladies and Gentlemen, there remains and arises a pressing need for international coordination and joint action to discuss a collective vision vis-a-vis the challenges that the international community is confronted with, such as combating terrorism, issues of biodiversity and climate, issues of information security and cyberspace in all its forms and other such important and complex issues that are firmly embedded on the agenda of the current Session. The challenges posed by the current digital age are multi-faceted and are increasing by leaps and bounds and here collectively we support the special need of Member States for international cooperation against the cybercrime. Furthermore, there is a need to establish an electronic governance framework in sync with the objectives of international law, along with the possibility of exploring and foreseeing further expansion of the scope of these variables and parameters in light of new technology developments, with the strong support of the sensitive and responsible states in dealing with problems concerning the cyberspace.

Ladies and Gentlemen, in conclusion, it gives me great pleasure to be here with you today by emphasizing the continued support of the Arab Republic of Egypt to AALCO, and our interest in permanent cooperation and close coordination with Member States in the field of cyber security in order to complete the structures on the previous efforts made by the nations to pave the way and achieve the desired progress and also achieve common interests of the Member States. Thank you very much for your patience.

**President:** Thank you very much. I would now like to give the floor to the Democratic Socialist Federal Republic of Sri Lanka. I believe Sri Lanka wishes to make a statement. I am not sure whether Sri Lanka wishes to make a statement if you wish to accept the request to speak we can put you on the panelists at the moment I'm not entirely clear. We, I think in that case, will continue to move on because I think that would be the last of the Member States who wish to make the statement. So, I would now move on to the Observer States to make the statement and I would like to invite the delegate from Australia who has indicated that they have a statement to be made.

**The Delegate of the Commonwealth of Australia (Observer):** Thank you Chair, thank you all, for permitting Australia to provide this statement on 'International law in cyberspace' as an observer at the Fifty-Ninth Annual Session of AALCO. With the opening of a new UN Open-Ended Working Group (OEWG) on cyber meeting in the coming weeks, AALCO's



discussion of international law in cyberspace is very timely.

Australia highlights the work the international community has done to date as part of several UN processes. In this regard, we note the consensus endorsement of the 2013 and 2015 Group of Governmental Expert reports, and the 2021 OEWG report, by the UN General Assembly, as well as the 2021 GGE report that has been adopted by consensus in the First Committee of the UN, and will be considered by the UN General Assembly during its 76<sup>th</sup> session. As we develop our collective understanding of how existing international obligations apply in cyberspace, we encourage all AALCO members to use the consensus and nuanced language of the OEWG and GGE as a starting point.

With heightened risks of malicious cyber activity, including through influencing elections and intellectual property theft of COVID19 vaccines, there has never been a greater need for the international community to work together on how existing international law applies in in cyberspace to ensure an open, secure, stable, accessible and peaceful ICT environment.

In order to assist a collective understanding of how international law applies in cyberspace, Australia has made a voluntary national contribution to the GGE's 'Official compendium'. Delineating the boundaries of what is and is not acceptable in cyberspace will help create a much-needed blueprint for cooperation. Publishing national positions also facilitates the development of a deeper understanding of the cyber framework, amongst States, civil society and academia. We encourage all AALCO Member States who have not already done so to develop national positions on how existing international legal principles and rules apply to cyberspace.

Australia's position, as has been agreed by all members of the UN by consensus, is that existing international law – in particular the Charter of the UN in its entirety – is applicable in cyberspace.

The OEWG also distinguished between international law, and voluntary non-binding norms. It noted that "norms do not replace or alter States' obligations or rights under international law, which are binding, but rather provide additional specific guidance on what constitutes responsible State behaviour in the use of ICTs." In order to ensure the integrity of international law, and the important role of the norms, Australia considers the framework agreed by the OEWG should continue to be maintained in documents agreed in other multilateral fora. Australia also underlines the importance of using terms that are generally agreed amongst the international community.

We understand that as part of your deliberations for this agenda item, AALCO has developed a set of Draft Consensual Basic Principles on International Law Applicable in Cyberspace, which sets out positions on a number of international law matters. I would like to take up some of these matters now.

Firstly on sovereignty, in line with the position set out in the 2021 GGE report, Australia agrees that State sovereignty and international norms and principles that flow from sovereignty apply to the conduct by States of ICT-related activities. This includes a State's ability to exercise jurisdiction over ICT infrastructure within their territory. Flowing from State sovereignty, and as encapsulated in Article 2(7) of the UN Charter and in customary international law, States must not intervene directly or indirectly in the internal affairs of another State, including by means of ICTs.

Secondly on human rights, we also welcome AALCO's inclusion of human rights in its Draft Consensual Basic Principles. For Australia, human rights and State sovereignty are closely linked: flowing from the principle of sovereignty, States not only have rights, but responsibilities they have consented to, which include ensuring that relevant human rights of individuals under their jurisdiction are protected. These rights include the right to privacy, freedom of expression and freedom of association, where those rights are exercised or realised through or in cyberspace. Subject to lawful derogations and limitations, States must ensure these rights without distinction.

Finally, on cybercrime we all have a substantial interest in ensuring a strong international response to cybercrime. In this regard, Australia notes the Budapest Convention on Cybercrime – a treaty to which several AALCO members are party. We also note the work being done in the UN Third Committee on these matters. We encourage AALCO members to consider this broader landscape of existing and emerging responsibilities as it focuses on this agenda item.

Chair, colleagues, we are pleased to have had this opportunity to set out Australia's views. We share common challenges with respect to these issues and we look forward to further engagement with AALCO members in the future. Thank you Madam Chair. \

**President:** Thank you very much. I would now like to invite the next Observer State who has expressed their wish to make a statement that is New Zealand. I now give the floor to the delegate from New Zealand.

**The Delegate of New Zealand (Observer):** Thank you very much. Many thanks to you Madam Chair and to all AALCO Members for allowing New Zealand to observe this substantive agenda item on international law in cyberspace and to deliver a brief statement to you all.

The application of international law in cyberspace has been considered by States for a number of years in two UN processes. The various iterations on the UN Group of Experts on advancing responsible State behavior in Cyberspace in the context of international security and the Open-ended Working Group on developments in the field of information and telecommunications in the context of international security, the OEWG. In 2021 we were delighted to have the adoption of two consensus reports from both the GGE and the OEWG. These reports are complementary and mutually re-enforcing, they clearly articulate the importance of an open, secure, stable, accessible and peaceful ICT environment for all. Through these processes we have strong consensus agreement that international law applies online as it does offline as an essential part of the framework of responsible State behavior in cyberspace. All States have also endorsed the norms of responsible State behaviour online through UN General Assembly Resolution 17/237 and New Zealand would like to encourage all States today to re-double our efforts to implement these norms.

I would now like to make some brief comments on how international norms apply online which is more fully explained in New Zealand's national position statement on this topic which we released last December. New Zealand considers that the United Nations Charter and customary international law rules concerning the use of force apply to State activity in cyber space. State cyber activity can amount to the use of force if it results in effects of the scale and nature equivalent to those caused by kinetic activity which constitutes a use of force

at the international level such as death, serious injury or damage to a States' objects or functioning. Cyber activity constituting an attack must comply with international humanitarian law including the principles of military necessity, humanity, proportionality and distinction. Malicious State cyber activity may be inconsistent with the rule of non-intervention. Such activity will violate the rule of non-intervention if it has a significant effect on a matter than falls within target States' inherently sovereign functions such as the right to freely choose its political, economic, social and cultural system matters such as taxation, national security, policing border control and the formulation of foreign policy and is coercive in other words with an intention to deprive the target State of control over matters falling within the scope of its inherently sovereign functions. Finally, New Zealand considers that international human rights law applies to cyber activities. States must comply with their obligations to protect and respect human rights online including the right to freedom of expression with respect to online content the right not to be subjected to arbitrary and unlawful interference with privacy. The application of international law in cyberspace is a critical component of ensuring responsible State behaviour online. It is essential for maintaining international peace and stability. It is therefore crucial that all States understand and are able to comply with existing international law online. Discussion like the one we are having today and the ones that we have had together over the past two years in the first Open-ended Working Group in the UN context are invaluable as we collectively work to ensure this. Such discussion also contribute to building international consensus on precisely how these legal rules govern State activity in cyberspace. It is important that States articulate and share their positions on emerging issues in order to reach agreement and we look forward to continuing these important discussions with you all in the coming years. Thank you very much Madam President.

**President:** Thank you very much for the statement from the Observer States. I have a request from a Member State, Ghana, who wish to make a statement. I would like now to give the floor to the delegate from Ghana to make the statement. I would like to ask the delegate from Ghana to perhaps turn on the video and unmute. It doesn't seem to be responding in that respect. In that case we will come to a close of the interventions from Member States as well as Observer States. I would give the opportunity to international organizations to make their statement but I see from my list that there is no international organization wishing to take the floor. On that basis, may I thank all the delegates for their statement. May I suggest to the Secretariat that after this Annual Session and in consultation with the Chair and the Special Rapporteur of the OEWG as well as the liaison officers to organize a meeting of the OEWG well before the next Annual Session. Now, with that I will close this particular agenda item.

**The Meeting was thereafter adjourned**



**XI. VERBATIM RECORD OF THE THIRD  
MEETING OF HEADS OF DELEGATIONS**





**XI. VERBATIM RECORD OF THE THIRD MEETING OF HEADS OF  
DELEGATIONS HELD ON TUESDAY, 1 DECEMBER 2021, AT 4:45 PM HONG  
KONG TIME**

**AGENDA ITEM: ELECTION OF THE VICE-PRESIDENT OF THE FIFTY-NINTH  
ANNUAL SESSION OF AALCO**

**President:** Excellencies and distinguished delegates, now we move on to the Third Meeting of Delegations of the AALCO Member States. As this is a closed meeting, I would request the Observers to kindly leave the hall and the zoom meeting room now and rejoin the proceedings at 6:15 pm Hong Kong time. At this particular juncture, I would like to seek the agreement of the Member States to add one more item in the agenda before we move on to what was originally scheduled. The item of the agenda I wish to introduce is the “Election of the Vice-President of the Fifty-Ninth Annual Session”. May I confirm with the Member States to see whether there are any objections to adding this particular item on the agenda. I see no objection to the addition of this particular agenda item. So I would now like to invite the delegate from Iran for the nomination of the Vice-President. The delegate from Iran you have the floor, please.

**The Delegate of the Islamic Republic of Iran:** Thank you Madam President. My delegation proposes the nomination of His Excellency Dr. Gaston Kenfack Doujni, the Director of Legislation, Ministry of Justice and Head of Delegation of the Republic of Cameroon for the post of Vice-President of the Fifty-Ninth Annual Session of AALCO. Thank you, Madam President.

**President:** Thank you very much. May I now invite the Secretary-General to introduce the candidate.

**His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO:** Dr. Gaston Kenfack Doujni is a Magistrate, currently the Director of Legislation, Ministry of Justice in Cameroon. He obtained a doctorate in International Economic Law from the University of Paris I, in 2005. A certificate on trade negotiations and settlement of trade disputes at the Kennedy School of Government, Harvard University in 2004 and a Habilitation to Direct Researches at the University of Pau in France. He is the editor of the journal and the President of the Association for the Promotion of Arbitration in Africa. He is registered on the list of arbitrators at ICSID, at OHADA at the Court of Justice and Arbitration and Member of the Permanent Court of Arbitration (PCA). In addition, he is a Member of the Board of Directors of the Cairo Regional Centre for International Commercial Arbitration (CRCICA) and International Federation for Arbitration Centres and Associations. He was the President of the Forty-Ninth Session of the United Nations Commission on International Trade Law (UNCITRAL). He currently teaches business law at universities in Africa and Europe and he is past Chair of the Management Board African Legal Support Facility. I thank you, Madam President.

**President:** Thank you Secretary-General. I now seek the endorsement of Member States to elect Dr. Gaston Kenfack Doujni of Cameroon as Vice-President of the Fifty-Ninth Annual Session of AALCO. I see no objection. I congratulate Dr. Gaston Kenfack Doujni of Cameroon on his election as the Vice-President of the Fifty-Ninth Annual Session of AALCO. May I now invite the Vice-President to say a few words.

**Vice-President:** Thank you. Madam President, distinguished delegates, ladies and gentlemen. I wish to thank you and express my gratitude to all of you for confidence and trust in my country Cameroon through my appointment as the Vice-President of the Fifty-Ninth Annual Session of AALCO. I agree and will work with Madam President and the Secretary-General in supporting AALCO activities. Thank you so much for your kind attention.

**AGENDA ITEM: REPORT OF THE WORK OF THE REGIONAL ARBITRATION CENTRES**

**President:** Thank you very much. As this agenda item is now complete, we will now proceed to the next agenda item that is the work of the AALCO's Regional Arbitration Centres. May I now first give the floor to the Deputy Secretary-General, Mr. Yukihiro Takeya for his introductory remarks.

**Mr. Yukihiro Takeya, Deputy Secretary-General of AALCO:** Hon'ble Directors of the AALCO Regional Arbitration Centres, Excellencies, distinguished delegates and ladies and gentlemen;

It is my pleasure to present to you the reports of AALCO's Regional Arbitration Centres as contained in the Secretariat Document AALCO/59/HONGKONG/2021/ORG3 that comprises of the reports of the Asian International Arbitration Centre, the Cairo Regional Centre for International Commercial Arbitration, the Tehran Regional Arbitration Centre, and the Nairobi International Arbitration Centre and the Regional Centre for International Commercial Arbitration-Lagos.

The realisation of the AALCO Regional Arbitration Centres, it may be recalled, was the result of AALCO's Scheme for the Settlement of Disputes in Economic and Commercial Transactions and the decision to establish Regional Centres for International Commercial Arbitration at the Nineteenth Annual Session in 1978 Doha, Qatar. In accordance with the scheme, the Regional Centres for Arbitration at Kuala Lumpur, Cairo, Lagos, Tehran and Nairobi were established.

It is a matter of pride that taking the mandate forward, AALCO has on 7 November 2021 signed a host country agreement with the People's Republic of China for the establishment of AALCO- Regional Arbitration Centre, Hong Kong. Over the years the Regional Arbitration Centres have made tremendous achievements and there is no doubt that the new centre shall continue to do so in the world for their respective regional and the international business community.

Madam President, I would like to take this opportunity to express our heartfelt commendation to the Directors and express gratitude to the Governments for hosting these Centres and all other Member States for supporting and assisting the Centres. AALCO strongly believes that the Centres' success would not have been possible without the active support and cooperation of the Host Governments. May I extend our warm welcome to the Honourable Directors of the Regional Arbitration Centre who are present with us today. I encourage the RACs to continue to render good dispute settlement services to our business communities. I thank you all.

**President:** I would now like to invite the Directors of the Regional Arbitration Centres who are with us today to present their respective reports and again I kindly request all directors to

be mindful the time limit of the presentation which we aim to be at five to seven minutes each. I would like now to give the floor to Datuk Dr. Prasad Sandosham Abraham, Deputy Director of the Asian International Arbitration Centre.

**Datuk Dr. Prasad Sandosham Abraham, Deputy Director of the Asian International Arbitration Centre:** Honourable Heads of Delegation of the AALCO Member States, the Honourable Secretary-General of AALCO, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen, on behalf of the Director of the AIAC, the Honourable Tan Sri Datuk Suriyadi bin Halim Omar, who is unable to attend today due to a pre-scheduled family commitment, it gives me great pleasure to speak to you at the Fifty-Ninth Annual Session of the Asian-African Legal Consultative Organisation (AALCO).

I commence my remarks by underlining the AIAC's achievements in 2019. In driving the emerging trends arising from the Belt and Road Initiative, the AIAC and the China International Economic and Trade Arbitration Commission signed a Memorandum of Understanding to cooperate and promote the use of arbitration in the region. This was followed by the AIAC's cooperation with the Hainan International Arbitration Court, the ASEAN Law Association Malaysia and the China-ASEAN Legal Cooperation Center in co-organising the "China- ASEAN Legal Forum" in November 2019.

The AIAC also held the Asia ADR Week 2019 in Kuala Lumpur with the theme, "The Kintsukuroi Perspective – The Asian ADR Revolution". The conference attracted a diverse attendance with over 90 domestic and international speakers, and more than 200 participants in attendance from 19 different jurisdictions. The year 2019 also saw a steady growth of 816 adjudication cases and 96 arbitration cases, registered.

The absence of a Director from March 2020 to November 2020, the COVID-19 pandemic and the consequent lockdowns in Malaysia had certainly affected the overall case registrations and feasibility of holding events at the Centre. During the 2020 calendar year, the AIAC recorded a total of 537 adjudication cases and 51 registered arbitration cases.

However, despite the challenges of the COVID-19 pandemic, the AIAC continued with its capacity building initiatives and launched its "ADR Online: An AIAC Webinar Series". I am glad to report that these webinars were collectively attended by approximately 11,000 participants from all around the globe.

The appointment of The Honourable Tan Sri Datuk Suriyadi bin Halim Omar by the Government of Malaysia, following its consultation with AALCO, as the new Director of the AIAC on 1st December 2020 ushered in a new era and revitalized the direction of the Centre under Tan Sri Suriyadi's leadership. The AIAC has actively and innovatively worked towards developing better sophisticated technical solutions, to ensure the smooth conduct of its virtual and hybrid hearings. This can be seen by the launch of the AIAC's Protocol on Virtual Arbitration Proceedings (VAP Protocol) and the Protocol on Virtual Mediation Proceedings (VMP Protocol). The AIAC's VAP and VMP Protocols seek to assist ADR users by equipping them with the necessary know-how to navigate through the conduct of virtual hearings.

The AIAC's Asia ADR Week 2021 themed, "ADR in a Kaleidoscope: Beyond What Meets the Eye" was also a highly successful event with participation from across the globe on a fully virtual platform. The AIAC has made the conscious decision to provide an enhanced virtual experience during this event, in the effort to keep the ADR community connected

during the height of domestic and international lockdowns.

The launch of the AIAC Arbitration Rules 2021 has ensured that the AIAC's arbitration framework stands markedly as a comparable and competitive product reflecting contemporary international standards and practices within the ADR ecosystem. The AIAC Arbitration Rules 2021 encompasses expanded rules and guidelines which are clearer, unambiguous, and adaptive, which aims to serve the needs of the arbitral community in the region and beyond.

I am also pleased to advise that for the first time in its history, the AIAC has been selected via its AIAC Arbitration Rules 2021, for the 29th Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria and the 19th Willem C. Vis East International Commercial Arbitration Moot in Hong Kong for the upcoming competitions in 2022.

In furtherance to the AIAC's commitment to the Islamic banking and finance sector, this year the AIAC also launched the AIAC i-Arbitration Rules 2021. Officiated by the Minister in the Prime Minister's Department, Parliament and Law, the newly revised AIAC i-Arbitration Rules 2021 seeks to serve a specific and niche segment of the business community that relies heavily on Shariah governance and principles.

The AIAC has also entered into Memorandum of Understandings with the Abu Dhabi Global Market Arbitration Centre, the Saudi Centre for Commercial Arbitration and the Japan International Dispute Resolution Centre. These partnerships have led to tangible results that are both strategic and beneficial to the AIAC and its goals. Further specific outreach and strategic partnerships are earmarked for the upcoming year.

The AIAC has also established various capacity building initiatives, notably its Adjudicators' Continuing Competency Development (CCD) Workshop Series, and the Arbitration-In-Practice (AIP) Workshop Series. These education and training programmes are part of the AIAC's commitment to enhancing the competency standards and professional development of its ADR practitioners.

However, the continued lockdowns and domestic domino effect of the COVID-19 pandemic have impacted the AIAC's case load registrations this year. Nonetheless, the metrics indicate an upward trajectory to that of 2020. As of October 2021, the AIAC recorded a total of 435 adjudication cases and 74 arbitration cases, registered.

The upcoming launch of the AIAC Academy in January 2022, will ensure a continuous and sustainable educational development in the field of ADR. The AIAC has received overwhelming support from ADR stakeholders both domestically and internationally, who have applied to contribute as faculty members for the said Academy.

In conclusion, the numbers, initiatives and innovations from 2019 to 2021 proved that the AIAC continues to grow from strength to strength despite the various obstacles and restrictions faced globally. The AIAC looks forward to the continued support of the Government of Malaysia and AALCO for the upcoming year. On behalf of the Director of the AIAC, thank you all and stay safe.

**President:** Thank you very much for your presentation. I would now like to invite Dr. Oveis Rezvanian, the Director of the Tehran Regional Arbitration Centre to make his presentation.

You have the floor now please.

**Dr. Oveis Rezvanian, Director Tehran Regional Arbitration Centre:** Her Excellency, Madam President, His Excellency, Mr. Secretary-General, distinguished delegates, ladies and gentlemen, at the outset, as the Director of Tehran Regional Arbitration Centre (TRAC), please allow me to take this opportunity and thank AALCO for providing Arbitration Centers with the opportunity of presenting their reports in the Annual session.

The year 2019 was a very important year for TRAC, because in this year, TRAC afforded to purchase its own place of business. I should explain that since its establishment in 2005, TRAC was located in the building of Iran Presidential Center for International Legal Affairs (CILA). Although throughout these years, the Government of the Islamic Republic of Iran respected the independence of the TRAC, as required by the Agreement for the establishment of TRAC, it was always perceived that TRAC should eventually move to its own separate place, in order to provide its professional services more efficiently. This dream did come true in 2019.

The more important point is that TRAC's new office was purchased without any external funding, including governmental and non-governmental, but such a saving was achieved out of the activities of the Centre and as a result of an efficient and very strict financial management of the institution. The TRAC new office is located in the most central area of Tehran and is spacious enough to have an equipped arbitration hearing room, a managerial space and different clerical areas.

Also, 2020 was an important year for TRAC, because in this year, TRAC published its first ever collection of arbitral awards. The Collection includes extracts of selected cases (in English and Farsi) handled by TRAC between the years 2009 and 2019. The publication of such a collection is particularly important, because it provides an overview on both the number and quality of the cases administered by a mature arbitration institution.

TRAC Collection of Arbitral Awards is a practical reference book which provides helpful information as to the way arbitration cases are being conducted under the institution. Also, since all arbitration cases collected in the book are seated in Iran, the book provides a very good insight into the arbitration proceedings governed by Iran arbitration regime.

The publication of the TRAC collection of arbitral awards was warmly welcomed by the Iranian scholars, lawyers and practitioners.

In addition to the above good news, in 2019 and 2020, TRAC's arbitration clause was increasingly inserted in various types of international and domestic contracts involving both public and private sectors. Moreover, TRAC in these years, continued professionally and efficiently its domestic, regional and international contributions to the development of arbitration by managing arbitration cases, organizing conferences, seminars and training courses, motivating young students and promoting arbitration in Iran and in the region. I will now briefly explain about the promotional activities of TRAC in 2019 and 2020:

In February 2019, TRAC held a joint seminar together with APP in association with Dentons Europe on "International Commercial Arbitration: An Introduction for Business-Users.



In July 2019, TRAC, in cooperation with Arbitration Center of Iran Chamber (ACIC), held a workshop titled “Arbitration and Dispute Resolution for Business and Economic Managers.”

In 2019 and 2020, TRAC held the fifth and sixth years of the Iranian Commercial Arbitration Moot Court. TRAC is now proud that after 7 consecutive years, its Moot is now the oldest and the most known and reputable arbitration moot court in Iran.

In 2019 and 2020, TRAC hosted its 2<sup>nd</sup> and 3<sup>rd</sup> Annual Vis Pre-Moot among Iranian teams. This is also the first ever moot court of its kind in Iran.

In 2019 and 2020, TRAC held the second and third years of its Dissertation Prize which is indeed an annual Prize designed to support focused academic research projects in the field of arbitration.

In 2019, similar to previous years, TRAC offered internship opportunities to freshly graduated students. The internship, however, due to the pandemic of COVID-19, did not continue in 2020.

In 2020, TRAC started to launch a series of weekly seminars, aiming to cover specific and current issue of Iran’s Arbitration, titled “Tuesdays with TRAC.” The pandemic, however, affected the continuation of these series in 2020.

Madam President, please allow me now to turn into TRAC’s prospective of 2021. The first and the most important prospective of TRAC in the year 2021 is exploring new areas in dispute resolution market. Mediation is one of these areas. After Iran’s adhesion to the “United Nations Convention on International Settlement Agreements Resulting from Mediation (the "Singapore Convention on Mediation") and in line with TRAC’s goals and mandate, we set up a committee for drafting Mediation Rules. after several revisions and a public consultation, TRAC mediation Rules is published and available. Therefore, we look forward to expanding our services to mediation cases as well.

Moreover, in the accomplishment of its educational duty, TRAC envisages to organize different workshops, seminars and training forums in the field of international arbitration in order to create awareness about arbitration in Iran and in the region, and to motivate young practitioners to contribute in the development of arbitration and mediation for settlement of international commercial disputes.

TRAC further intends to reinforce the cooperation with arbitral institutions and academic centers. TRAC believes that this kind of cooperation would be instrumental for striking higher and harmonious standards in arbitration conduct. It would also create awareness about the existence of a transnational safe environment extended throughout the region for settlement of international commercial disputes. In this regard, TRAC is hoping to reinforce regular cooperation with other regional Arbitration Centers as well as other reputable international Arbitration Centers. For this purpose, conclusion of Memorandum of Understanding with a number of organizations is under review.

We, at TRAC, are hoping that 2021 will be a more successful year, with more arbitration cases and more contributions in development of arbitration in Iran and in the region. Mr. President, distinguished ladies and gentlemen, I thank you for your attention.



**President:** Thank you very much for the presentation. I believe that concludes the presentations from the Directors of the Regional Arbitration Centres who are with us here today. So if I may I like now to open the floor for any questions or comments. It seems as though there are no questions or comments that are from the floor in which case I will now conclude this particular session. Thanking again the directors for their dedicated work and I would like to remind the delegations that there is a resolution on this particular item; the draft has already been distributed and if there are any comments on the draft, please let the AALCO Secretariat know; you can do so by email to the address [as59@aalco.int](mailto:as59@aalco.int). On that note, I will say that we shall adjourn and shall re-assemble for the concluding session at 6:15 pm Hong Kong time after a short break. In about 55 minutes, 53 minutes to be exact.

**The Meeting was thereafter adjourned**



**XII. VERBATIM RECORD OF THE FOURTH  
GENERAL MEETING AND CONCLUDING  
SESSION**



**XII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING AND  
CONCLUDING SESSION HELD ON WEDNESDAY, 1 DECEMBER 2021, AT 6.15  
PM HONG KONG TIME**

**President:** Excellencies, Distinguished Delegates, we now come to the Concluding Session of the Session. Now we take up for adoption “The Message of Thanks to the Host Country” the People’s Republic of China, on behalf of all the participating delegations, and this message shall be read out by His Excellency Prof. Dr. Kennedy Gastorn. May I invite the Secretary-General please.

**His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO:** Excellency, on behalf of the Delegations and Observers, attending the Fifty-Ninth (2021) Annual Session of the Asian-African Legal Consultative Organization (AALCO), in the Hong Kong Special Administrative Region, of the People’s Republic of China both physically and virtually.

I would like to extend the following vote of thanks as a token of our heartfelt gratitude and admiration to the people and the Government of the People’s Republic of China, the participants of the Fifty-Ninth Annual Session of the Asian-African Legal Consultative Organization would like to take this opportunity to convey our profound gratitude and respect to your Excellency and your esteemed Government and the people of China for graciously hosting the Fifty-Ninth Session of AALCO in this vibrant city of Hong Kong. I place on record our deep sense of appreciation to President Xi Jinping, of the People’s Republic of China, who is among AALCO’s strongest supporters and a pillar to the Asian-African unity and fraternity. I equally take this opportunity to place on record my deep sense of appreciation to Premier Li Keqiang, who addressed our Annual Session and to the Government of the People’s Republic of China, including the Ministry of Foreign Affairs, and the Department of Justice of the Hong Kong Special Administrative Region, for their efforts in organizing this Annual Session and for the warm hospitality extended to all delegates.

As we are aware, this Annual Session was organized in the backdrop of the COVID-19 pandemic, which continues to wreak havoc in the lives of millions of people across the globe. A hybrid format of the Annual Session is a new technological experiment for AALCO. I am happy to state that our Member States and their delegations were comfortable in this setting and thanks to the technical assistance and support provided by the Organizing Committee of the Government of the People’s Republic of China. Unlike our previous Annual Sessions, the Fifty-Ninth Annual Session was a smaller one limited to 3 days with a smaller number of substantive topics on the Agenda. Topics on the Agenda of the International Law Commission, International Law in Cyberspace and Violations of International Law in Palestine and other Occupied Territory by Israel and Other Legal Issues related to the Question of Palestine, were the substantive topics that were deliberated.

I note that this was the third occasion that the People’s Republic of China was organizing the Annual Session of the Organization and I am happy to state that all organizational and infrastructural support was provided to the delegations and the AALCO Secretariat by the Organizing Committee. This played a major part in the successful culmination of the Annual Session. It also reminds me that the Secretariat needs to modernize its office equipment such as computers so as to meet the challenges posed by the pandemic. This Annual Session has enriched our experience. I take this opportunity to thank the Government of the People’s Republic of China for their efforts and commitment in this regard.

During this Session we have signed and unveiled the establishment of AALCO Regional Arbitration Centre in Hong Kong. The People's Republic of China has been a strong pillar of strength to AALCO over the years. It is my hope that the People's Republic of China will continue to extend all support to AALCO in the years to come. This applies to the existing cooperation, projects and programmes such as China-AALCO Exchange and Research Programme on International Law (CAERP). This Annual Session is also a special one for me as I complete my tenure of five years as Secretary-General. I will always treasure with profound gratitude this privilege given to me by AALCO Member States and support extended to me by China during my tenure. Your Excellency, please accept the assurances of our highest respect and consideration. Thank you!

**President:** Thank you very much Mr. Secretary-General. This message shall be duly communicated to the authorities of the Host Government.

**President:** The next item for deliberation pertains to "The Adoption of Resolutions on the Organizational, Administrative and Financial Matters", namely:

1. Report of the Secretary-General on the Work of the Organization and Financial Matters of AALCO: AALCO/ RES/DFT/59/ORG1;
2. The Budget for the Year 2022: AALCO/RES/DFT/59/ORG2;
3. Appointment of the New Secretary-General: AALCO/RES/DFT/59/ORG4;
4. Expression of Gratitude to the Outgoing Secretary-General: AALCO/RES/DFT/59/ORG4A; and
5. Report on AALCO's Regional Centres for Arbitration: AALCO/RES/DFT/59/ORG3

The draft resolutions that I just mentioned were annexed to each organizational brief and circulated to Member States, and 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.

1. As for the Report of the Secretary-General on the Work of the Organization and Financial Matters of AALCO, are there any comments on this resolution? If none, RES/59/ORG1 is adopted.
2. As for AALCO's Budget for the Year 2022, does anyone wish to make any comment? I can see the hands to Japan having been raised I understand, so may I give the floor to the delegate from Japan.

**The Delegate of Japan:** I thank you Madam President, allow me to make brief remarks with respect to the draft resolution on the budget. First, I would like to express our appreciation to the Secretariat for producing a Budget proposal for the year 2022 before us, where the total amount of budget is smaller than the year 2021. Given that many Member States are facing severe financial difficulties caused by the pandemic, it was an important effort made by the Secretariat. I would like to place this on record and encourage the Secretariat to continue this endeavor. Second, I would also like to refer to the issue of the scale of contributions applied



to the AALCO Member States. As the Secretariat reported, the present scale of contributions is not based on the latest financial data of the relevant scale, rather it is based on very old economic data of more than 10 years ago, and this imposes in our view undue burden on some Member States, including Japan. As the issue of the budget proposal is closely linked to the scale of contributions and we have wished to adopt the budget for 2022 together with a more reasonable and more balanced scale of contributions. At the same time, we take note of the fact that it was difficult for the Secretariat to organize discussion on this matter under the difficult circumstances caused by the COVID-19 pandemic. It is also our wish not to hinder the smooth operation of work of AALCO and not to prolong discussion on financial matters discussed at this Annual Session. In light of these points Japan decided to agree to the budget proposal before us, although with the current scale of contribution is maintained. But we sincerely hope that Member States will soon be able to initiate a discussion on a more balanced scale of contribution. That said, Japan is willing to join the consensus on the draft resolution. Thank you, Madam President.

**President:** Thank you Japan for the statement. They are no doubt duly noted. Are there any other comments from Member States? If none, RES/59/ORG2 is adopted.

As for the Appointment of the New Secretary-General, is there any comment from the Member States? If none, RES/59/ORG4 is adopted.

As regards the Expression of Gratitude to the Outgoing Secretary-General, is there a comment? If none, RES/59/ORG4A is adopted.

Lastly, The Report on AALCO's Regional Centres of Arbitration, are there any comments? Are we ready to adopt it? No further comments and therefore, RES/59/ORG3 is adopted.

**President:** Now the floor is open to any Member State wishing to “**Host the Sixtieth Annual Session of AALCO**”, I see no expression of interest from the floor. In that case, if you agree we will ask the Secretary-General to consult the Member States on this matter. If there is no objection it is so decided. Thank you.

**President:** Now we will take up the “**Preparation of Verbatim Record of Fifty-Ninth Annual Session and adoption of the Summary Report of the Session**”

**President:** Distinguished delegates, due to the hybrid nature of this Session, the Secretariat has informed me that the Verbatim Record of the deliberations and discussions that took place in the plenary will be furnished to all Member States within a period of 4 months from today, in accordance with Rule 13(16) of the Statutory Rules of AALCO.

Likewise, in accordance with Rule 13(16) of the Statutory Rules of AALCO, a Summary Report of discussions and decisions taken shall be prepared by the Secretariat and furnished to Member States within a period of 2 weeks from today. Accordingly, while resolutions pertaining to decisions taken on organizational matters have already been adopted in this Session, a Summary Report will not be adopted preliminarily or otherwise during this particular Session. Member States can recommend, that the AALCO Secretariat take careful note of views and recommendations expressed during this Annual Session in the Summary Report. Member States can also be reminded that the work plan of the AALCO Secretariat for the coming year will be prepared in accordance with the AALCO Statutory Rule paying due regard to the recommendations expressed during this Annual Session, with close

consultation with Liaison Officers of Member States, also bearing in mind the available resources.

**President:** Distinguished delegates and observers, now we have come to the “Concluding Meeting of the Fifty-Ninth Annual Session of AALCO”. I now invite any Member State on behalf of the Asian States to present a Vote of Thanks. May I give the floor to the Delegate of the Republic of Indonesia please.

**The Delegate of the Republic of Indonesia:** Thank you Madam President, Mr. Vice President, Excellencies, Distinguished Delegates, Ladies and Gentlemen,

As we come to the end of the Fifty-Ninth Annual Session of AALCO, I deem it a great honour and privilege to present the vote of thanks on behalf of the Asian Member States of AALCO.

AALCO is engendered in the solidarity of the Asian and African peoples having ties to the common bitter experience of colonialism. Established in 1956, as an outcome of the historic Bandung Conference of 1955, held in Indonesia, AALCO has been continuously growing in its importance over the years, in the field of international law, as a form of Asian-African cooperation in legal matters and exchange of views and experiences and information on matters of common concern of the Asian-African people’s having legal implications.

AALCO has espoused our common causes of concerns and aspirations, and provided us with a deliberative platform to voice those concerns and aspirations. It was indeed a wonderful opportunity for us to have been able to participate in the Fifty-Ninth Annual Session of the Organization, which was held for the first time in a hybrid format owing to the COVID Pandemic in which strict restrictions and hard protocol must be observed, and conscious restrictions imposed to prevent its spread. We express our high appreciation for the organization of this meeting in hybrid format with a spirit to accommodate maximum participation in a safe manner.

Immense gratitude is due to the Host Government of the People’s Republic of China for seamlessly organizing the meetings in-person as well as online, catering to different time zones. We are thankful for the warm hospitality extended to those of us who attended in-person, and for the technical support that made flawless adherence to the schedule of meetings a reality.

I thank Honourable Madam Teresa Cheng, the President of the Fifty-Ninth Annual Session of AALCO for efficiently steering and conducting the proceedings of this Annual Session. Her critical insights and timely interventions streamlined and enriched our discussions.

We congratulate the newly elected Secretary-General of AALCO Dr. Kamalinne Pinitpuvadol, once again, and look forward to the Organization attaining new heights under his leadership. We reiterate our appreciation for His Excellency Amb. Prof. Dr. Kennedy Gastorn, for sharing his vision with AALCO over the years of his leadership, and contributing towards attainment of the objectives of the Organization. Appreciation is due to the Deputy Secretaries-General, under whose guidance the staff of the Secretariat relentlessly strived to make this Annual Session a great success. Also, I commend the interpreters for carrying out their job with utmost care and competence.

Finally, Madam President, the success of this Annual Session would not have been possible without the goodwill, cooperation, active participation and understanding of all the delegates and participants. I extend my sincere thanks and praise to all of them. Thank you, Madam President.

**President:** Thank you very much. I would like now to invite the Delegate of the Republic of Iraq to present a vote of thanks. You have the floor please.

**The Delegate of the Republic of Iraq<sup>14</sup>:** H.E. Secretary-General, Madam President of the Session, Ladies and Gentlemen, Respected Members, Participants and contributors in the proceedings of the Session. I offer my sincere greetings and respects to all of you.

We are finally concluding the current Session. We would like to avail ourselves of this opportunity to express our deepest thanks and appreciation for the organizers, workers and everyone who have contributed to organizing this Session and making it a success.

It is indeed a great honour for me to represent my country through active participation and interaction. We were hopeful to make the participation happen physically apart from being present as audience in the session to be able to strengthen our works as one working team looking forward to a promising future for our people as well as chalking out ways together to address all the significant issues which constitute the core goal and mandate of AALCO.

Similarly, we look forward to cooperation in future to strengthen the work and to achieve the outcomes of the previous Session. It will get realized through the sovereignty of spirit of international law and its application being made sure to happen by those associated with it.

Ladies and Gentlemen, on this quintessentially august occasion, it is necessary to mention and extend all praises from bottom of heart for the President of the Fifty-Eighth Annual Session, Late His Excellency Augustin P. Mahiga, who had played a very prominent and significant role in chairing and administering the proceedings of the Organization. He will always remain in our thoughts and memories. May he rest in peace.

I conclude my speech by wishing for all brothers participating in person or virtually good health and success, and we will meet next time in future, and our entire world will recover from this fatal pandemic so that we all can return to the complete normalcy and assemble in our meetings in the best possible condition. Kindly accept my best regards and highest consideration. Thank you.

**President:** Thank you very much. May I now invite the delegate from the Kingdom of Thailand to present a vote of thanks. You have the floor please.

**The Delegate of the Kingdom of Thailand:** Madam President, Honourable Ministers, Attorney Generals, Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is a great honour and privilege to be called upon to propose a vote of thanks on behalf of the Asian Member States of AALCO here in Hong Kong, to the host Government. I express my heartfelt gratitude for the warm hospitality and excellent arrangement extended to us. Madam President, please accept our warmest appreciation to you for the excellent leadership and the manner in which you have conducted the proceedings of this Annual Session with the wealth

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<sup>14</sup> This statement was delivered in Arabic. This is an unofficial translation by the Secretariat.

of your experience, vision and expertise. I would like to thank Dr. Gaston Kenfack Douajni, the Vice-President of the Fifty-Ninth Annual Session and the Secretariat for rendering the needed assistance during the Session.

My profound appreciation also goes to the Secretary-General Prof. Dr. Kennedy Gastorn for his excellent leadership and guiding AALCO in the last four years. So much has been achieved in promoting the Asian-African solidarity and we thank him for this valuable contribution, to the success of AALCO. I would like to take this opportunity to once again thank AALCO Member States for electing Dr. Kamalinne Pinitpuvadol, to be the next Secretary-General. Thailand very much appreciates the trust and confidence accorded to Dr. Kamalinne Pinitpuvadol and wishes him all the success as AALCO enters a new era with new challenges ushered by the Pandemic.

I also wish to express my deepest regard to the Deputy Secretaries-General of AALCO, and the staff and the Secretariat for working tirelessly in preparing for this Annual Session. Your professionalism has made our work much easier, including the very valuable legal research contained in the various documents prepared on legal topics on the agenda. The interpreters also deserve heartfelt appreciation for carrying out their job with utmost care and skills. Finally, I am thankful to all the Delegates attending the Session for your active and enthusiastic participation the insights have been invaluable and has no doubt helped to make this Session a great success. I thank you Madam President.

**President:** Thank you very much. Now I would like to invite any African Member State desirous of delivering the vote of thanks on behalf of the African Member States. May I invite the Delegate from Cameroon to take the floor please.

**The Delegate of the Republic of Cameroon:** Thank you Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, one of the aims of the twenty-nine-nation-participated Bandung Conference in 1955 was to promote good will and co-operation among the nations of Asia and Africa, to explore and advance their mutual as well as common interests and to establish and further friendliness and neighbourly relations. AALCO has sought to live up to this aim of the Conference, as we have perceived yet again during this Fifty-Ninth Annual Session of AALCO. As we come to the end of this Annual Session, the Cameroonian delegation deems it a great honour and privilege to propose the vote of thanks on behalf of the African Member States of AALCO.

This delegation expresses its profound gratitude and sincere appreciation to Madam Teresa Cheng, the President of the Fifty-Ninth Annual Session of AALCO and to His Excellency Dr. Prof. Kennedy Gastorn, the outgoing Secretary-General of the Annual Session for the articulate manner in which they have admirably guided and conducted the proceedings of this Annual Session. Our appreciation is due to all the delegates and the participants for their spirit of cooperation and friendliness, thereby contributing to the success of the Session.

This meeting wouldn't be so successful without the warm hospitality and technical support provided by the host Government of the People's Republic of China. Due to the exigencies of the COVID-19 pandemic, for the first time in the history of AALCO, an Annual Session has been organized in the hybrid format, and the Host Government has made impeccable arrangements for the smooth conduct of proceedings whilst being cognizant of safety measures. The Cameroonian delegation commends the tremendous efforts and thanks the Host State profoundly on behalf of the African Member States of AALCO.



The Secretariat of AALCO commands our heartfelt applause for their efforts. Under the able leadership of the son of Africa, the Secretary-General His Excellency Amb. Prof. Dr. Kennedy Gastorn, and the Deputy Secretaries-General, the staff has strived earnestly to facilitate our debates and deliberations. This delegation extends its sincere thanks and praise to all of them. Our gratitude is also due to the interpreters for carrying out their job with utmost care and competence.

We also congratulate the newly elected Secretary-General of AALCO Dr. Kamalinne Pinitpuvadol, once again, and look forward to the Organization achieving new landmarks under his stewardship. Thank you, Madam President.

**President:** Thank you very much. Now I invite the Observer delegations and international organizations wishing to present a vote of thanks and I notice that the distinguished delegate from the Hague Conference on Private International Law (HCCH) would like to present a vote of thanks. You have the floor please.

**The Observer Delegate from the Hague Conference on Private International Law (HCCH):** Madam President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, my name is Christophe Bernasconi, Secretary-General of the Hague Conference on Private International Law, or the HCCH as you would like to call it in short. It is a pleasure and indeed a privilege to address you from our Headquarters here in The Hague.

As I am sure you all are very well aware the establishment of AALCO in 1956 is considered to be one of the tangible outcomes of the Bandung Conference, held in 1955 which, among its many objectives sought to consider problems of special interest to Asian and African peoples, for example, problems affecting national sovereignty and of racism and colonialism. In almost sixty years since, while there has been great progress around the world, many of these problems persist in different contexts. This means that now more than ever before Organizations like AALCO have an increasingly significant role to play. With this in mind, it has, therefore, been an inspiring experience to participate in the Fifty-Ninth Annual Session of AALCO, and it is with great pleasure that I deliver this vote of thanks on behalf of not only the HCCH, but indeed all the International Organizations which have had the honour of participating in this Session.

We greatly appreciate the invitation AALCO extended to all of us enabling us to participate in the deliberations and to engage with by AALCO Member States on international law issues of relevance to our organizations, in furtherance of our respective institutional mandates. If I may briefly add that for us at the HCCH this will include a Seminar to be held in March 2022 open to all AALCO Member States and jointly organized with the AALCO Secretariat. The Seminar will present the work of the HCCH and its relevance for AALCO Members, with the particular focus on the HCCH 1961 Apostille Convention, a highly successful Convention which highly facilitates us of public documents abroad. This will be announced formally by the AALCO Secretariat in the coming weeks, and I look forward to seeing many of you again in March 2022 for the Seminar.

While this is just one example, I am sure to speak for all invited International Organizations present today, when I say that we will continue our commitment to collaborate, assist and support, as appropriate, the work of the AALCO Member States to implement the international commitments and obligations effectively both at national and regional level. I

would also like to take this opportunity to express our gratitude to the President and the Vice-President of the Session, in particular, for their excellent guidance throughout the Session, which has facilitated the work of the distinguished delegations and observers. Our gratitude is also due to the Host Government of the People's Republic of China, for organizing this hybrid format of the Session so efficaciously.

It has indeed been a unique opportunity for us to participate in the Annual Session of an Intergovernmental Organization that strives for the progressive development of international law by providing consultative assistance to its diverse membership across Africa and Asia, and to witness first-hand the debates and deliberations of the Member States. We are convinced that forums like the Annual Session will continue to contribute to increased global awareness of and respect for international law.

We extend our thanks to the outgoing Secretary-General Prof. Kennedy Gastorn, and warmly congratulate the incoming Secretary-General Dr. Kamalinne Pinitpuvadol, from the Kingdom of Thailand, on his election. I am sure I can speak for my colleagues from other International Organizations when I say that, we would be very pleased to and indeed, look forward to continuing to strengthen our cooperation with AALCO under your leadership.

Finally, we acknowledge and appreciate the efforts of the staff of the AALCO Secretariat, under the commendable leadership of the AALCO Deputy Secretaries-General. With that all that is left for me to say is congratulations on a wonderful meeting and that I like many of my colleagues from other Organizations look forward to joining again for the Sixtieth Annual Session of AALCO. Thank you, Madam President.

**President:** Thank you very much. I would like now to invite Prof. Dr. Kennedy Gastorn, to deliver his "Farewell Address".

**His Excellency Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO:** Madam President, Vice-President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, thank you for giving me the opportunity to say good-bye to you. At the outset let me deeply thank Member States and Observers for the kind words and best wishes expressed to me during the course of this Annual Session. Madam President, this is the fourth time I will speak to you during the Annual Sessions, and the last as the Secretary-General of AALCO.

Five years ago, on a beautiful morning of Monday, 15<sup>th</sup> of August 2016, I took office as the Secretary-General of AALCO. Since then, AALCO has been an integral part of my life. With the sense of gratitude, I am deeply humbled by the opportunity and the trust bestowed upon me by the Government of the United Republic of Tanzania, by nominating me undoubtedly, out of many, as a candidate for the post of Secretary-General of AALCO. I am equally grateful to you AALCO Member States for electing me by acclamation, as the Sixth Secretary-General of AALCO.

I will always cherish with profound gratitude this privilege and my experience in and the values of this organization. To this end, I wish to thank each one of you for being part of what has truly been a most memorable and exciting journey for me both professionally and personally.

Madam President, the past five years afforded me a wonderful experience in many functional aspects of international law. Over the last five years, we have significantly diversified the



work of AALCO to include many new dimensions and perspectives. Our Work Programme today stands as a testimony to these efforts. At the same time, we continue to give thrust to our conventional topics and look to further deepen our engagements in those areas.

Madam President, all these achievements belong to you, our Member States. Let me therefore, thank all Member States including my home Government, the Government of the United Republic of Tanzania, the Government of the Host Country India, the current and former Presidents and Vice-Presidents, the Liaison Officers, the Chairs and Rapporteurs of Working Groups, current and former Deputy Secretaries-General, our Permanent Observers in New York and Vienna, our Directors of Regional Arbitration Centres, the staff of the Secretariat, as well as Observer States and International Organizations, for their support and cooperation. In no small measure I thank my family for their invaluable support to me.

Madam President, while great achievements are being made there are several challenges that still need to be addressed in the times to come. First, there is a need to reinvent the meaning and substance of Afro-Asian solidarity for Bandung of 1955, in the context of the Twenty-First Century emerging challenges. Second, there is a need to develop the structural basis of international law from Afro-Asian perspectives. Third, there is a need to enhance our cooperation with the United Nations International Law Commission, and Fourth, the strength of any International Organization comes from its membership, and a direct correlation exists between an increase in membership and the global influence.

Madam President, in closing I wish once again to thank each one of you present here in person or virtually and wish AALCO all the best for the times that lie ahead. To my Deputies and staff at the Secretariat thank you for making me a better person and a good Secretary-General. I have learned a lot from you and it is you who kept me going firm, inspired in good days and in tough days you always stood by me. I leave AALCO Secretariat with a sense of fulfillment and happiness because of you. My wife and I will surely miss you.

However, this is a moment of hope as we usher in new administration, a new Secretary-General His Excellency Dr. Kamalinne Pinitpuvadol, from the Kingdom of Thailand. And to this end with a sense of gratitude and a prayer let me make an apology and a request. An apology where I may have fallen short of your expectations and a request to support the new Secretary-General no less as you did to me. To the new Secretary-General I unreservedly welcome and pray for your success. There will be more good days and a very few tough days. At times there will be different judgments or opinions between you and your team, and between you and the representatives of Member States on a particular issue or issues. In the final analysis you will find a unity of purpose among and between you for the good of AALCO. However, judgments may differ. Indeed, a shadow can be bigger than the object depending on the position of the object, from that of light. AALCO is a Rules based Organization, keep and defend the Rules. For any issue you should neither be a Secretary nor a General, but a Secretary-General. No one and no Member State would want you to fail.

Madam President, now my tenure has come to an end, and shortly it will be a history it has been said “that a history is not a burden of any man or women alone”, let alone the new Secretary-General, but history is more than a path left by the past, as it can influence the present and can even shape the future.

Madam President, Vice-President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, in my life so far I have known few great honours than the privilege to serve you

as your Secretary-General, the hour has come for me to say good-bye until we meet again, and again too many words suffocates the thought process and tomorrow a motto of Her Excellency Samia Suluhu Hassan, the President of the United Republic of Tanzania, “the work continues”. Asante Sana, Thank You and God Bless You.

**President:** Thank you very much His Excellency Prof. Dr. Kennedy Gastorn, for your excellent leadership over the years. I will now exercise my privilege as President of the Fifty-Ninth Annual Session of AALCO and move to the platform to present my “Closing Remarks”

**Her Excellency Madam Teresa Cheng, President of the Fifty-Ninth Annual Session of AALCO:** Excellencies, Distinguished Delegates, Ladies and Gentlemen, let me commence by expressing my gratitude to the People’s Republic of China and all AALCO Member States for your support during this Fifty-Ninth Annual Session. We may have experienced some challenges in technology due to the hybrid nature of this event, but I am confident that you will all agree with me that the quality of our deliberations have not been affected. Your understanding and patience when the technical issues were attended to are much appreciated. This hybrid format of the Annual Session is a first for AALCO and reflects the adaptation made under the “new normal”.

Our deliberations in the past three days have reaffirmed to me that the new normal not only encompasses the changes brought about by the Pandemic, but also reflects the ever-changing dynamic and some might even say, volatile nature of international relations. In this respect there is an ever increasing need to strengthen and furthering the codification and progressive development of international law and with it the increasing importance of AALCO’s role and purpose. As the only Inter-Governmental Organization representing Asia and Africa, AALCO’s unique platform brings to the fore both Asian and African perspectives in the engagement with international fora such as the United Nations and in particular the International Law Commission. This in addition to deliberations against the backdrop of the Bandung Spirit of sovereign equality, multilateralism, and peaceful coexistence is much needed today.

AALCO’s reports and studies providing a uniquely Asian and African contexts and perspectives are tools for scholars, academics and practitioners alike to conduct efficient and comprehensive study and research in international law. Furthermore, AALCO’s major achievement in the establishment of Regional Arbitration Centres to promote international commercial arbitration in its pursuit of peaceful settlement of disputes should also be greatly commended.

Prof. Dr. Kennedy Gastorn’s work in the above areas cannot be understated. I would like to place on record my sincerest appreciation and thanks for his able leadership of AALCO throughout his five years of service. He has served commendably and with distinction during and beyond his original tenure. During which his knowledge, skill, and passion as a lawyer, and diplomat have been on display. On a personal note I specially thank him for coming to Hong Kong and be quarantined so as to personally attend this Session. His physical presence has ensured the successful conclusion of this Fifty-Ninth Annual Session. I wish him all the best in his role as the Permanent Representative of the United Republic of Tanzania, to the United Nations, in New York.

I must express my heartfelt congratulations to the incumbent Secretary-General of AALCO, Dr. Kamalinne Pinitpuvadol, of the Kingdom of Thailand. I believe that under his leadership AALCO will continue to build upon the foundations and achievements of Prof. Dr. Kennedy Gastorn, and his predecessors and scale new heights. I look forward to working with Dr. Kamalinne Pinitpuvadol, and I express my best wishes to him, as he prepares on this challenging but also most fulfilling role as Secretary-General of AALCO.

I would also like to congratulate and welcome Dr. Gaston Kenfack Douajni, of Cameroon as the Vice-President. No doubt this will ensure that the work of AALCO will continue to cover both the Asian and African perspectives in an even more effective manner.

As the major event of AALCO's calendar I hope the Fifty-Ninth Session of AALCO in the Hong Kong Special Administrative Region of the People's Republic of China has demonstrated that hybrid meetings are possible and have fully met your expectations. I am pleased to report that this Annual Session featured registration from forty-four Member States, which I believe is a record. A meeting of this caliber cannot be achieved without the support and hard work of both the Host Government of the People's Republic of China, and the AALCO Secretariat. I express my deepest appreciation and gratitude to them both.

I would also like to thank colleagues at the Department of Justice of the Hong Kong SAR and the Asian Academy of International Law, for their support and attention to details. A special thanks must be given to all of you Member States, and Observers who really made this hybrid meeting a success. Evidenced not only by the quality of the interventions, but also the solidarity exhibited throughout the meetings, reflecting the very spirit of Bandung.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, I wish to conclude these closing remarks to appeal to Member States to actively consider hosting the next Annual Session. I would very much like to come and explore all the sights that your country has to offer. On this note I thank all of you once again and conclude by saying that I hope to see everyone next year in person and mask free. Thank you very much.

**The Fifty-Ninth Annual Session of AALCO was thereafter adjourned**



**XIII. TEXT OF THE RESOLUTIONS ADOPTED  
AT THE FIFTY-NINTH ANNUAL SESSION**





**AALCO/RES/59/ORG 1  
1 DECEMBER 2021**

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,  
ADMINISTRATIVE AND FINANCIAL MATTERS**

***The Asian-African Legal Consultative Organization at its Fifty-Ninth 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/59/HONG KONG/2021/ORG 1,

**Having heard** with appreciation the introductory statement of the Secretary-General on the Report of the Secretary-General on organizational, administrative and financial matters,

**Also having heard** with keen interest and appreciation the statements of the Heads of Delegations of AALCO Member States on the Report of the Secretary-General,

**Recognizing** the need to take forward the spirit of Bandung Conference in the current era which has witnessed many international legal challenges for the States of Asia and Africa,

**Appreciating** the efforts of the Secretary-General to enhance the activities of the Organization and to implement its work programme as approved at its Fifty-Eighth Annual Session held in Dar es Salaam, United Republic of Tanzania from 21 to 25 October 2019,

**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 December 2008, in New Delhi (Headquarters), India,

**Welcoming** the efforts by the Secretary-General for revitalizing and strengthening AALCO,

**Noting with satisfaction** the increased co-operation between the Organization and the United Nations and its Specialized Agencies, other international organizations and academic institutions,

1. **Approves** the work plan of the Organization as set out in the Report of the Secretary-General and urges Member States to extend their full support to the implementation of that work plan;
2. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work plan of the Organization;

3. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in Asia-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 Member States to depute at least one senior official to the Secretariat as Assistant Secretary-General or Deputy Secretary-General;
5. **Further requests** Member States, in their bilateral relations to encourage non-Member States to join AALCO;
6. **Requests** the Secretary-General to take appropriate actions in accordance with the Action Plan adopted on 20 August 2009;
7. **Requests** the Secretary-General to exploring the possibility of establishing a Permanent Observer Mission of AALCO at the United Nations Offices at Geneva and Nairobi to strengthen AALCO's presence and activities in these nerve centres of the UN;
8. **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; and
9. **Further requests** the Secretary-General to report on the activities of the Organization at its Sixtieth Annual Session.

**AALCO/59/RES/ORG 2  
1 DECEMBER 2021**

**AALCO'S BUDGET FOR THE YEAR 2022**

*The Asian-African Legal Consultative Organization at its Fifty-Ninth Session,*

**Having heard** with appreciation the introductory statement of the (Deputy) Secretary-General on the Proposed Budget for the Year 2022 as contained in the Document No. AALCO/59/HONG KONG/2021/ORG 2,

**Taking note** of the comments of the Member States on the Proposed Budget,

**Noting further** that, owing to the ongoing pandemic, the Proposed Budget for the year 2022 was circulated by hand among the Member States via letter No. 86/2021/AM/AALCO dated 27 May 2021, and was submitted to the Fifty-Ninth Annual Session for final approval,

**Considering** that the Proposed Budget for the year 2022 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 2022 as proposed;
2. **Requests** Member States who have not paid their annual contribution for the year 2021, to do so at the earliest in order to ensure the effective functioning of the Organization;
3. **Strongly** urges Member States, who are in arrears, to fulfill their financial obligations in accordance with the Statutes and Statutory Rules of AALCO, in order to expeditiously clear the same and directs the Secretary-General to report on the status thereon in the next Annual Session;
4. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO;
5. **Mandates** the Secretary-General to explore ways and means of raising funds by additional sources in accordance with the Statutes and Statutory Rules of AALCO; and
6. **Decides** to place this item on the provisional agenda of the Sixtieth Annual Session.

**AALCO/RES/ORG 3  
1 DECEMBER 2021**

**REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES**

***The Asian-African Legal Consultative Organization at its Fifty-Ninth Session,***

**Considering** the Report on the AALCO's Regional Arbitration Centres contained in Document No. AALCO/59/HONG KONG/2021/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, and the Republic of Kenya 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 Sixtieth Annual Session.

**AALCO/RES/59/ORG 4  
1 DECEMBER 2021**

**APPOINTMENT OF THE SECRETARY-GENERAL**

*The Asian-African Legal Consultative Organization at its Fifty-Ninth Session,*

**Having Considered** the Secretariat Document No. AALCO/59/HONG KONG/2021/ORG 4,

**Recalling** the resolution on the Appointment of the Secretary-General (RES/55/ORG 4, 16 May 2016), adopted at the Fifty-Fifth Annual Session of AALCO,

**Taking note** of the entire process of the Appointment of the Secretary-General during the Fifty-Ninth Annual Session,

**Emphasizing** that the Annual Session of the AALCO which has on its agenda the appointment/election of the Secretary-General, has to be held in advance of the completion of the tenure of the outgoing Secretary-General<sup>15</sup>,

1. **Confirms** the appointment of H.E. Dr. Kamalinne Pinitpuvadol as the Secretary-General of AALCO for a term of four years; and
2. **Affirms** that H.E. Dr. Kamalinne Pinitpuvadol will assume his functions as the Secretary-General in his full capacity from 1<sup>st</sup> January 2022 until 31 December 2025.

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<sup>15</sup> Due to circumstances beyond control the current Annual Session is being held after the tenure of the current Secretary-General.



**AALCO/RES/59/ORG 4A  
1 DECEMBER 2021**

**EXPRESSION OF GRATITUDE TO THE OUTGOING SECRETARY-GENERAL**  
*The Asian-African Legal Consultative Organization at its Fifty-Ninth Session,*

**Taking note** of the completion of tenure of H.E. Prof. Dr. Kennedy Gastorn as the Secretary-General of AALCO,

**Acknowledges with appreciation** the significant contribution made by H.E. Prof. Dr. Kennedy Gastorn during his tenure as the Secretary-General in enhancing the image, role and activities of the Organization, in rationalizing its work programme, and the management of its budget, as well as in steering efficiently and effectively the activities of the organization, and

**Expresses gratitude** for the invaluable services rendered by H.E. Prof. Dr. Kennedy Gastorn during his tenure of four years and the time beyond as the Secretary-General (15 August 2016 – 31 December 2021).



## **XIV. LIST OF PARTICIPANTS**



**LIST OF PARTICIPANTS FROM THE MEMBER STATES OF AALCO AT THE 59<sup>TH</sup> ANNUAL SESSION OF AALCO**

**MEMBER STATES**

1. Arab Republic of Egypt

H.E. Gamal Metwally (HOD)  
Assistant Foreign Minister for  
International Legal Affairs and  
Treaties  
Ministry of Foreign Affairs

H.E. Mr. Wael Hamed  
Ambassador  
Embassy of the Arab Republic of  
Egypt in New Delhi

Ms. Abeer Abdel Hamid  
Diplomat at the Department for  
International Legal Affairs and  
Treaties  
Ministry of Foreign Affairs

Ms. Malak ElKasrawy  
Diplomat at the Department for  
International Legal Affairs and  
Treaties  
Ministry of Foreign Affairs

Mr. Hesham Elsaeed  
First Secretary – Counsellor  
Embassy of the Arab Republic of  
Egypt in New Delhi

Mr. Ibrahim Fouda  
Second Secretary  
Embassy of the Arab Republic of  
Egypt in New Delhi

2. Kingdom of Bahrain

H.E. Mr. Tawfeeq Al-Mansoor  
(HOD)  
Undersecretary for Consular and  
Administrative Affairs  
Ministry of Foreign Affairs

H.E. Mr. Mohamed Alhaidan  
(AHOD)  
Chief of Legal Affairs Sector  
Ministry of Foreign Affairs

Mr. Ahmed Alhaddad  
Diplomatic Attaché  
Ministry of Foreign Affairs

Mr. Mahdi Ahmed  
Third Secretary  
Embassy of the Kingdom of  
Bahrain in India

3. Republic of Bangladesh

Mr. Anisul Huq (HOD)  
Minister  
Ministry of Law, Justice and  
Parliamentary Affairs

Mr. MD Nazmul Alam (AHOD)  
Consul (Acting Consul General)  
Consulate General of People's  
Republic of Bangladesh

Mr. Shahed Bin Aziz  
Counsellor  
Bangladesh High Commission

4. Brunei Darussalam

Mr. Ahmad Isa (HOD)  
Attorney General  
Attorney General's Chambers

Ms. Seri Atikah Junaidi  
Deputy Senior Counsel  
International Affairs Division  
Attorney General's Chambers

Mr. Liyan Mohammad  
Deputy Senior Counsel  
International Affairs Division  
Attorney General's Chambers

Mr. Muhammad Aiman Adri  
Ahmad Zakaria  
Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Filzaty Abdul Rahman  
Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Nur Amani Yahya  
Third Secretary



- High Commission of Brunei  
Darussalam in New Delhi
5. Republic of Cameroon
- Dr. Gaston Kenfack Douajni  
(HOD)  
Ministry of Justice
- Mr. Ebenezer Mouandjo  
Director  
United Nations and Decentralized  
Cooperation  
Ministry of External Relations
- Mr. Noah Stéphane Christel  
Deputy Director for Asian Affairs  
Ministry of External Relations
6. People's Republic of China
- Mr. Guangyuan Liu (HOD)  
Commissioner  
Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China, Hong Kong SAR
- Mr. Haibo Gou (AHOD)  
Deputy Director General  
Ministry of Foreign Affairs
- Ms. Yeuk-wah Teresa Cheng  
(AHOD)  
Secretary for Justice  
Department of Justice of the  
Government of the Hong Kong  
Special Administrative Region
- Mr. Jianming Fang  
Deputy Commissioner  
Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China, Hong Kong SAR
- Ms. Qian Zhou  
Director  
Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China, Hong Kong SAR
- Mr. Jianzhong Chen  
Deputy Director

Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China, Hong Kong SAR

Ms. Xiaoyang Zhang  
Third Secretary  
Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China, Hong Kong SAR

Mr. Xin Wei  
Third Secretary  
Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China, Hong Kong SAR

Mr. Zhen Shang  
Counselor and Director  
Ministry of Foreign Affairs

Mr. Wei Ye  
Deputy Director  
Ministry of Foreign Affairs

Ms. Yuya Yang  
Deputy Director  
Ministry of Foreign Affairs

Mr. Haozhao La  
Attache  
Ministry of Foreign Affairs

Mr. Ian Li  
Senior Government Counsel  
(Acting)  
Department of Justice, HKSAR

Ms. Queenie Wu  
Senior Government Counsel  
(Acting)  
Department of Justice, HKSAR

Mr. Jin Pan  
Government Counsel  
Department of Justice, HKSAR

Ms. Olivia Kong  
Department of Justice, HKSAR

Mr. Wei Sun  
Third Secretary  
Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China in the Hong Kong SAR

Mr. Chen Huang  
Third Secretary  
Office of the Commissioner of  
the Ministry of Foreign Affairs of  
China in the Hong Kong SAR

Dr. Kwok Wing James Ding  
Commissioner of Inclusive  
Dispute Avoidance and  
Resolution Office  
Department of Justice of the  
Government of HKSAR

Ms. Yin Yee Christy Wong  
Government Counsel  
Department of Justice of the  
Government of HKSAR

7. Republic of Cyprus

Mr. Antonis Toumazis (HOD)  
Ministry of Foreign Affairs of the  
Republic of Cyprus  
Embassy of the Republic of  
Cyprus in Beijing

Mr. Christoforos Hadjittofis  
(HOD)  
Ministry of Foreign Affairs of the  
Republic of Cyprus  
Embassy of the Republic of  
Cyprus in Beijing

8. Democratic People's Republic of Korea

Mr. Song Chol Jang (HOD)  
Consul General  
Consulate General of the DPRK  
in Hong Kong SAR

Mr. Won Chol Hong  
Consul  
Consulate General of the DPRK  
in Hong Kong SAR

9. Republic of Ghana

Mr. Alfred Tuah-Yeboah (HOD)  
Deputy Attorney-General and  
Minister for Justice

Office of the Attorney-General  
and Ministry of Justice

Dr. Sylvia Adusu (AHOD)  
Chief State Attorney  
Office of the Attorney General  
and Ministry for Justice

Mrs. Nana Abuaa Brenya –  
Otchere  
Principal State Attorney  
Office of the Attorney General  
and Ministry for Justice

Ms. Tricia Quartey  
Principal State Attorney  
Office of the Attorney General  
and Ministry for Justice

Ms. Ama Asare Korang  
Assistant State Attorney  
Office of the Attorney General  
and Ministry for Justice

Mr. Daniel Ohene-Bekoe  
Personal Assistant to the Deputy  
Attorney-General  
Office of the Attorney-General  
and Ministry of Justice

Mr. Ernest Nana Adjei  
Minister Counsellor/Political and  
Economic  
Ghana High Commission in India

10. Republic of India

Ms. Uma Sekhar (HOD)  
Additional Secretary (Legal and  
Treaties)  
Ministry of External Affairs

Mr. Mohammed Hussain K S  
Director (Legal and Treaties)  
Ministry of External Affairs

Dr. Kumar Abhijeet  
Legal Officer  
Ministry of External Affairs

Ms. Priyanka Mehtani  
Consul

Consulate General of India, Hong Kong

11. Republic of Indonesia

Mr. Cahyo Muzhar (HOD)  
Director General  
Legal Administrative Affairs  
Ministry of Law and Human Rights of the Republic of Indonesia

Mr. Tudiono (AHOD)  
Director  
Central Authority and International Law  
Ministry of Law and Human Rights of the Republic of Indonesia

Ms. Agvirta Armilia Sativa (AHOD)  
Deputy Director  
International Law  
Ministry of Law and Human Rights of the Republic of Indonesia

Mr. Dyan Faizal  
Assistant Deputy Director  
Economic Law and International Organization  
Ministry of Law and Human Rights of the Republic of Indonesia

Mr. Gandi Tama  
Legal Analyst  
Ministry of Law and Human Rights of the Republic of Indonesia

Mr. Zul Ahadi Rahmanika  
Legal Analyst  
Ministry of Law and Human Rights of the Republic of Indonesia

Ms. Shanti Damayanti  
Deputy Director  
Political Affairs and Law Enforcement Cooperation

Ministry of Foreign Affairs

Ms. Meithy Tamara  
Diplomat  
Ministry of Foreign Affairs

Mr. Haidi Nur Hashfi  
Second Secretary  
Indonesian Embassy in New  
Delhi

Mr. Mochammad Rizki Safary  
Minister Counsellor  
Indonesian Embassy in New  
Delhi

Mr. Masni Eriza  
Charge d' Affaires  
Embassy of Indonesia in New  
Delhi

Mr. Muhammad Randy  
Ramadhan  
Head of Section of International  
Convention  
National Counter Terrorism  
Agency

Ms. Puja Sumantri  
Analyst of Cooperation  
National Counter Terrorism  
Agency

Mr. Ferry Indrawan  
The Design of Middle Laws and  
Regulations on the Bureau of  
Law and Public Communication  
as Coordinator of the Legal  
Management and Cooperation  
Group  
National Cyber Crypto Agency

Mr. Baderi  
Madya Sandiman at the  
Directorate  
National Cyber Crypto Agency

Mrs. Titin Suhartini  
Junior Sandiman at the  
Directorate



- National Cyber Crypto Agency
12. Islamic Republic of Iran
- Dr. Behzad Saberi Ansari (HOD)  
Director General  
International Legal Affairs  
Ministry of Foreign Affairs
- Mr. Alireza Esmaeil Zadeh  
(AHOD)  
Consul General  
The Consulate General of the  
Islamic Republic of Iran in Hong  
Kong and Macao
- Mr. Seyed Ali Mousavi (AHOD)  
Director  
Division for Treaties & Public  
International Law  
Ministry of Foreign Affairs
- Dr. Reza Esmkhani  
Consul  
The Consulate General of the  
Islamic Republic of Iran in Hong  
Kong and Macao
- Mr. Mahdi Mohajer  
Legal Expert  
Ministry of Foreign Affairs
- Mr. Naser Asiabi Pourimani  
Legal Expert  
Ministry of Foreign Affairs
- Mr. M. Hossein Sayyadnejad  
Legal Expert  
Ministry of Foreign Affairs
13. Republic of Iraq
- Mr. Burhan Mezher Mohammed  
(HOD)  
Deputy Minister,  
Office of Financial and  
Administrative Affairs
14. Japan
- Mr. Hiroyuki Namazu (HOD)  
Assistant Minister/ Director  
General  
International Legal Affairs  
Bureau  
Ministry of Foreign Affairs

Mr. Zentaro Naganuma (AHOD)  
Director  
International Judicial Proceedings  
Division, International Legal  
Affairs Bureau  
Ministry of Foreign Affairs

Mr. Kazuhito Kibana  
Deputy Director  
International Legal Affairs  
Division, International Legal  
Affairs Bureau  
Ministry of Foreign Affairs

Mr. Kazuho Norikura  
Deputy Director  
International Legal Affairs  
Division, International Legal  
Affairs Bureau  
Ministry of Foreign Affairs

15. Republic of Kenya

Hon. Paul Kihara Kariuki (HOD)  
Attorney General  
Office of the Attorney General  
and Department of Justice

Ms. Christine Agimba (AHOD)  
Deputy Solicitor General  
Office of the Attorney General  
and Department of Justice

Ms. Njeri Wachira(AHOD)  
Deputy Solicitor General  
Office of the Attorney General  
and Department of Justice

Ms. Rachel Mbugua  
Principal State Counsel  
State Law Office

Ms. Elizabeth Wamocho  
Senior State Counsel  
Office of the Attorney General  
and Department of Justice

Ms. Annastacia Kamande  
Principal State Counsel  
Office of the Attorney General  
and Department of Justice

- Ms. Anita Chepseba  
Deputy Chief State Counsel  
Office of the Attorney General
- Ms. Helen Koki  
Chief State Counsel  
Ministry of Foreign Affairs
- Ms. Irene Oloo  
Ambassador  
Kenya High Commission in India
- Mr. Joram Kimemia  
Counsellor  
Kenya High Commission in India
16. State of Kuwait
- Mr. Zakaria Alansari (HOD)  
Under Secretary of Legal Affairs  
Ministry of Justice
- Mr. Hani Alsebaee  
Head of International  
Conventions Division  
Ministry of Justice
- Ms. Hanadi Ahmed  
Manager of International  
Relations Department  
Ministry of Justice
- Mr. Yaqoub Alajeel  
Legal Researcher  
Ministry of Justice
17. Lebanon
- Ms. Rina Constantine (HOD)  
Advisor to the Minister of Justice  
Ministry of Justice
18. State of Libya
- Mr. Ahmed Gebreel (AHOD)  
Charge D' affaires  
Embassy of the State of Libya in  
New Delhi
- Mr. Mohamed Alghouwawi  
Diplomatic  
Embassy of the State of Libya in  
New Delhi
19. Malaysia
- Mr. Alfian bin Yang Amri

(HOD) Deputy Head of  
Division I  
International Affairs Division  
Attorney General's Chambers

Ms. Norzita binti Abu Samah  
Deputy Head of Division II  
International Affairs Division  
Attorney General's Chambers

Dr. Suraya binti Harun  
Deputy Head of Division II  
International Affairs Division  
Attorney General's Chambers

Mr. Muhammad Rushdan bin  
Mohamed  
Head of Sections  
Border, Territorial and Maritime  
Matters  
International Affairs Division  
Attorney General's Chambers

Ms. Nurashikin binti  
Ismail  
Head of Human Rights  
and International  
Organizations United  
International Affairs  
Division  
Attorney General's Chambers

Ms. Zurshida Murni binti Abd  
Hamid  
Senior Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Suhana binti Mohd  
Senior Federal Counsel  
International Affairs  
Division  
Attorney General's Chambers

Ms. Nor Aizam Aiza binti  
Zamran  
Senior Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Adlina binti  
Nujumudin  
Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Shahrina binti Noor Azman  
Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Mr. Mohamad Afiq bin Taqiudin  
Roslan  
Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Mr. Muhammad Azri bin Zakaria  
Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Asha Hoe Soo Lian  
Head of International Criminal  
Matters  
International Affairs Division  
Attorney General's Chambers

Ms. Nurul Maisarah binti  
Kamal  
Senior Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Haslida binti  
Ismail  
Senior Federal Counsel  
International Affairs Division  
Attorney General's Division

Ms. Wirna binti Riffin @  
Arifin  
Senior Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Mr. Norbert Liew Chee  
Vui  
Federal Counsel  
International Affairs Division

Attorney General's Chambers

Mr. Muhammad Nor Sollih bin  
Salleh

Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Ms. Maizura binti Mohamed  
Tajuddin

Head of Multilateral Trade,  
International Arbitration and  
Dispute Unit  
International Affairs Division  
Attorney General's Chambers

Ms. Istisyhad binti  
Ismail Federal Council  
International Affairs Division  
Attorney General's Chambers

Ms. Nur Baiduri binti Mustakim  
Federal Counsel  
International Affairs Division  
Attorney General's Chambers

Mr. Amizal Fadzli Rajali  
Deputy High Commissioner  
High Commission of Malaysia in  
India

Ms. Nurul Izzati Mohd Zawawi  
First Secretary  
High Commission of Malaysia in  
India

Mr. Jamal Sharifuddin Johan  
Undersecretary of Multilateral  
Political Division  
Ministry of Foreign Affairs,  
Malaysia

Mrs. Syajaratud Durri Abdullah  
Principal Assistant Secretary  
Multilateral Political Division  
Ministry of Foreign Affairs,  
Malaysia

Mr. Ahmad Shukri Al Hilmi  
Ahmad Faris



Assistant Secretary  
Multilateral Political Division  
Ministry of Foreign Affairs,  
Malaysia

20. Mongolia

Ms. Solongoo Bayarsaikhan  
(HOD)  
Deputy Minister  
Ministry of Justice and Home  
Affairs

Ms. Bat-Ulzii Tumurbaatar  
Director  
International Treaty and Foreign  
Cooperation Department  
Ministry of Justice and Home  
Affairs

Ms. Surenkhorol Khash- Erdene  
Expert  
Ministry of Justice and Home  
Affairs

Ms. Dulguun Khishigtumur  
Officer  
Ministry of Justice and Home  
Affairs

Mr. Tsolmon Baatarkhuu  
Second Secretary  
Embassy of Mongolia in New  
Delhi

21. Republic of the Union of Myanmar

Dr. Thida Oo (HOD)  
Union Minister and Attorney  
General of the Union  
Ministry of Legal Affairs

Mr. San Lwin  
Deputy Minister and Deputy  
Attorney General  
Ministry of Legal Affairs

Mr. Kyaw Kyaw Naing  
Director General  
Ministry of Legal Affairs

Dr. Kyi Kyi Than Aung  
Deputy Director General  
Ministry of Legal Affairs

Mr. Sunn Linn  
Director  
Ministry of Legal Affairs

Dr. Ngwe Zaw Aung  
Director  
Ministry of Legal Affairs

Dr. Zaw Min Aung  
Deputy Director General  
Ministry of Foreign Affairs

Mrs. Aye Thi Khaing  
Economic Counsellor  
Consulate General of Myanmar  
in Hong Kong

22. Nepal

Hon. Mr. Dilendra Prasad Badu  
(HOD)  
Minister  
Ministry of Law, Justice and  
Parliamentary Affairs

Mr. Udaya Raj Sapkota (AHOD)  
Secretary  
Ministry of Law, Justice and  
Parliamentary Affairs

Mrs. Nirmala Adhikari Bhattarai  
Joint Secretary  
Ministry of Law, Justice and  
Parliamentary Affairs

Ms. Arati Shrestha  
Under Secretary  
Ministry of Law, Justice and  
Parliamentary Affairs

Mr. Kiran Kumar Gurung  
Consul  
Consulate General of Nepal in  
Hong Kong

23. Federal Republic of Nigeria

Ms. Antoinette Oche-Obe (HOD)  
Director  
International Cooperation  
Department  
Federal Ministry of Justice,  
Abuja

- Mr. Macaulay Williams (AHOD)  
Deputy Director  
International Cooperation  
Department  
Federal Ministry of Justice,  
Abuja
- Dr. Christopher Nwanoro  
Minister Political  
High Commission of Nigeria in  
India
24. Sultanate of Oman
- H.E. Mr. Hamed Saif Abdul Aziz  
AL Rawahi (HOD)  
Ambassador  
Embassy of Sultanate of Oman in  
India
- Mr. Mubarak Sulaiman Badar AL  
Bassami (AHOD)  
Deputy Head of Mission &  
Counsellor  
Embassy of Sultanate of Oman in  
India
25. Islamic Republic of Pakistan
- Mr. Raja Naeem Akbar (HOD)  
Secretary  
Ministry of Law and Justice
- Ms. Shezreh Mirza  
Associate Lawyer  
Ministry of Law and Justice
- Dr. Farogh Naseem Muhammad  
Federal Minister for Law &  
Justice
- Mr. Malik M Asim  
Consul  
Consulate General of Pakistan in  
Hong Kong
26. Republic of the Philippines
- Hon. Raly L. Tejada (HOD)  
Consul General  
Consulate General of the  
Philippines in Hong Kong
- Ms. Germinia Aguilar-Usudan  
Deputy Consul General

Consulate General of the  
Philippines in Hong Kong

Ms. Maria Sheila Monedero-  
Arnesto  
Consul  
Consulate General of the  
Philippines in Hong Kong

Mr. John Boitte Santos  
Third Secretary  
Philippine Embassy in India

27. State of Qatar

Mr. Ali Saad M.H.Al-Hajri  
Consul General  
Consul General of the State of  
Qatar in Hong Kong

Ms. Maryam Ahmad A.Al-Shibi  
Deputy Consul General  
Consul General of the State of  
Qatar in Hong Kong

28. Republic of Korea

Mr. Jeepio Hong (HOD)  
Deputy Director -General  
International Legal Affairs  
Bureau  
Ministry of Foreign Affairs

Mr. Kyongsig Park  
Deputy Consul-General  
Consulate-General of the  
Republic of Korea in Hong Kong

Ms. Sohyun Kwon  
Second Secretary  
Ministry of Foreign Affairs

Mr. Woohyun Kang  
Second Secretary  
Ministry of Foreign Affairs

Mr. Joonkoo Yoo  
Professor  
Korea National Diplomatic  
Academy  
Ministry of Foreign Affairs

Ms. Joo Min Park  
First Secretary

- Embassy of the Republic of  
Korea in India
- Mr. Chanwool Leem  
Second Secretary  
International Security Division  
Ministry of Foreign Affairs
29. Kingdom of Saudi Arabia
- Mr. Saad Alsaif (HOD)  
Vice Minister  
Ministry of Justice
30. Senegal
- Mr. Amadou Ndene Ndoeye  
(HOD)  
Minister Counsellor  
Embassy of the Republic of  
Senegal
31. Sierra Leone
- Ms. Mamadi Gobeh  
Kamara (HOD)  
Deputy Minister  
Ministry of Foreign Affairs and  
International Cooperation
32. Singapore
- Ms. Claire Hoe (HOD)  
Assistant Director  
Ministry of Law
- Mr. Victor Hui  
Consul  
Consulate-General in Singapore
33. Republic of Somalia
- Mr. Abdulkadir Mohamed Nur (HOD) Minister of Justice
- Mr. Mahad Mohamed Abukar  
(AHOD)  
Director  
Ministry of Foreign Affairs and  
International Cooperation
- Adv. Abdulkadir Sheikh  
Legal Advisor  
Ministry of Justice
34. Republic of South Africa
- Mr. Thurstan Mathee  
(HOD)  
Third Secretary Political

- South African High Commission  
in New Delhi
35. Democratic Socialist Republic of Sri Lanka
- Ms. Yuresha De Silva  
Senior State Counsel  
Attorney General's Department
- Mrs. Sanjika Gayaththri  
Kammanankada  
Assistant Legal Advisor  
Ministry of Foreign Affairs
- Ms. Kumudunie Abeykoon  
Legal Officer  
Ministry of Foreign Affairs
- Mrs. Chandima Welikala  
Assistant Secretary (Legal)  
Ministry of Justice  
Mr. Mohammad Fahad Shaladeh  
(HOD)  
Minister of Justice  
Ministry of Justice
36. State of Palestine
37. Sudan
- Mr. Hassan Osman  
Legal Adviser  
Ministry of Justice
38. Syrian Arab Republic
- H.E. Mr. Ahmad Alsaïd (HOD)  
Minister of Justice  
Ministry of Justice
- H.E. Dr. Riad Abbas  
Ambassador  
Embassy of Syrian Arab Rep. in  
India
- Mr. Wajih Ibrahim  
Minister Plenipotentiary  
Embassy of Syrian Arab Rep. in  
India
- Mr. Ammar Bilal  
Judge- Member of the Legislative  
Department  
Ministry of Justice
- Mr. Bassel Mashoosh  
Director of Public Relations  
Ministry of Justice



Mr. Salam Socar  
Attache  
Embassy of Syrian Arab Rep. in  
India

39. United Republic of Tanzania

Prof. Palamagamba John Aidan  
Mwaluko (HOD)  
Minister  
Ministry for Legal and  
Constitutional Affairs

Mr. Sifuni Mchome (AHOD)  
Permanent Secretary  
Ministry of Constitutional and  
Legal Affairs

Mr. Griffin Mwakapeje  
Director of Public Legal Services  
Ministry of Constitutional and  
Legal Affairs

Mr. Dustan John Shimbo  
Assistant Director Public Legal  
Services  
Ministry of Constitutional and  
Legal Affairs

Mr. Adolph Ulaya  
Private Minister to the Minister  
Ministry of Constitutional and  
Legal Affairs

Ms. Natihaika Msuya  
Minister Plenipotentiary  
High Commission of Tanzania in  
India

40. Kingdom of Thailand

Dr. Vilawan Mangklatanakul  
(HOD)  
Director-General  
Department of Treaties and Legal  
Affairs  
Ministry of Foreign Affairs

Mr. Tull Traisorat (AHOD)  
Consul-General

Royal Thai Consulate-General in  
Hong Kong

Ms. Suphanvasa Chotikajan Tang  
Deputy Director-General  
Department of Treaties and Legal  
Affairs  
Ministry of Foreign Affairs

Ms. Arisa Sukontasap  
First Secretary  
Ministry of Foreign Affairs

Mr. Korawat Wuttiwong  
Consul  
Royal Thai Consulate-General in  
Hong Kong

Ms. Sukpuck Barnett  
Counselor  
Ministry of Foreign Affairs

Mr. Kritnarong Sereeswad  
First Secretary  
Royal Thai Embassy in India

Dr. Kamalinne Pinitpuvadol  
Advisor, National Security  
Council and  
Senior Legal Expert  
Department of International  
Economic  
Affairs  
Ministry of Foreign Affairs

Mr. Nat Nimitthaitham  
Public Prosecutor  
Office of the Attorney General

Ms. Pailin Leelaniphawan  
Public Prosecutor  
Office of the Attorney General

Mr. Keingchon Amnueysit  
Public Prosecutor  
Office of the Attorney General

Ms. Jarimrit Pantawee  
Judge

- Office of the President of the  
Supreme Court  
Office of the Judiciary
- Mr. Amornrit Intrachai  
Legal Official, Senior  
Professional Level  
Office of the Council of State
41. Turkey  
Mr. Peyami Kalyoncu (HOD)  
Consul General  
Consulate General of Turkey in  
Hong Kong
42. Uganda  
Mr. Farouq Lubega (HOD)  
Director, First Parliamentary  
Counsel  
Ministry of Justice and  
Constitutional Affairs
43. Socialist Republic of Viet Nam  
H.E. Son Bui Thanh (HOD)  
Minister  
Ministry of Foreign Affairs
- Dr. Thanh Hai Do (AHOD)  
Deputy Chief of Mission  
Viet Nam Embassy in India
- Ms. Hanh Le Duc  
Director-General  
Ministry of Foreign Affairs
- Mr. Duc Chu Tuan  
Deputy Director-General  
Ministry of Foreign Affairs
- Mr. Phu Nguyen Huu  
Assistant Director-General  
Ministry of Foreign Affairs
- Mr. Thao Nguyen Hong  
Ambassador  
Diplomatic Academy of Viet  
Nam
- Mr. Viet Pham  
Official  
Ministry of Foreign Affairs
- Mr. Hai Trieu Le  
General Consulate of Viet Nam,

Hong Kong

Ms. Thu Trang Le  
General Consulate of Viet Nam,  
Hong Kong

Ms. Kha Nguyen Linh  
Deputy Director General  
Department of International  
Legislation  
Ministry of Justice

Ms. Huong Duong Thien  
Deputy Director General  
Department of International  
Cooperation  
Ministry of Justice

44. Yemen

Mr. Ahmed Omer Arman (HOD)  
Minister  
Ministry of Legal Affairs and  
Human Rights

#### **OBSERVER STATES**

1. Commonwealth of Australia

Dr. Kate Mitchell  
A/g Director  
International Law Branch  
Department of Foreign Affairs  
and Trade

2. Kazakhstan

Mr. Kamil Bekenov  
Vice-Consul  
Consulate General of the  
Republic of Kazakhstan in Hong  
Kong

3. Kyrgyz Republic

Mr. Mirbek Sydygaliev  
International Legal Department  
Ministry of Foreign Affairs

Mr. Meder Abakirov  
Director  
International Legal Department  
Ministry of Foreign Affairs

Ms. Aiganysh Daudova  
International Legal Department  
Ministry of Foreign Affairs

- |                       |   |
|-----------------------|---|
| 4. Kingdom of Morocco | Mr. Mustapha Ait Laraik<br>Head of the Division<br>Technical and Administrative<br>Cooperation<br><br>Meryem Serraj<br>Assistant<br>Ministry of Justice   |
| 5. New Zealand        | Ms. Georgina Sargison (HOD)<br>Acting Unit Manager<br>Ministry of Foreign Affairs and<br>Trade<br><br>Ms. Genevieve Taylor<br>Senior Legal Adviser<br>Ministry of Foreign Affairs and<br>Trade  |
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#### **INTERNATIONAL ORGANIZATIONS**

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|   | Prof. Yun Zhao<br>Representative<br>Regional Office for Asia and the<br>Pacific                 |
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| 2. Committee of Legal Advisors on Public<br>International Law (CAHDI) | Ms. Alina Orosan<br>Chair   |
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| 5. Association of Southeast Asian Nations (ASEAN)                     | Ms. Sendy Hermawati<br>Head of Treaty Division,<br>Legal Services and Agreements<br>Directorate |

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| 2. Tehran Regional Arbitration Centre (TRAC)              | Dr. Oveis Rezvanian<br>Director                                     |
| 3. Nairobi Centre for International Arbitration<br>(NCIA) | Mr. Lawrence Muiruri (HOD)<br>Registrar/ Chief Executive<br>Officer |
|   | Mr. Alex Mwaniki<br>Senior Case Counsel                             |

#### **Expert/ Rapporteur**

Prof. Zhixiong Huang  
Wuhan University

**AALCO Secretariat**

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Legal Officer
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Legal Officer
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Senior Private Secretary
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Private Secretary
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Translator
15. Mr. Sunil Kumar  
Senior Office Assistant (IT)

**Permanent Observer of AALCO to  
the UN**

1. Ms. Christine Nemoto  
UN HQ, Vienna



16. Prof. Mujeebur Rahman  
Interpreter
17. Prof. Zubair Farooqi  
Interpreter



