

Asian African Legal Consultative Organization



Verbatim Record of Discussions

Fifty-Third Annual Session

15-18 September 2014

Tehran, The Islamic Republic of Iran

AALCO Secretariat
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Diplomatic Enclave, Chanakyapuri
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PREFACE

The Asian-African Legal Consultative Organization (AALCO) is the only intergovernmental organization that unites countries of Asia and Africa on matters of international legal issues of common concern. The history and the account of its activities hitherto have been the history of the needs and aspirations of post-colonial Asia and Africa. Its primary function is to advise Member States on all matters related to international law. The consultative nature of the Organization beholds transparency within the AALCO and also ensures that the voice of Asia and Africa is heard in various international fora. Its close working relationship with various other international organizations bears testimony of AALCO's contribution towards progressive development and codification of international law. The current work programme of AALCO includes many contemporary legal issues and closely tracks the items on the agenda of the International Law Commission and the Sixth Committee of the UN General Assembly.

The Fifty-Third Annual Session of AALCO was successfully held in Tehran, Islamic Republic of Iran from 15 to 18 September 2014. The Session witnessed participation of forty six Member States, representatives from four Regional Arbitration Centers of AALCO, Observers from five Non-Member States and representatives from Intergovernmental/ Specialized Agencies/ Subsidiary Organs/ Inter-Regional Organizations. The Fifty-Third Annual Session focused on deliberations on both Organizational and Substantive matters which included: (i) Deportation of Palestinians and other Israeli Practices, among them the Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law Particularly the Fourth Geneva Convention of 1949; (ii) Status and Treatment of Refugees; (iii) Law of the Sea ; (iv) Environment and Sustainable Development; (v) Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties; and (vi) International Law in Cyberspace. A major highlight of the Fifty-Second Annual Session was the convening of the two half-day Special Meetings on previously mandated topics: (i) "Selected Items on the Agenda of the International Law Commission" & (ii) "Violent Extremism & Terrorism (Legal Aspects)". This comprehensive Verbatim Record as mandated according to the Statutory Rules of AALCO, presents to the Member States the discussions and deliberations on all the above stated items as well as on the Organizational matters in detail. On the concluding day of the Session, the Member States adopted the Summary Report, Resolutions on Organizational and Substantive Matters, including Resolutions on the three two-day Special Meetings along with the Message of Thanks on behalf of all the Member States to H. E. the Honorable President of the Islamic Republic of Iran.

This Verbatim Record of the Fifty-Third Annual Session contains mainly the text of statements of the Inaugural Session, three Meetings of Delegations of Member States; four General Meetings; two half-day special meetings; the Summary Report of the Fifty-Third Annual Session; the Resolutions on both Organizational and Substantive matters adopted at the Session; and the list of participants who attended the Session.

I wish to thank the Ministry of Foreign Affairs, Government of Islamic Republic of Iran for their valuable assistance in convening the Annual Session of the Organization, for their cooperation and administrative arrangements, which were very helpful in conducting the proceedings of the Session successfully. I would also like to express my heartfelt appreciation and thanks to my

friends and colleagues Mr. Feng Qinghu, Ms. Yukiko Harimoto and Mr. Mohsen Baharvand, the Deputy Secretaries-General, for their support in making the Session a success. I also wish to express my deep appreciation to Mrs. Anuradha Bakshi, Principal Legal Officer; Mr. S. Pandiaraj, Senior Legal Officer, Mr. Rahul Srivastava and Mr. Kiran Mohan V, Legal Officers along with the other Staff of the Secretariat for their immense efforts exerted to help me in accomplishing my mandate. Their professionalism and sense of responsibility contributed a lot towards making the Session a success.

10 January 2015

Prof. Dr. Rahmat Mohamad
Secretary-General

I. AGENDA OF THE SESSION

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I. Organizational Matters

1. Consideration and Adoption of the Agenda
2. Election of the President and the Vice-President
3. Admission of Observers
4. Report of the Secretary-General on the Work of AALCO
5. Proposed Budget for the Year 2015
6. Report on the Work of the AALCO's Regional Arbitration Centres
7. Report of the Sub-Committee on the AALCO Secretariat's Human Resources and Financial Matters
8. Report on the AALCO's Centre for Research and Training (CRT)
9. Venue of the Fifty-Fourth Session

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1. Law of the Sea
2. Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949
3. Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties
4. International Law in Cyberspace

III. Matters under Article 1 (b) of the Statutes: Matters of Common Concern having Legal Implications

1. Environment and Sustainable Development
2. WTO as a Framework Agreement and Code of Conduct for the World Trade

IV. Two Half-Day Special Meetings

1. "Selected Items on the Agenda of the International Law Commission"
2. "Violent Extremism and Terrorism (Legal Aspects)"

V. Any Other Matter

II. BUREAU OF THE SESSION

III. BUREAU OF THE SESSION

PRESIDENT

H. E. Dr. Danesh Yazdi
Deputy Minister of Foreign Affairs
The Islamic Republic of Iran

VICE-PRESIDENT

H. E. Mrs. Agimba Anyango
Deputy Solicitor General of Kenya

SECRETARY-GENERAL

H. E. Prof. Dr. Rahmat Mohamad

DEPUTY SECRETARIES-GENERAL

Mr. Feng Qinghu
Ms. Yukiko Harimoto
Mr. Mohsen Baharvand

III. VERBATIM RECORD OF THE INAUGURAL SESSION

III. VERBATIM RECORD OF THE INAUGURAL SESSION OF THE FIFTY-THIRD ANNUAL SESSION HELD ON MONDAY, 15 SEPTEMBER 2014 AT 9.30 AM, TEHRAN, THE ISLAMIC REPUBLIC OF IRAN

Master of Ceremony, Mrs. Anuradha Bakshi, Principal Legal officer, Asian-African Legal Consultative Organization, New Delhi: A very good morning to the Honourable President, Honourable Ministers, Excellencies, Distinguished Delegates and Ladies and Gentlemen, the Inaugural ceremony will begin with the Welcome Address to be given by the Secretary-General of AALCO and we are indeed very pleased to be in the Islamic Republic of Iran and the beautiful city of Tehran for the occasion. The Secretariat expresses its heartfelt gratitude to all the Excellencies and Distinguished Delegates who have travelled long distances to come and attend this session. I will not take any more of your time and I now invite H.E. Prof. Dr. Rahmat Mohamad to deliver his Welcome Address.

(i) Welcome Address by H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of the Asian-African Legal Consultative Organization

Your Excellency Madam Vice-President of Islamic Republic of Iran for Legal Affairs, **Madam Dr. Elham Aminzadeh,**

Madam President of the Fifty-Second Annual Session of AALCO, **Madam Dr. Neeru Chadha,**

Honourable Ministers, Excellencies, Distinguished Participants, Delegates, Ladies and Gentlemen,

I am extremely grateful to Your Excellencies for having spared your valuable time to participate in the Fifty-Third Annual Session of AALCO. The presence of Honourable Ministers and Attorney Generals heading the delegations at this Annual Session, is a matter of immense importance for us. This signifies that AALCO and its initiatives remain valuable to you all. I am sure we would immensely benefit from your insightful comments and eagerly look forward to your participation.

It is indeed an honour for me to take this opportunity to thank our gracious host country, the Islamic Republic of Iran. Excellencies, I would like to bring to your notice the fact that the Islamic Republic of Iran has previously hosted the Annual Sessions of AALCO on two distinct occasions, namely in 1975 and 1997.

In addition to this, the host Government has taken keen interest in the activities of AALCO by referring substantive subjects for deliberation. These subjects include 'The Deportation of Palestinians and Other Israeli Practices among them the Massive Immigration And Settlement of Jews in all Occupied Territories in Violation of International Law, Particularly the Fourth Geneva Convention of 1949' and 'Extra-Territorial Application of National Legislation: Sanctions imposed Against Third Parties'. On its part the AALCO Secretariat has brought out two in-depth publications on these important subjects.

The Iranian delegation has always made very valuable contributions to the subjects deliberated upon during the Annual Sessions of AALCO, including the agenda items particularly pertaining to the International Law Commission. More importantly, the Islamic Republic of Iran has also been contributing to the work of AALCO by deputing a senior official on secondment as one of the Deputy Secretaries General at AALCO's Secretariat in New Delhi.

In addition to this the Islamic Republic of Iran has been taking various initiatives for fostering solidarity amongst Asian and African states. The Tehran Summit of the Non-Aligned Movement, which was held in August 2012 was a major opportunity for NAM Members, Observers and their guests to come together and to exchange views on the international issues, among them some major international law issues and to take concrete measures in promoting cooperation and coordination among them.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, I would like to express deep concern at the unfortunate events pertaining to conflicts faced by certain of our Member States in Asia and Africa. As we have gathered here today, thousands of innocent men, women and children have either died, become refugees or internally displaced in their own lands; many of them continue to fear for their lives and could become victims of violent crimes against humanity for reasons not caused by them. It is tragic to see the manner in which international legal norms, especially those pertaining to armed conflict, are being disrespected on an alarming scale. It is important to denounce the break-down of constructive dialogue between different conflicting parties across the world and in these circumstances adhere to the application of the "Rule of Law". While it is true that international law is elusive in nature, but the fact of the matter is, until and unless countries uphold their commitments and adhere to the "Rule of Law", violence and human atrocities cannot be put to a stop.

Additionally, the world in the 21st century is confronted by many challenges like increasing incidence of natural disasters and extreme weather events in recent years, as well as severe humanitarian crisis caused by international and domestic conflicts. There has been growing stress on the importance of enhancing the resilience of human societies.

At this time of immense turmoil, we need to reaffirm our commitment to adhering to the principles of international law. It is critical to emphasize on the application of the principle of rule of law in the international and national contexts. It is my firm belief that respect for the rules of international law would determine the future of our world. In this context the crucial role that AALCO plays in building and consolidating the Asian and African solidarity needs to be emphasized. Collectively, we must move forward towards an era where international legal instruments become the cornerstones of national and international dealings of Nation States all over the world.

Respected Excellencies, I would like to draw your attention to the fact that this year also marks the 60th anniversary of the Panchsheel Agreement. This agreement was a historical outcome of concrete cooperation among developing countries initiated by China and India, possessing profound realistic meaning even today. The Five Principles of Peaceful Coexistence, known in India as the Panchsheel Treaty (from Sanskrit, *panch*: five, *sheel*: virtues), were subsequently

incorporated in modified form in a statement of principles in 1955 at the historic Asian-African Conference at Bandung. These principles are:

1. Mutual respect for each other's territorial integrity and sovereignty.
2. Mutual non-aggression.
3. Mutual non-interference in each other's internal affairs.
4. Equality and cooperation for mutual benefit, and
5. Peaceful co-existence.

To mark this occasion, the People's Republic of China had organized a 'Colloquium on the Five Principles of Peaceful Co-existence for the Development of International Law' in Beijing, during May 2014. In the course of the deeply insightful deliberations which ensued as part of the Colloquium, it became clear that it was imperative to develop a common strategy on the part of the Asian-African States to deal with the crisis of the international system, since these problems involved and exposed the collective vulnerability of the Third World States. In addition to this in any endeavour to create the future trajectory of international legal order, the Asian-African States have a critical role to play.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, the work and functioning of AALCO has evolved and expanded over the years. In earlier years, AALCO's activities as envisioned in its Statutes, primarily concentrated on consideration of legal problems referred to it by the Member States and follow-up of the work of the International Law Commission and other bodies of the United Nations system related to international law and to the progressive development, codification and dissemination of international law. However, gradually AALCO reoriented itself towards assisting its Member States to prepare themselves for the Plenipotentiaries Conferences convened to develop and codify international law, both customary and conventional, by the United Nations.

In this process, AALCO's participation through its Member States has also contributed immensely to a number of international legal regimes with which the Asian-African States have been most concerned. Some of the recommendations which AALCO has made, for instance, in the context of law of diplomatic relations, law of the sea, law of treaties, have been codified in international legal instruments. These international legal instruments include the following; namely the Vienna Convention on Diplomatic Relations 1961, Vienna Convention on the Law of Treaties 1969 and the United Nations Convention on the Law of the Sea 1982. AALCO has had a long and meaningful engagement with "The Law of the Sea" in general and UNCLOS in particular. In the negotiations of United Nations Convention on the Law of the Sea (UNCLOS), 1982, particularly, the areas relating to the Exclusive Economic Zone (EEZ), Archipelago States and Rights of Land Locked States, the AALCO's contribution is well known at the international level.

Another area of international law where AALCO has made its presence felt regionally and globally is in the field of "Alternate Dispute Resolution Mechanisms". This has been achieved through the establishment of its regional Arbitration Centres in Kuala Lumpur, Cairo, Lagos and Tehran. A fifth Regional Arbitration Centre is coming up in Kenya.

As an inter-governmental organization AALCO has done its best to live up to the expectations of its Member States, despite its limited human and financial resources. So long as Member States remain supportive of AALCO's objectives, the Secretariat will tirelessly work and dedicate its human resources to the work of AALCO particularly in the progressive development of international law.

Respected Excellencies, I would like to share with you all the proposed course of action which we have planned for the next few days. We would be touching upon areas of common concern of Asian-African Member States in terms of international legal issues. After the Inaugural Session gets over, the Heads of Delegations of the participating delegations, would be making their 'General Statements' through which they would share their experiences and perspectives on a number of contemporary areas of international legal matters that are of vital concern to the Asian-African States.

Thereafter, following the past practice we would have two Half-Day Special Meetings devoted to exploring in detail two important issues; Firstly, the Special Meeting on "*Selected Items on the Agenda of the International Law Commission*"; the second Special Meeting would be on the topic "*Violent Extremism & Terrorism (Legal Aspects)*". As the situation stands today violent extremism is an issue that has assumed very serious dimensions, and as a legal consultative body we need to deliberate on this issue and see how at our level we can contribute towards bringing out a coordinated response as these acts affect regional peace and security, in the legal perspectives. To make these meetings successful a number of legal experts would lead the panel discussions.

During the Annual Session we would also be discussing the following topics that are on the work programme of AALCO: *The Law of the Sea; Status and Treatment of Refugees; Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949; Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties; Environment and Sustainable Development; WTO as a Framework Agreement and Code of Conduct for World Trade; and hopefully, International Law in Cyberspace.* Apart from these issues, the Heads of Delegations would also be reviewing the Organizational matters, including the financial situation of AALCO.

Once again I take this opportunity to welcome you all to this Fifty-Third Annual Session of AALCO and once again I thank the Government of the Islamic Republic of Iran, the gracious host for this Annual Session. I sincerely hope that with your meaningful cooperation, this Session would be a grand success.

Thank you very much.

Master of Ceremony: Thank you Secretary-General for your comprehensive statement which touched upon the agenda of AALCO and the contemporary challenges facing international community. Now I invite the President of the Fifty-Second Annual Session of AALCO Madam Dr. Neeru Chadha to deliver her address.

(ii) Statement by Dr. Neeru Chadha, President of the Fifty-Second Annual Session of AALCO and Joint Secretary, Ministry of External Affairs (Legal and Treaties) Division, Government of India

Good Morning, **Professor Dr. Rahmat Mohamad**, Secretary-General, AALCO,

Her Excellency Madam Vice-President of Islamic Republic of Iran for Legal Affairs,

Hon' ble Ministers, Attornies General, Heads of Delegations, Distinguished Delegates and Observers,

First of all I would to take this opportunity to thank Madam Vice-President, our Chief Guest for taking time out of her busy schedule for gracing this occasion and agreeing to inaugurate the Fifty-Third Session of AALCO.

On behalf of my Government and my delegation I would like to thank the Government of the Islamic Republic of Iran for the warm hospitality extended to us and for the excellent arrangements made for the Fifty-Third Session.

Our appreciation also goes to the Secretary-General and the AALCO Secretariat for the excellent arrangements that have been made for this Session. I am also thankful to all the AALCO Member States, the Secretary-General, the Vice-President of the Fifty-Second Annual Session and the AALCO Secretariat for the support and cooperation extended to me as the President of the Fifty-Second Session.

Distinguished Members, AALCO, a Consultative Organization comprises of Member States of diverse cultures and legal systems. Therefore it is always a challenge for the Organizatioin to consolidate the position of Asian-African Countries in the field of international law. However over the years, it has succeeded in doing so several times and therefore has acquired a unique place in the galaxy of international organizations. Member States attach great significance to the work of this Organization and this is contributing to the rise in its stature.

Many factors have contributed to the growth of this Organization which include, transition from a non-permanent committee to a formal organization; enlarging of its membership from seven to 47; permanent Headquarters in New Delhi; taking up new topics of international law which are of concern for Asian-African States; initiating and strengthening cooperation with international organizations and institutions; and encouraging Observer States to contribute. In the process the Organization has succeeded in making significant contribution to the progressive development of various branches of international law, including the Law of the Sea; Refugee Law; Human Rights; Trade Law and Treaty Law.

During my Presidency, AALCO Secretariat despite being faced with limited financial and human resources organized numerous programmes. I am sure that the Secretary-General would give a detailed report on the activities undertaken after the Fifty-Second Annual Session during the course of the Session. Hence I would touch upon only the important ones.

AALCO Legal Advisors Meeting and AALCO-ILC Meeting took place in New York on 24th October 2013. This is an annual event in the AALCO calendar. AALCO always attaches high importance to the agenda items of the International Law Commission and these are a part of our annual deliberations. The AALCO Secretariat organized a two-day Workshop on Selected Agenda Items of the ILC jointly with the National University of Malaysia in Putrajaya, Malaysia on 29th and 30th November 2013.

The AALCO Secretariat has also convened a two-day Legal Experts Meeting on the agenda item Law of the Sea in February 2014 at AALCO Headquarters in New Delhi. There were five Working Sessions that focused various topics of interests. In this meeting high-level officials from various Ministries from the Member States of AALCO and academics from many Universities in the Asian-African region, a few Officials from the United Nations and Students from many Indian Universities participated. We are grateful to the Governments of Indonesia and Japan for deputing their experts to make presentations during this meeting as well as to the Xiamen University, China and University Terengganu Malaysia (UTM) for collaborating with AALCO for this event.

AALCO along with the International Committee of the Red Cross (ICRC) conducted a Workshop on “Contemporary Issues Facing International Humanitarian Law” in May this year.

It can thus be seen Madam Vice-President from the short summary of events organized by AALCO last year that the Organization is active and is coordinating with various institutions to keep up the dialogue and consultations on contemporary issues of international law. I hope AALCO continues to keep up such endeavours.

To conclude I would once again thank the Secretary-General for his tireless efforts and for the Government of the Islamic Republic of Iran for the excellent preparations and arrangements for making this session a success. Since I have the floor I would also wish the incoming President all the success and I am confident that under his able guidance the Organization would continue to work as a platform for legal deliberations on issues of significance to Asian-African Countries.

Thank you very much.

Master of Ceremony: Thank you, Madam President for touching upon some of the activities undertaken by AALCO last year. May I now have the pleasure to invite the Chief Guest Dr. Elham Aminzadeh, the Vice-President of the Islamic Republic of Iran for Legal Affairs to present the keynote address.

(iii) Statement of Dr. Elham Aminzadeh, Vice-President of the Islamic Republic of Iran for Legal Affairs and the Chief Guest of the Inaugural Session of the Fifty-Third Session of AALCO

In the name of GOD, the Compassionate and the Merciful,

Excellencies, Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO, Honourable Ministers of Foreign Affairs and Justice, Attornies General, Distinguished Delegates and Observers and Ladies and Gentlemen,

It is a great pleasure for me to address this gathering on behalf of the Islamic Republic of Iran. This is the third time the Islamic Republic of Iran is hosting the Annual Session, first being in 1975 and then in 1997. I thank AALCO for the opportunity given to the Islamic Republic of Iran to host this Fifty-Third Annual Session of AALCO and I hope that this annual meeting happening in my country would generate practical ideas and inspirational initiatives that could steer the Organization to play a more effective role in international arena.

Let me first take this opportunity to express my thanks H.E. Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO and his team for their support and cooperation in the organization of this event. I also wish to offer my warm welcome to all participants, Honorable Ministers of Foreign Affairs and Justice, Attorneys General, Distinguished Delegates and Observers, I wish you all a very pleasant stay in Iran.

Excellencies from its inception since 1956, when it was founded by the insightful leaders in Bandung in Indonesia, AALCO has managed to provide a very oportune forum for the Asian and African Countries to engage in international law making processes taking place in various fora. It is the only inter-governmental fora with broad inter-regional membership that aims to represent Asian and African perspectives on different topics of international law. In that sense, AALCO should be credited with a unique standing among the other international organizations and its real potential is to be tapped.

AALCO is an inter-governmental organization after all and signifies a potent multilateral platform. As an international organization with around 50 Member States, it can make solid contribution to the purposes and principles of the United Nations including in the field of peace and security. This could not be done through traditional means of power such as financial capacity or military force or political influence, though, since AALCO has neither of them. Instead, AALCO does enjoy a very important vehicle, i.e, international law, the promotion of adherence to which is its principal mandate and its ultimate goal.

AALCO represents respect for the rule of law in international relations of States at a time when lawlessness and the tendency on the part of certain powers to rely excessively on the use of force continue to escalate the vicious cycle of war, violence and instability. AALCO's very origin indicates the conviction of its founders that only through the rule of law our community of states could guarantee peaceful co-existence among different nations, and peoples. AALCO's genesis on the other hand suggests that international law should not be monopolized by a few; international law should not be used, indeed abused, selectively to advance political interests. Nor should its formation be affected by the will and practice of certain powers. Rather, all states be they small or big, are entitled to contribute to law formation processes. And through such inclusiveness all nations feel ownership towards international law and deem it imperative to respect and protect it.

Dear participants, the Fifty-Third Annual Session of AALCO is being held at a very critical juncture; new and emerging formidable challenges are said to test our collective resolve and wisdom to effectively tackle them. They represent unparalleled challenges to international law at the same time. The question is if and how the existing international law can help overcome these challenges. Terrorism and violent extremism continues to infect our societies as one such challenge. Many countries in both Asia and Africa have already been affected in one way or another, by unparalleled ferocities as hundreds of thousands of people have been killed, maimed or forced out of their homes as the result of appalling acts of terror and intimidation by extremists groups. What we repeatedly warned of, that is the spilling over of the Syrian crisis to the neighbouring countries are happening. We had reminded our friends and foes, equally, of lessons of history; terrorism does not spare any one. We had warned that terrorism would not be bound by any ethics or rule. Nor would it recognize any boundary to its sphere of terror. Less than a year ago, the President of the Islamic Republic of Iran had presented his idea of a World against Violence and Violent Extremism (WAVE) at the 68th Annual Session of the United Nations General Assembly. It is evident today that violent extremism constitutes a real menace to humanity. The President of the Islamic Republic of Iran H.E. President Rouhani alerted the international community about the threat so rapidly spreading in many regions across the globe. This alert came out of the responsibility of the Islamic Republic of Iran to protect the regional peace and security. The message is now relevant more than ever before. The world needs to get united both in word and in action against violent extremism. Violent extremism and terrorism go hand in hand today such that they can hardly be distinguished as separate phenomena. International law seems to be adequately equipped to counter terrorism. At the same time respect for the principle of state sovereignty and territorial integrity are important in the fight against terrorism and violent extremism since violent extremism is most manifested in acts of terror violence. The special half-day session allocated to violent extremism and terrorism indicates the attentiveness of AALCO vis-à-vis of these global issues of common concern to humanity. I am confident that your deliberations on the Wednesday morning will enrich our understanding regarding the nature of the threats emanating from violent extremism and will help AALCO Member States and other States to better use international law in the fight against violent extremism and terrorism and the nourishment of these phenomena.

The Fifty-Third Annual Session of AALCO also avails the opportunity to review certain old issues in the light of new developments. The issue of Palestine at large including the plight of Palestinian refugees remains a top priority for the international community at large and AALCO keeps monitoring the issue very closely. This is all the more critical given the more recent brutal Zionists regime's attacks against Gazan civilian population which ended in the death and injury of thousands of innocent people mostly women and children for sure the continuous aggression against Gaza, its decade long blockade has worsened the situation of Palestinians as even the UN run schools and housing displaced Palestinians were not spared. The long time impunity the Israeli regime's perpetrators of these grave crimes have confidently enjoyed for the past seven decades is the main cause of their brazen and persistent in great violation of international law including international human rights and humanitarian law. There is an investigation report released by Human Rights watch on 11 September leaves no doubt about the grave nature of the atrocities perpetrated as the report concludes that the Israeli

regime has committed war crimes during the summer's Gaza war. This report compared to the reports of the original Goldstone Report of the United Nations Human Rights Commission. The International Criminal Court is well-placed to pursue its fundamental mission in fighting impunity for the grave crimes of the international nature committed in cold blood in Palestinian Occupied Territories. The community of states is obliged to press on the ICC to take action as the Non-Aligned Movement has already done so.

As a legal advisory body specializing in international law, AALCO continues to entertain various international legal issues from Extra-territorial Application of National Legislations, Law of the Sea, Environment and Sustainable Development and International Trade Law to topics which are on the work programme of the International Law Commission (ILC). The presence of prominent international lawyers, the esteemed President of the ILC as well as some of its current and former members grant AALCO delegations a distinctive chance to review selected topics of international law in view of the developments and outcomes of the Commission's sixty-sixth session. I humbly encourage the AALCO delegations to make the best use of their special Half-Day Meeting on the ILC to share their views on these very important topics found in the agenda of ILC particularly the Immunity of State Officials from Foreign Criminal Jurisdiction, Protection of Persons in the Event of Disasters and the Identification of Customary International Law to consolidate their position in preparation for the forthcoming UN General Assembly's Sixth Committee meeting.

Excellencies, Distinguished Delegated and Ladies and Gentlemen, the forthcoming four day celebrations would provide a good opportunity for the AALCO Member States to share their views and perspectives in different issues of common concern not only with a view to developing a well-informed position regarding those issues at the international level but also in order to discern innovative solutions for tough challenges we all face. I trust that you will all take this opportunity dearly. There are many new and emerging issues such as space law, energy law and law of cyberspace that deserve to be considered by AALCO.

This Session also offers a valuable chance for our eminent and very qualified experts to sit together as Eminent Persons Group (EPG) and reflect on matter of common concern. I have confidence in their intuition and expertise as reliable sources for guiding our work as a legal consultative body. I dare to suggest that the EPG could sprout some practical ideas, the establishment of more concrete and effective institutions, for instance in order particularly to review and determine Asian-African practice in international law. This might seem a bit ambitious, but I believe it is achievable if there is a collective will strong enough on the part of Member States.

I should also take this opportunity to highlight the importance of AALCO's Arbitration Centers, Tehran, Cairo and Kuala Lumpur Centre in resolving commercial disputes and their contributions towards the development of arbitration law. I encourage AALCO Member States to persuade their private sectors to make use of these Centres where applicable.

In conclusion I once again thank all Distinguished Delegates and Observers and wish you a very fruitful deliberations and a positive outcome. Thank you very much.

Master of Ceremony: Thank you Madam Honourable Vice-President for that very comprehensive statement. Now I invite the Honourable Solicitor General of the Federal Republic of Nigeria for his vote of thanks.

(iv) Vote of Thanks by the Honourable Solicitor General of the Federal Republic of Nigeria:

Your Excellency, Vice-President of Islamic Republic of Iran for Legal Affairs,

Honourable Ministers, Attornies General, Heads of Delegations, Distinguished Delegates, and Ladies and Gentlemen,

It is my great pleasure to propose a vote of thanks at this inaugural session of the Fifty-Third Annual Session of AALCO. The Annual Session of AALCO is historic platform where one can bear witness to the essence of mutual cooperation and support extended by all the Member States in Asia and Africa to each other. By bringing together nations from the two prominent continents of Asia and Africa to address international legal matters, AALCO represents the aspirations of a vast portion of the population of this planet, and consequently, the Organization has a serious and remarkable role to play in international relations and international law.

Allow me to express my sincere gratitude, on behalf of the Member States of AALCO, to Government of the Islamic Republic of Iran for hosting this Fifty-Third Annual Session of AALCO. I would like to extend our heart-felt support and cooperation to the incoming President for conducting the Fifty-Third Annual Session of AALCO and I am sure he will fulfill his duties admirably.

I would like to thank Her Excellency, Dr. Neeru Chadha, Joint Secretary, Legal and Treaties Division, Ministry of External Affairs, India, and the President of the Fifty-Second Annual Session, for ably and successfully presiding over discussions at the Fifty-Second Annual Session.

My deepest appreciation also goes to the significant role played by the AALCO Secretary-General, His Excellency Prof. Dr. Rahmat Mohamad during his term. His contribution has been highly significant towards the revitalization of the Organization. We trust that under your stewardship this institution will continue to strive toward further success. The Secretary-General and his Secretariat officials and Staff should be commended for their untiring efforts in discharging their duties and carrying out the mandates and striving towards the realization of the objectives of AALCO.

Lastly, I would like to thank, in advance, the Honourable Ministers, distinguished delegates and observers for their participation in the forthcoming deliberations and I hope that this Annual Session continues in the legacy of past Sessions and is instrumental producing tangible outcomes.

Thank you very much.

Master of Ceremony: Thank you your Excellency for your vote of thanks. With that we come to the end of the Inaugural Session. On behalf of the Secretary-General and the Secretariat, we once again express our gratitude to all the dignitaries on and off the dais for your kind presence.

We will now take a short coffee break and meet once again for our meeting on the Organizational, Administrative and Financial Matters. Before we break for coffee, I request all of you to assemble at the lawns outside for a group photograph with our honorable chief guest to mark our memory of this occasion.

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, 15 SEPTEMBER 2014 AT 11.40 A.M.

Her Excellency Dr. Neeru Chadha, President of the Fifty-Second Annual Session of AALCO in the Chair.

President: Once again Good Morning. I understand that the first item before us is the “Adoption of the Agenda” and the Tentative Schedule of Meetings”, if there are any new proposals for inclusion in the agenda, I request those delegations to take the floor and introduce their proposals. I see the flag of China. The distinguished delegate of China you have the floor.

The Leader of Delegation of the People’s Republic of China: Thank you, Madam President. Distinguished Guests, In accordance with the Statutory Rules of AALCO China proposes to add a new agenda item “International Law in Cyberspace”. To this end China has submitted an Explanatory Note on the proposed item to the Secretariat, which has been circulated to all Member States by the Secretariat. As has been explained in the Explanatory Note due to the profound impact that has been brought by the internet on many aspects of our society international governance of cyberspace has become a matter of common concern among the international community. In recent years the application and development of international law in cyberspace has drawn great attention around the world. Extensive discussions are going on at various fora which include issues like cooperation in combating cyber crime, State sovereignty over cyberspace, and peaceful use of cyberspace and most importantly the applicability of the UN Charter and other norms of international law in cyberspace and so on.

The formation and development of international rules in cyberspace will have direct effect and on the interest of every country. Asian and African countries have about 57% of the total internet users in the world and have huge potential for further growth of the internet industry and economy. It is both the right and responsibility of Asian and African countries to participate more actively in the rule making process in cyberspace. As the only inter-governmental consultative body for countries from Asia and Africa AALCO can serve as a useful forum for its Members to carry out discussions and coordination on related legal issues in cyberspace, and to enhance their capacity and participation in this international process. The inclusion of the item “International Law in Cyberspace” will also extend the agenda of AALCO to an important new field and help AALCO to keep pace with the development of international law. Madam President, distinguished colleagues I would like to conclude my introduction here and hope our proposal will receive support from the distinguished delegates. Thank you very much.

President: I thank the distinguished delegate from the People’s Republic of China. Are there any Member States which want to support the proposal? I see Pakistan you have the floor Sir.

The Leader of Delegation of Pakistan: Thank you Madam. Since my delegation is taking the floor for the first time I avail this opportunity to warmly thank and appreciate the commendable efforts that have been put in by the Government of the Islamic Republic of Iran and their delegation and we appreciate the hospitality that they have extended to us, we will work together and do our best to make this session successful. As for as the proposal by the People’s

Republic of China is concerned I do not have to dilate on the importance of the subject or the reasons that have been proffered by the delegation of China my delegation strongly supports the inclusion of this agenda item. Thank you.

President: Thank you Pakistan. India you have the floor.

The Leader of Delegation of India: Thank you, Madam President. India would like to thank the distinguished delegate of China for introducing the proposal. In fact cyber security is a timely issue as there are gaps in national and international law. There is no international convention on that issue. We have been having certain events in the UN also particularly last year the Permanent Observer of AALCO organized one event on cyber security. So it would be useful in future to explore the possibilities to know first of all what is cyberspace. How it can be defined, for the purpose of our delegation and what are the kinds of crimes and activities that we want to regulate, what should be the modalities in future, so far as the UN Charter is concerned where could we place the issue of self-defense under Article 51, thus it is a complex issue at this time. Therefore, we support and thank the delegate of China for their timely proposal and look forward to discussions on this issue in the next session. Thank you.

President: Now I give the floor to Syria.

The Leader of Delegation of Syria: Thank you Madam. Since my delegation is taking the floor for the first time I express our thanks for the hospitality and for the hosting of the session by the Islamic Republic of Iran. As for the proposal of the distinguished delegate of China it is an important item and may be by discussing the issue we can take in the consideration expressed by the distinguished delegate of India. In fact all the modalities of discussing the issue are open at present.

The Leader of Delegation of Nigeria: Thank you Madam President. My delegation fully supports the proposal by China the proposal on cyberspace is in tandem with our domestic efforts on this subject and Nigeria believes that the proposal will enrich our experience and we fully support it at this forum. Thank you Madam.

President: Thank you very much, we have seen overwhelming support for the Chinese proposal, South Africa also wants to take the floor.

The Leader of Delegation of South Africa: Thank you, Madam President. Allow me to extend that thanks of the South African delegation to the Islamic Republic of Iran for hosting the session in this beautiful country. We thank also the Chinese delegation for introducing the issue of Cyberspace in International law to the AALCO agenda. Issues pertaining to cyberspace and the internet are increasingly important to security, social and economic consequences. There is currently no international global convention governing cyberspace and the AALCO is best placed to consider the issue from an international law perspective and allow for exchange of views on the topic. South Africa therefore, supports the inclusion of this topic on the agenda to exchange information on issues pertaining to international law on the topic. Thank you.

The Leader of Delegation of Nepal: The delegation of Nepal also fully supports the inclusion of the new agenda item proposed by China.

President: Thank you. Sudan has the floor.

The Leader of Delegation of Sudan¹: Thank you, Madam. Sudan supports the proposal of China in order to protect internet and we place emphasis on the fact that a law to protect cyberspace will help not only the Member States of AALCO but all countries of the world.

President: Thank you Sudan. Republic of Korea has the floor.

The Leader of Republic of Korea: Thank you, Madam President. Considering the fact that criminalities in cyberspace are not properly governed by existing international legal system the Republic of Korea delegation supports the proposal made by China. Thank you.

President: Thank you. Now the Islamic Republic of Iran has the floor.

The Leader of Delegation of the Islamic Republic of Iran: Thank you, Madam President we would also like to join the previous speakers in wholeheartedly supporting the proposal of China. Thank you.

President: Thank you. The proposal from China has seen overwhelming support so we include this topic on the agenda of AALCO. I understand from the Secretariat that the substantive discussions on this topic would be held from the next session. The next item on the agenda is admission of “New Members”, I understand from the Secretariat that presently there are no new requests for membership of AALCO. The next agenda item is “Admission of Observers”, I understand from the Secretariat that there are a few organizations and non-member states present in the hall and we welcome them to the meeting.

President: Now we come to the next agenda item: Election of the President. Is there any proposal for the nomination of President? I see the delegate of Nigeria. You have the floor, Sir.

The Leader of Delegation of Nigeria: Thank you, Madam President. Distinguished delegates it is my singular honour and privilege to propose the nomination of Dr. Danesh Yazdi, the Deputy Minister of Foreign Affairs of the Islamic Republic of Iran for election as President of the Fifty-Third Annual Session of the Asian-African Legal Consultative Organization. Thank you.

President: Thank you. Pakistan has the floor.

The Leader of Delegation of Pakistan: Thank you Madam my delegation supports the proposal put forward by the distinguished delegate of Nigeria, thank you.

President: Japan has asked for the floor, you have the floor Sir.

¹ The statement was delivered in Arabic. This was the unofficial version from the Arabic Interpreter.

The Leader of Delegation of Japan: My delegation wants to propose H.E. Dr. Danesh Yazdi as President of the AALCO's Fifty-Third Annual Session. Thank you.

President: Thank you. I think there is an overwhelming support for Dr. Danesh Yazdi, Deputy Minister of Foreign Affairs, Islamic Republic of Iran as the President of the Fifty-Third Annual Session of AALCO. Congratulations, Mr. Yazdi. The next item is the “**Election of the Vice-President**”.

The Leader of Delegation of Sri Lanka: Thank you, Madam President. My delegation would like to propose nomination of Her Excellency Mrs. Agimba Christine Anyango, the Deputy Solicitor of Kenya, as Vice-President of the Fifty-Third Annual Session.

The Leader of Delegation of Sudan: My delegation would like to second the nomination of Mrs. Agimba Chrisrine Anyango for the post of Vice-President.

President: Before I call on the President of the Fifty-Third Session to take over his present duties, I take this opportunity to thank all the Member States for extending cooperation to me during my Presidency and I would once again thank the Secretary-General and the AALCO Secretariat for all the help they have given me during my Presidency. Thank you very much and now I invite Dr. Danesh Yazdi to come over and take over his duties as the President of the Fifty-Third Session of AALCO and I would also invite Mrs. Agimba to come over and assume her duties as Vice-President.

H.E. Dr. Danesh Yazdi, President of the Fifty-Third Annual Session: Honourable Ministers, Distinguished Delegates, Excellencies, Ladies and Gentlemen. At the outset I would like to express my profound gratitude to all the delegations for electing me as President of the Fifty-Third Annual Session of AALCO to steer the work of this highly valuable Organization for the next year. It would be my privilege to work along with the Secretary-General, the efficient staff of AALCO Secretariat and all of you to help the Organization play a more active role in international law making processes. I am determined to continue to gather from your immense wealth of experience in the management of the affairs of the Organization. I would also like to congratulate the President of the Fifty-Second Annual Session of AALCO Madam Dr. Neeru Chadha the outgoing President of AALCO for the very successful completion of her tenure and for the exemplary stewardship, leadership and commitment she demonstrated towards the fulfillment of the purposes of the Organization.

AALCO is a unique and perhaps the only inter-governmental Organization that spans two most important continents of the world namely Asia and Africa. Importance of these two continents is to take up the common concerns of the countries on many and various social, economic and political issues and gives us lot of leverage which should be an impetus to engage as a group in the UN General Assembly and its subsidiary bodies namely, International Law Commission, Sixth Committee as well as other multilateral forum. There is also a need for interaction with other multilateral agencies and sister Organizations to take forward our objectives. Certainly during my tenure I hope we will be able to persuade and encourage more States to join this worthy Organization from our two continents.

In the forthcoming days we will be deliberating on a variety of current and relevant subjects of interest in the realm of international law. I am sure we will learn from each other's views and be able to arrive at common understandings and positions on different topics of international law. In this regard I call upon all distinguished delegates to focus on the agenda items which have been carefully selected in the light of the relevance of contemporary global affairs. I am sure that our Session will be able to achieve these objectives and lay the foundations for cooperative partnership among our Member States in the years to come. I therefore look forward to a robust and fruitful exchange of views and to conclusions and outcomes which will be practical, relevant and beneficial to all delegations and their respective countries. Having said that I once again thank all of you for your support in electing me to this Chair and to place trust in me to conduct the affairs of the Session and to assist the Secretary-General to carry on the worthy work of this institution.

The meeting was thereafter adjourned.

V. VERBATIM RECORD OF THE FIRST GENERAL MEETING OF DELEGATIONS

V. VERBATIM RECORD OF THE FIRST GENERAL MEETING OF DELEGATIONS OF AALCO MEMBER STATES HELD ON MONDAY, 15 SEPTEMBER 2014 AT 12.30 P.M.

His Excellency Dr. Danesh Yazdi, the Deputy Minister of Foreign Affairs of the Islamic Republic of Iran and the President of the Fifty Third Annual Session of AALCO in the Chair.

President: Thank you so much. Let me call the First Meeting of Delegations of AALCO Member states to order. The first speaker in the list is the leader of the delegation of the Democratic Republic of Korea. Sir, you have the floor.

The Leader of Delegation of Democratic Republic of Korea: Your Excellency President, Your Excellency Secretary General of the Asian African Legal Consultative Organization, Distinguished Delegates, I avail myself of this opportunity to commend the Government of the Islamic Republic of Iran for exerting her great efforts for the success of this session and for her warm cordiality accorded to its participants. My thanks also go to AALCO Secretary General and AALCO staff for their untiring devotion to the success of this session and I am sure this session will come out with success.

Your Excellency, allow me to use this opportunity to clarify the principle stand of the Government of the DPR of Korea on some major issues tabled to this 53rd Session as deliberated item. First, the DPR of Korea considers that invoking one's national legislation to impose sanctions on and blockade against a few select states which have different social system is a gross violation running against universal principles of international law which stipulated respect to sovereignty and non-interference in the internal affairs, equality and mutual benefit and guarantee to the freedom of nations in selecting a social system.

The US is invoking at random its national legislation against other states which are not its liking as if a "world judge" and devastating their development and trampling upon their secured life. Today several member states of AALCO like my country, Iran and Syria are unjustifiably being impeded in their activities for national security and development and upgrading the people's living standard due to the unilateral sanctions and blockade imposed by the US which are the outcome of its high-handedness and arbitrariness.

During the last scores of decades, the US has applied sanctions on my country invoking tens of acts of sanctions such as "Trading with Enemy Act", "Export Administration Act", "Foreign Assistance Act", "Export and Import Bank Act".

Such an immoral conduct is rooted in pursuing its political aim to stamp out our idea and social system being fueled by sickening feelings of negation and physical antipathy.

It is one of the urgent tasks for the progressive mankind that aspire after independence and peace to establish an international Legal System under which unilateral acts against specially

designated states by means of extraterritorial application of national legislation and acts causing damage to third parties are criminalized and accused of.

In this respect we highly appreciate that since its 36th Session in Tehran 1997, AALCO has placed on its agenda and continued discussion of the item “Extraterritorial Application of National Legislation: Sanctions imposed against Third Parties” as a key agenda item.

Second, the DPR of Korea maintains its stand that the UN Security Council resolutions should not be based on for a legislation meant for extraterritorial application by a certain state against another state which has different ideology and social system.

Among the resolutions adopted at the Security Council there are not a few resolutions only in line with the interests of some superpowers neglecting not only the universal interests of mankind desiring world peace and security but the rights to self-determination, existence and development of the states concerned.

The US has appropriated the Security Council resolutions and basing itself on it applied sanctions against my country and let third countries to follow the resolutions, thus negating outrageously the right of our people to development.

In her activities of our Republic it is the supreme principle to meet the people’s material and cultural demand and to upgrade their living standard continuously. Therefore it is self-evident that the effort of the government of our Republic to provide people with a life other may feel envious of cannot be an act liable for sanctions.

All this vividly illustrates that Security Council resolutions catering only for the interests of some big powers in disregard of that of the states concerned are neither in conformity with the demand of the present era for peace and freedom, progress and development or in line with the UN Charter.

In this respect the delegation of the DPR of Korea considers it very important in the discussion of the agenda item “Extraterritorial Application of National Legislations: Sanctions imposed against Third Parties” to have an in-depth study on whether the Security Council resolutions adopted so far are in line with the UN charter or not.

Third, the DPR of Korea maintains consistently the stand opposing with all vehemence all kinds of violent extremism and terrorism as well as any other support to them. The acts committed by the US applying unjust sanctions and pressure on the independent countries while turning its eyes from the mass-killing of innocent peoples in Palestine, Syria, Iraq and Afghanistan should be questioned by means of international law since those acts are inhuman crimes.

We fully support the efforts to create a comprehensive international legal system to oppose violent extremism and terrorism and would actively cooperate for an effective measure.

Your Excellency President, Today, our people blessed by leaders through generations are living in the most superior society of our own style and are single-mindedly united around the respected Marshal Kim Jong Un. They are struggling hard to develop the economy and to improve their living. Economic development necessarily requires peaceful environment suitable to it. Therefore the Government of our Republic has put forward this year series of important initiatives to pacify the situation on the Korean peninsula while striving to materialize them. But the US has deliberately turned its face from our rational and just proposals and kept on waging joint military exercises against us one after another thus escalating tension on the Korean peninsula.

To ease tension on the Korean peninsula and to normalize north-south relations, the joint military exercises against must be stopped completely. The Government of our Republic resolutely opposes all the attempts by some states to deprive other nations and peoples of their security and peace while caring only for their political, economic and military interests, and she will strive hard to usher in this world peace and justice.

Thank You.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Qatar. You have the floor, Sir.

The Leader of Delegation of the State of Qatar: His Excellency, the President of 53rd Session, Dr. Mohamad, Secretary General of AALCO, Excellencies the Ministers, Head of the delegations and ladies and Gentlemen,

Peace, Mercy and Blessings of God upon you.

I am pleased to express my great happiness for convening this meeting of AALCO. The Organization embodies the aspirations of the peoples and governments of two big continents, and is working to develop an effective and continuous cooperation to achieve their hopes for growth, progress and welfare and build bridges of joint work with the peoples and governments of the world, I am also pleased to express on behalf H.E. Dr. Hasan Lehdan Al-Mahndi, Minister of Justice in the State of Qatar, and on behalf of me and the delegation of the State of Qatar the profuse appreciation and thank to the Islamic Republic of Iran for hosting this 53rd session of AALCO, and what we saw ovation and hospitality and good preparedness and organization, there is no doubt that will have a impact in success of the work of meeting.

The continued work of this Organization throughout the period which crosses half century, is evidence of its success and determination of peoples and government of countries which are involved in it to consolidate their cooperation and unify their stands based on their common interests in dealing with critical issues in today's world, which mounts the role of regional and continental groupings and factors of influential global power are formed. From this account we look with great interest to the meetings of our organization and prepare for interaction and cooperation which reflect positively on our present and future of generations in our countries.

Excellencies, Ladies and Gentlemen, While we review the program of this meeting, we find that it addresses the issues of great importance at the level of the whole world, our delegation was keen to participate through my paper in work includes two focal axes from its themes, first of them is "the world against violence," what constitutes violence, in its various forms, from the threat of individuals and communities and security in the whole world, and other of them is which is related to the WTO as system agreement, general and important system for world trade; but I in this word would like to emphasis on the importance of many of the issues which deserve to be accounted for and our shared interest in our continuing earnest endeavors to reach a fair and drastic solutions for them, however, the meeting of our Organization is being held in a critical phase in which conflicts and hotbeds of tension are spread here and there and problems and multiple challenges on rise including some old and continues and some new. In this word I would like to touch the most important of them briefly.

First- continued Israeli aggression on Palestinian people: Previous sessions of our Organization have witnessed addressing this aggression which threat is not limited to the security and stability of Arab region and Middle East only, but it also extends to the threat of security and stability of the world; however, we meet in the aftermath of wide aggression waged by Israel on the Palestinian Gaza Strip that lasted 50 days and in which used all kind of weapons and the aggression has left behind more than two thousand people dead and more than ten thousand injured, and the victims were civilians, most of them were women and children and elders as well as displacement of many thousand unarmed civilians, and vast destruction of facilities and means of services, in flagrant violation of fourth Geneva Convention of 1949 regarding the protection of civilians in war time.

This comprehensive aggression is a form of genocide prescribed in the second article of Convention on the Prevention of Genocide and Punishment, 1948, puts us all in front of responsibility to deter aggression and punish the its perpetrators in collaboration with all members of the international community.

Second- violent religious extremism: The international arena is witnessing, especially Middle East, the emergence of extremist movements take religious beliefs as declared slogans for the practices of violence are crimes under religious doctrines that promote harmony, peace and humanity, and falls under the penal laws positivism as the acts of assault on the human and his feeling, beliefs and his money, as well as a threat to the security of community and its stability. And its danger now grew after these have taken organized and armed forms and stated stretching on the international and local entities. This is a phenomenon worthy of unified cooperation to face this imminent danger by all means and possibilities.

Third- Protection of disaster victims: Peoples of Asia and Africa continents are facing disasters with major damage which effect individuals and properties, some of them are manmade like wars and acts of terrorism, and some are natural like earthquakes and floods. These disasters lead to the destructions and unlimited extensive damages, some countries find themselves, especially poor of them, unable to face these risks and address the effects; and that raise the need of solidarity and aid on the level of this organization and other concerned international and regional organizations.

Fourth- Conflicts and Internal Strife: Many countries of both continents are witnessing internal political, religious, sectarian and ethnic conflicts which are threat to the security and the life of sons of our peoples, and threat to their geographical and community unity, and drain the human energies and wealth, and hamper their growth and development. Undoubtedly the responsibility of international and human solidarity calls all of us to help these countries and make effort to remove the causes of these conflicts and conciliation between the parties, especially the IHL has put legal framework for this important goal under the additional protocol II to the Geneva Conventions on the protection of victims of non-international armed conflicts, signed in Geneva in 1977.

I have to mention here that the State of Qatar has made efforts to resolve a number of conflicts, and has reconciled in reconciling the various parties to the internal conflicts and achieved reconciliation between them and the reached to the lasting and decisive solutions led to the restoration of stability and security and normalcy.

Fifth- the fight against poverty: Many of the Asian and African countries are suffering from the phenomenon of poverty due to the multiple reasons, like shortage of natural resources, population explosion, natural disasters, civil wars and unemployment.

At a time when poverty is a serious humanitarian problem, it is a direct cause of many problems, it is one of the important reasons for multiple crimes, which is a major cause of serious problems, including family breakdown, homelessness, delinquency of kids, and falling into the clutches of terrorism, and human trafficking, and then the face of poverty represents the face of a preventive for many of the problems that threaten the individual and society alike, and it is worthy confrontation that deserves from us the great attention and research of the means and mechanisms for implementation.

Sixth- combating terrorism and its financing sources: Terrorism is no longer a threat to the state or a particular international group, but has become a global threat, no longer a society free from possibilities extending to it, and technological advances helped in the diversity of the means to commit terrorist offenses, also added new ways that contribute in the funding and keep continue its activity. Therefore national and international efforts to face the terrorist acts and to monitor suspicious denominational operations that can provide resource to terrorists, has been unable so far from comprehensive cessation of crimes of terrorism, terrorist acts has been continue to infect large numbers of innocent people and went to unlimited human groups.

That is why our responsibility towards this danger which has become haunted daily life requires us to act without stop and human and material potential that we all participate in providing as well. The State of Qatar have given it what he deserves, it issued several anti-terrorism legislation, most recently the law (4) for the year 2010 on combating money laundering and financing of terrorism, which Qatari legislature is keen the harmony with the international efforts in this direction, as there has been the formation of a national committee to combat terrorism in order to achieve a lasting cooperation between the competent authorities in the state in the field of combating terrorism and the development of means of this confrontation.

Seventh- Development of Asia – Afro work under the framework of WTO: At the stage where the world is witnessing openness in trade relations and override many of the earlier restrictions by the WTO, the organization as a general framework and the GATT agreements characterized by flexibility to accommodate the requirements of the national interests of the Member States and most importantly requirements of national security and national public health. In this sense, and in order to serve the interests of the allied countries in this Organization, which constitute two-thirds of the GATT countries and play an influential role in resolutions of easing restrictions of international trade. We call for a union of developing States Parties to the GATT in a joint effort to support the least developed countries, and to contribute in changing the in forced which serve their interests and ensure their privacy, and investment of flexibility and legal tools to take into account national security and achieving food security in those countries.

Ladies and gentlemen, I look forward of a good result of our this meeting, and I hope that our joint work and cooperation and keenness to be a way towards our success in coming out of a common vision and practical solutions serving our large goals, and I reiterate my thanks to the organizers of the meeting.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of People's Republic of China. You have the floor, Sir.

The Leader of Delegation of People's Republic of China: His Excellency the President of the Fifty Third Session, Distinguished delegates, First of all, on behalf of the Chinese Delegation, I would like to congratulate Your Excellency on your election as President of the 53rd Annual Session of the Asian-African Legal Consultative Organization. I believe you will make this session a great success with your outstanding leadership. I also wish to take this opportunity to extend my appreciation to Dr. Rahmat Mohamad, Secretary-General of the AALCO and the secretariat for their excellent work during the past year. Moreover, I would like to express my thanks to our host, the government of Iran, for the considerate arrangements for this annual session.

The world is undergoing extensive and profound changes. Due to economic globalization and IT application, we are living more and more in a global village and a flat world. Countries are increasingly interconnected and interdependent as never before. More and more challenges are emerging. International community has become an integral whole with a common destiny. What rules countries need to abide by to get along with each other bear on the well-being and future of the mankind?

After the World War II, with the joint efforts of the international community, international law has increasingly become the cornerstone and guarantee of maintaining peace and security, promoting development and human rights and pursuing equity and justice. The international rules are ubiquitous, from outer space to seabed and subsoil, and from climate change to personal trips, leading a deep impact upon international community. It is widely recognized that the mankind should promote international rule of law, uphold peace and stability and enhance win-win cooperation based on international law. Abiding by international law has

become the common understanding of the international community. Those who violate the international law will pay the price sooner or later.

On the other hand, however, there is still a long way to go to eventually realize the international rule of law. Hegemonism and power politics keep emerging in international relations. All kinds of "new interventionism" directly challenge the fundamental principles of international law, including the principle of "equality of the state sovereignty". Some countries act out of expediency or practice double standards on international law. The imbalance between the North and South on framing and applying international rules has not been addressed fundamentally. All countries need to strive to effectively tackle the challenges in new frontiers and at global scale, including cyber security, terrorism, and climate change by working together to improve the rules applied to those areas.

China is always committed to upholding and establishing the rule of international law. 60 years ago, China, India and Myanmar initiated the Five Principles of Peaceful Coexistence, paving the way for building a new type of international relations featuring equity and just. It is a historical contribution to the endeavor to build a fair and equitable international order based on international law. On May 27, 2014, the experts of international law from the United Nations, the AALCO and many countries gathered in Beijing to discuss the importance of the Five Principles in the international law. They agreed that to adhere and to develop the Five Principles is highly relevant in today's world. On 28th June, the leaders of Myanmar, India and China met to commemorate the 60th anniversary of the launch of the Five Principles of Peaceful Coexistence, and agreed to further promote the Five Principles for a world of win-win cooperation. Chinese President Xi Jinping pointed out in his speech that it is important to promote the rule of law in international relations, urge all parties to comply with international law and basic norms governing international relations, and use widely applicable rules to tell right from wrong, and pursue peace and development.

China applauds the achievement that the AALCO has made since its establishment and will as always attaches great importance and gives its full support to the work of the AALCO. The AALCO, as an outcome of the Bandung Conference, reflects the common aspiration and effort of the Asian and African countries to build a new and just and equitable international political and economic order based on the international law. Now, the Asian and African countries have become important players in upholding and promoting the international rule of law. The AALCO provides an important platform for Member States to communicate, and coordinate on issues of international law. China hopes all Member States will carry forward the spirit of Bandung Conference, work together to uphold the sanctity and authority of the international law, and make due contributions to the development of international law, so that the voices of Asian and African countries will be heard more often in the process of advancing the international rule of law.

China hopes the AALCO will keep growing by closely following the developments of international law and timely updating and enhancing its agenda so as to provide the Member States with an adequate forum to keep in peace with the new rules in cyber, outer space, and other areas of international law, and to exchange views and actively participate in making and forming of the international rules. I would like to take this opportunity to thank those countries

who supported adding the item of "international law in cyber space" to the formal agenda. The Chinese delegation looks forward to an in-depth discussion with all delegates in the upcoming meetings.

China hopes the AALCO will continue to enhance its visibility internationally by strengthening its communication and cooperation with the Specialized UN Agencies, International Law Commission and other related international and regional organizations, and improving its capacity of taking part in important international legislation process, the AALCO will boost its international influence.

China hopes the AALCO will help its Member States to enhance capacity-building and raise awareness of the international law by way of hosting symposiums and workshops, so that the member state will be able to participate more effectively in the formulation and application of international rules.

China looks forward to discussing all the issues together with other delegations, and wishes this session a great success. Before concluding I am pleased to announce that China has formally submitted its request of hosting the 54th session of AALCO in Beijing. I hope to meet all the colleagues in Beijing next year.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Japan. You have the floor, Sir.

The Leader of Delegation of Japan: His Excellency the President of the Fifty Third Session, H.E. Mohammed Bello Adoke, Attorney General of the Federation and Minister of Justice of the Federal Republic of Nigeria and President of the Fifty-First Annual Session, H.E. Professor Dr. Rahmat Mohamad, Secretary-General of AALCO, Honorable Ministers and Attorney Generals, Distinguished guests, ladies and gentlemen,

It gives me great pleasure to address this august body again, and to make my general statement before the honorable ministers and distinguished colleagues of AALCO member states. I would like to begin by expressing my appreciation to the Government of Islamic Republic of Iran for hosting this year's Annual Session and to extend my sincere congratulations to H.E. Dr. Danesh Yazdi, Deputy Minister of Foreign Affairs of the Islamic Republic of Iran for his election as President of the 53rd Annual Session. I would also like to congratulate Mrs. Agimba Christine Anyango, Deputy Solicitor General of the Republic of Kenya her election as Vice President. I must also thank Secretary-General, Professor Dr. Rahmat Mohamad and his staff for their dedicated work to prepare for this Annual Session.

Mr. President, AALCO has provided an important forum for dialogue among its member states for more than half of a century to uphold and promote the rule of law in the two great regions of Asia and Africa. The rule of law is a wisdom that the mankind has acquired to maintain peace and stability in human societies, domestic and international. In this regard, Japan welcomes the resolution adopted by the UN General Assembly in December last year in which

the member states agreed that the rule of law was “the foundation of friendly and equitable relations between States and the basis on which just and fair societies was built”.

Japan supports the spirit and the principle behind the resolution. Respect for the rule of law, and its establishment and promotion in the international community lies at the heart of Japanese government’s policy. In this regard, Japan’s Prime Minister Shinzo Abe delivered the key note speech at the Shangri-La dialogue held in Singapore in May this year. In his speech, Prime Minister put the great importance of the rule of law at sea and introduced the three principles. The first principle is that States shall make and clarify their claims based on international law. The second is that states shall not use force or coercion in trying to drive their claims. The third principle is that states shall seek to settle disputes by peaceful means. Japan is committed to always resolving disputes through peaceful means in accordance with international law, and has been extending support to other nations to build their domestic legal systems. International law is not created by any particular country or countries. It is the product of our wisdom, cultivated over a great many years for the prosperity of all humankind. Japan intends to play more proactive role in deepening the cooperation in AALCO and promoting the rule of law in the international community.

Mr. President, Please allow me to take this opportunity to share a few highlights in Japan’s activities in the past year since the last Annual Session, in the area of promoting and strengthening the rule of law.

First is in the area of international law-making. Japan has been and will continue to play an active role in the development of multilateral treaties. One of the highlights in this area is the acceding to the Arms Trade Treaty in June this year. Japan was one of the co-authors of the UN General Assembly Resolutions on the Treaty, and played an active and constructive role in the negotiations. Another area to highlight is Japan’s effort to accede to the existing treaties to which it is not yet a party. In June this year, the two houses of the Japanese legislature gave unanimous approval to accede to the Southern Indian Ocean Fisheries Agreement. Japan, as a responsible maritime State, is of the view that it will maintain and develop the international order concerning the conservation and management of the fishery resources and through the Agreement take the lead in adequate conservation and management as well as sustainable use of the fishery resources in the Southern Indian Ocean, taking into account, in particular, the needs of developing States bordering the Area.

Mr. President, I would also like to take this opportunity to share Japan’s experience in peaceful settlement of disputes through international judicial process. This year became an important year for Japan as the ICJ delivered its Judgment in the case concerning the Whaling in the Antarctic. Throughout the proceedings before the Court, Japan has made clear its position on the issues involved in the case in full respect of the procedures. Although the decision that Japan’s whaling research programme falls outside the scope of the research programmes permitted under the International Whaling Convention is disappointing, Japan will abide by the judgment of the Court as a State that places a great importance on the international legal order and the rule of law as a basis of the international community. Japan is committed to settling disputes through peaceful means, and in fact, Japan accepted the compulsory jurisdiction of the ICJ soon after it adhered to the Court’s Statute. Allow me to take this opportunity to call upon

all States that have not yet done so to accept the compulsory jurisdiction of the International Court of Justice.

Mr. President, I would also like to take this opportunity to share Japan's active role in the International Criminal Court. The objective of the ICC—namely, to punish and hold accountable those responsible for the most serious crimes to the international community to thereby prevent them in the future—is the long-cherished desire of people throughout the world and Japan fully support the Court's activities. In this regard, the Government of Japan made a first voluntary contribution of approximately £600,000 to the Trust Fund for Victims (TFV) at the ICC. As Prime Minister Shinzo Abe expressed at a gathering of the North Atlantic Council of the North Atlantic Treaty Organization (NATO) in Brussels in May, Japan attaches a great importance to the role of ICC to prosecute and punish in accordance with the International Law those individuals who have committed the most serious crimes such as war crimes, and is of the view that through the contribution it will continue the support for the victims under armed conflicts including the protection of women. I must admit that Asia is currently underrepresented in the ICC. Accession to the ICC by more Asian countries would undoubtedly enhance the role of the ICC as an important guardian to end the culture of impunity of the most serious crimes. Japan remains willing to provide support to any State which is seriously considering the ratification of the Rome Statute by sharing our experience of the ratification of the Statute.

Mr. President, Taking this occasion, I am pleased to state that Professor Murase, member of the ILC from Japan is attending this meeting. Close cooperation between AALCO and the ILC is critically important, so I am looking forward to hearing his report on the activities of the ILC during its sixty-sixth session. My personal congratulation has been conveyed to him for taking the task of a special rapporteur on the topic “protection of the atmosphere”. I will join the discussion to be held in the special meeting on “selected items on the agenda of the International Law Commission” tomorrow.

Mr. President, There is no doubt that AALCO has served as an important forum for strengthening and promoting the rule of law in Asia and Africa, the two growth centers of the world. To achieve that goal, however, it is imperative that the Organization should be placed on a sound and sustainable financial basis. To that end, I have great respect for the efforts made by the Secretary-General and his staff to raise the awareness among the member states of the importance of fulfilling their financial obligations, which culminated in the adoption of the “Putrajaya Declaration” in 2009. The declaration aims at recovery of arrears through flexible consultation and arrangements with the member states that have long-standing arrears as well as streamlining expenditure as much as possible. The future of AALCO depends on the will of the member states. I humbly ask thorough deliberations to be held on the subject during this Annual Session, all member states to take this issue very seriously and to express their opinions.

Mr. President, There are so many international legal issues in the world right now that we can most productively discuss here. I am grateful to the Government of Islamic Republic of Iran for their hospitality, and thankful especially to the Secretary-General and the Secretariat for preparing the extensive materials on topics so important for the member States despite the

limited resource. I very much look forward to engaging in discussions with the distinguished delegates, both in and out of this conference room.

Thank you.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Nepal. You have the floor, Sir.

The Leader of Delegation of Nepal: Mr. President, Your Excellencies, Ministers, Attorney Generals, and Ambassadors, Mr. Secretary- General, Distinguished Delegates, Participants and Observers, Ladies and Gentlemen,

On behalf of the Nepalese delegation and on my own, I would like to congratulate you Mr. President on your unanimous election to the high office of the President of the Fifty-third Session of the Asian African Legal Consultative Organization. I am confident that your vast knowledge, wisdom and insight will help strengthen and revitalize the Organization.

I would like to extend my sincere thanks and appreciation to the outgoing President, Dr. Neeru Chadda, for her valuable contribution to the organization.

I would also like to convey my warm felicitations and congratulations to Madam Agimba Christine Anyango, Deputy Solicitor General of the Republic of Kenya on her unanimous election as the Vice-President of this Session.

Mr. President, I am especially grateful to the Government of Islamic Republic of Iran for organizing this Session in this beautiful city of Tehran, and for extending a warm and cordial hospitality to me and my delegation since our arrival here. I would like to take this opportunity to deeply appreciate the job performed by the Secretary General and other AALCO staff.

I really appreciate the inspiring inaugural address by Honorable Vice-President of Islamic Republic of Iran. His inspiring words symbolize the importance attached by the Government of Iran to this Organization and provide invaluable guidance for future direction of the Organization.

Mr. President, AALCO is the only legal Organization that consists of member states from both Asia and Africa. AALCO had made 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 collecting and consolidating the positions of its members on particular subjects under consideration of the International Law Commission, General Assembly and its Sixth Committee. It has played an important role in setting norms and standards in various fields of international law. In order to ensure that its members have proper laws and regulations in new and emerging areas, it has developed and disseminated model laws and agreements. Its special study reports and year-books have served as an important source of information on international law.

Mr. President, The issue of climate change under environment and sustainable development has been one of the most critical issues of our time. Rapid melting of snow, loss of biodiversity, erratic weather pattern, drought and depletion of the source of fresh water are the serious consequences of climate change in Nepal. Countries like Nepal are bearing the brunt of climate change disproportionate to the contribution to Green House Gas.

On this occasion, I would like to emphasize that something concrete need to be done immediately to address the loss and damage so that the people of the vulnerable countries within Asian and African regions can have easy breath. I would also like to focus that the burden of climate change should not be shifted to the least developed countries. Climate justice must prevail.

Similarly, I would also like to stress that freedom of transit to the high sea of the land locked countries must be further be ensured having regard to the principles of the law of sea such as duty to cooperate, obligation not to harm and precautionary action to be taken, among others.

Mr. President, We, in Nepal, are engaged in drafting a new constitution. We have elected the Second Constituent Assembly on 19 November 2013 which is committed to promulgate new democratic Constitution to the country within a year.

Mr. President, Nepal welcomes agenda selected for this session. All the agenda items including Law of the Sea, Environment and Sustainable Development, WTO as a Framework Agreement and Code of Conduct for World Trade, etc. are very timely and pertinent. Thank you, Mr. President.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Kuwait. You have the floor, Sir.

The Leader of Delegation of State of Kuwait: His Excellency Dr. Rahmat Mohamad (General-Secretary of AALCO), Excellencies Head of Delegations, Ladies and Gentlemen, It gives me pleasure on my behalf and on behalf of the delegation of State of Kuwait, to begin my speech to your august gathering with the greeting of Islam which is "Peace, Mercy and Blessings of God upon you,.

I present to all of you bouquets of highest affection and appreciation, by expressing my hopes that this esteemed meeting will achieve its complete objectives, which are desired by our people from us in the light of what they have given us precious confidence.

At the outset, I present sincere congratulation to HE Danish Yazdi, deputy Iranian Foreign Minister for his election as a president of the current session of the Organization wishing him success toward completing the process of organization and achieving the objectives and noble goals for which it is looking.

I remember to thank HE Dr. Rahmat bin Mohamad, Secretary General of AALCO, for his important role to consolidate the rules and principles of the Organization to strengthen its pillars and achieve its goals.

Ladies and Gentlemen, there is no doubt that the agenda of this session is full of many topics of legal nature and reality which are the call of practical necessity to be taken in study because it has impact on our countries. In this context, the State of Kuwait is full confident that the achieving just demands of peoples in self-determination and giving free choices in front of them and strengthen the livelihoods and peace, these are things represented in their goals, are the pillars of humanitarian architectures but the pillars of human civilization, which are the calls of all religions and divine laws.

It was the call of need to include the Palestinian issue on the agenda of Organization since 24th session held in Singapore 1988, till our current session.

In this regard, I assure we cannot overlook what Israeli occupying authorities has done violations that contradict all international charters, act and norms concerned with human rights and rights of occupied peoples in self-determination. In this sense the State of Kuwait condemned last Israeli aggression on Gaza and the massacre it has committed against Palestinian people and the destruction of infrastructure in the Gaza Strip.

The State of Kuwait has made many efforts to assist the Palestinian people and that is from site of its chairmanship of current session of Arab summit where it took political move with UN and its Secretary General and as well as with the president and members of international security council and made communication with all international organizations and bodies concerned to stop the Israeli aggression and to ensure there is no repeat and lift the unjust blockade of Gaza Stripe. Kuwait has also supported the Egyptian initiative for a cease-fire and demand all concerned parties to accept this initiative.

On the other hand and regarding agenda item related to the terrorism and violent extremism, I remember it to this place, emphasis on the terrorism,, it has become dangerous which represent one of international and national serious phenomenon which repercussions have no boundary or domain or religion. There is no doubt the elimination of terrorism successively requires combating crimes which support it, what we need today to join hands internationally and regionally to confront all these crimes in the cradle and the elimination of its causes and work for the protection of our national, regional and international societies from its serious repercussions on the interest and security stability of our countries, and in scope of leading role of organization to follow up the developments of the ILC and UN, the delegation of my country aspire during special meeting concerned with terrorism during our this session, the focus on recent what has been reached from the deliberations about establishing a comprehensive convention on international terrorism.

In the related context, my delegation is looking with much attention to the generosity of our agenda of other items, on top of the issues relating to the law of the sea and the treatment of refugees and also research issues especially extraterritorial application of national legislation: sanctions imposed against third parties.

Finally, my sincere thanks and appreciation to all of you respected, and honestly I hope the esteemed Organization will achieve its noble and optimal goals expected from it.]

And I thank you all for your kind attention, pleading to God Almighty to guide us and you to search in this momentum values of topics and items, wishing you all respected the best of luck.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of Indonesia. You have the floor, Sir.

The Leader of Delegation of the Republic of Indonesia: Mr. President, At the outset, allow me, on behalf of the Indonesian Delegation to congratulate you, upon assumption as the President of the 53rd Annual Session of the AALCO. I am confident that under your able guidance and stewardship the Session will bear fruitful outcomes. Rest assured, Mr. President the full support and cooperation of the Indonesian Delegation to the success of this auspicious Session.

In the same vein, I would like to convey our sincere appreciation to the Government and the people of the Islamic Republic of Iran for its warm welcome and generous hospitality afforded to the Indonesian Delegation. Furthermore, the Indonesian Delegation would also like to commend the AALCO Secretariat and Organizing Committee from the Ministry of Foreign Affairs of the Islamic Republic of Iran for the excellent preparations and arrangements made for this esteemed Annual Session.

Mr. President, Indonesia notes that this particular session observes a long list of agenda items, and attaches importance to all the agenda. Allow me to highlight some of the important issues on the agenda, namely on the Law of the Sea; “Deportation of Palestinians and Other Israeli practices among them the Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949”; “Environment and Sustainable Development”; and “WTO as a Framework Agreement and Code of Conduct” for World Trade.

Mr. President, On later, allow me to report to the session that the Government of the Republic of Indonesia held the consultative Meeting of Like Minded Countries and Other Interested Countries on the Future Work of the Intergovernmental Committee on the Protection of Genetic Resources, Traditional Knowledge and Folklore (the IGC) on 11-12 March 2014 in Bali, Indonesia.

We believe that the Consultative Meeting would be able to build confidence and create a common perception between the Like Minded and Other Interested Countries on the Future Work of the IGC. Therefore, we would like to submit Genetic Resources, Traditional Knowledge and Folklore to be considered as one of the main agenda for future AALCO sessions.

Mr. President, We note with satisfaction that AALCO is engaged in the development of international trade, specifically the adoption of the Bali package as a result of the Ninth World Trade Organization Ministerial Meeting that was held in Bali last year. We also would like to thank the participation of AALCO members at the event. The Bali Package is a step forward in

the finalization of the Doha Development Agenda and its implementation will be critical for the world's economy.

Mr. President, We would like to draw the attention of the Session to the Environment and Sustainable Development. In the areas of environment protection, we believe that the COP UNFCCC will be able to conclude a legally binding instrument in climate change by 2015 in accordance with common but differentiated responsibilities principle and respective capabilities.

Mr. President, Allow me to draw your attention to the recent escalation of violence and the deteriorating humanitarian situation in Gaza. These latest incidents reinforce the importance of a continued resolution to the conflict between Israel and the Palestinians. Indonesia reaffirms its position to support the "two state solution" in creation of a peaceful region.

Mr. President, Please allow me, to convey our preliminary comments on the two agenda items to be raised on the Special Half-Day Meetings. First, on agenda item 'Selected Items on the Agenda of the International Law Commission'. We agree that inputs provided by Member States of AALCO would be of significance to the ILC. We are of the view that the ILC as one of the most prominent body in the development of international law. To that effect, we have succeeded to have one of our best diplomats, H.E. Nugroho Wisnumurti to be elected as ILC member in 2011.

We believe that the topic of Expulsion of Aliens, Protection of person in the Event of Disaster and Formation and Evidence of Customary International Law are important for AALCO members and we hope that discussions under this session would expedite the....in the current meeting could influence the work of ILC. Second, on the agenda item "Violent Extremism & Terrorism", Indonesia shares a common concern on the uprising of violence and violent extremism in the region.

Mr. President, Finally, Indonesia, as a founding member of AALCO, has always been an active and strong supporter of cooperation between Asia and Africa in order to establish our two great continents grow more dynamic and prosperous. Once again, I wish to reiterate that the Indonesian Government's strong support for AALCO and its contribution to world legal affairs.

I thank you.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Sudan. You have the floor, Sir.

The Leader of Delegation of Sudan²:

"Peace, Mercy and Blessings of God upon you".

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

His Excellency President of Conference Minister of Justice, Republic of Iran, HE Mr. Secretary General of AALCO, HE Ministers and Prosecutors, Heads of the Delegations, Distinguished Delegates and Observers, Ladies and Gentlemen:

It gives me pleasure in the start of my talk to express my appreciation and sincere congratulation to you having faith in the Organization to preside and organize this session. We are fully satisfied that your good self and your experience will lead this organization to the success which we look forward and the achievements that we aspire and also convinced that this session leads towards an excellent results and significant recommendations.

Mr. President, I am pleased to express my appreciation and deep gratitude to the Government of the Republic of Iran for hosting this session in this beautiful city (Tehran).

I present salute and appreciation to the Secretariat of the AALCO on its continue activities in general, and on its organization and arrangement for the convening of this session particularly. As well as my salute and appreciation to all participants of this session and thanks to all of you for giving me opportunity to present the statement of Sudan on some of the topics which are the topic of this conference.

Mr. President, Ladies and Gentlemen, This session takes place at the stage where the world is witnessing important political and legal conditions and repercussions are closely linked to the issues of international law, which requires identifying a unified and integrated vision from African and Asian countries towards these issues. I am fully satisfied that there is a significant and effective role for this Organization in identifying unified and integrated vision about the international legal repercussions and the developments so as to their effectiveness and the strength of organization as regional legal blocks of the largest two continents in the world in terms of geographical area and in terms of population.

Mr. President, Ladies and Gentlemen, Indeed the rules of International Justice oblige us to identify a unified vision about the proper application of the rules of international law, and under that the adherence of international system to the application of the concept of the rule of law fairly and on the basis of equality and non-discrimination between all countries of the world regardless of economic or political or military position.

The proper application of the rules of international law is based mainly on the fairness and effectiveness of institutions of international law and which should lead their role in a fair and institutional method which shall be based on the integrated legal approach and distanced from the pressures and budgets and the dominance of the major countries.

Mr. President, Ladies and Gentlemen, It is from basic principles of international law that is the principle of the rule of law, which is based mainly on the objectives and principles set by the international charters and norms and the most important of the Charter of the United Nations, which decided the principle of justice in the basic preamble and other materials, where the text in this regard on equality between states on the basis of sovereignty, that means the respect for the international system for state sovereignty, is a basic components for the application of international justice in the framework of international law.

The Charter of the United Nations also decides another important principle of non-intervention in the matters which are within the domestic jurisdiction of the state considering that this principle is the basis of the legal fence for international justice. Those principles collectively represent the basic elements of the rule of law which sets the framework of global commitment to the international legitimacy approach.

The application of those principles according to the overall concepts of justice and rule of law requires real reforms of institutions of international law so they can play their role fully in the application of aforesaid principles in accordance with the provisions of international law and on the basis of justice and equality.

Mr. President, Ladies and Gentlemen, What I said in my previous words that is the foundation and the central entrance to the topics which will be discussed in this session. It is also a gateway of important talk that you saw its presentation before you considering that our Organization is a regional legal mechanism in which African and Asian countries present its vision about unfair application of international law.

Mr. President, Ladies and Gentlemen, The resolutions of ICC and its periodical reports against Sudan represent a fundamental breach of the principle of the rule of international law, which is considered a basic issue in the framework of concept of international justice, Where these decisions constitute a dangerous precedent in the process of international law and international legitimacy which makes the entire international legal system at a crossroads.

The decisions of ICC came contrary to the basic principles and provisions of international law in the three main issues:-

First: Sudan is not a member of Rome Statute the creator of ICC, and it is not party to the Treaty or the Rome convention, thus the special provisions do not apply to that where it is fixed according to the provisions of international law in general, and the Vienna Convention on the Law of Treaties of 1969, in particular: The Treaty “Vienna Convention on the Law of Treaties” does not oblige but only to the member parties who have agreed to and signed consent to its provisions in accordance with the necessary procedures, and it is clear from the provisions established by the Vienna Convention as follows:-

Article (a), paragraph (1) of the Convention identified the definition of a treaty agreement about “Treaty means an international agreement concluded between states...etc”

The stage of expression of satisfaction in correlation treaty is the basic and decisive stage in determining the extent of the approval of the state and its commitment to the provisions of the Treaty. This is also decided by the Vienna Convention, in Article (2) paragraph (1) (B) under the heading: “Ratification – Acceptance – Approval and Succession”.

The definition of a Contracting State to the Convention mentioned which includes the consent of the State, using the agreement to express the “Contracting State” and to express “Consented to be bound by the treaty”.

The Convention also decided the obligation of ratification of the treaty in order the state to be a member to the Convention and the state should be committed to its provisions as stipulated in the convention in Article No. (14) to determine the cases of ratification on convention as a condition necessary for the entry into force of the provisions of the Convention for the State. Sudan has not ratified the agreement and therefore does not stick out based on its constitution which decides the obligation of ratification on convention as the basis for the commitment of the State.

Second: Violation of resolutions of the International Criminal Court for the “Charter of the United Nations”.

The principles which the decision came in violation that is:-

- Principle of Justice, that is the preamble of Charter has decided and also Article No (2) of the Charter:

“the organization is based on the principle of the sovereign equality of all its members”.

- The principle of non-interference in internal matters, does not detract in violation of the International Criminal Court decisions saying that the Security Council to intervene in case of breach of international peace and security, where the conflict in Darfur is not a case of a breach of international peace and security in accordance with the legal concept of the terms of international security and international peace, as it is an internal conflict that do not apply to the elements of threat for international peace and security, but that can be resolved by negotiation and peaceful means, and there is call for Security Council for this a peaceful solution in accordance with Article No. (33). paragraph (2) of the Charter of the United Nations. Here we highlight the violation of UN Security Council Resolution No. 1593 to refer the dispute in Darfur and the International Criminal Court for the principles of international law.

Third: immunity of Head of the State: - The decisions were made in the right of Head of the State of Sudan are a clear breach of principle of rule of law in general and the provisions of International Law in particular, where the Head of State is considered according to the provisions of international law the ideal of state and the symbol of unity and sovereignty. Therefore he enjoys full legal immunity and does not subject to any procedures and trial. Therefore, the issuance of the Court's decisions represent a waste of the principles and provisions of international law which govern the privileges and immunities of the head of state during his rule regarding this issue, which is one of the issues for discussion in this session under the title “Immunity of State officials from foreign Criminal Jurisdiction”, we call for adoption of a unified and integrated legal concept that decides the immunity of officials of state from foreign criminal jurisdiction based on the principle of sovereignty.

Mr. President, Ladies and Gentlemen, Sudan has done its part with all legal procedures and requirements necessary to achieve justice for the crimes committed in Darfur. Where national investigation commissions were formed and prosecution and competent courts began their works in Darfur. Many of the accused were produced in Sudanese Courts which are characterized by independence and impartiality.

A prosecutor has been appointed for crime of Darfur, and he precedes his works with independence and full impartiality, and assisted by many of the lawyers of prosecution in this regard. He took legal measures in some crimes committed in Darfur. It is then submitted to judiciary which is characterized by independence, integrity and impartiality.

Sudan is executing its obligations in the framework of international law fully, it is therefore request from this Organization what we have previously asked for in previous meetings and that is the need for adoption of Organization an integrated legal vision about decisions of ICC against Sudan in a consistent manner and foundations and principles of international law which decide the principle of justice between countries and implementations simply.

Mr. President, Ladies and Gentlemen, The pressures and resolutions which I mentioned did not discourage Sudan from adopting and execution of principles of rule of law and good governance in the internal domain, and it implemented the agreement of comprehensive peace done between the Government of Sudan and Sudan People's Liberation Movement full and fair. Free and fair elections were implemented in its specific time in accordance with the law of elections 2008, after that the referendum was conducted in the right of self-determination for citizens of South Sudan in accordance with what the peace agreement and the law of the South Sudan Referendum decided also in its deadline and that on basis of justice and transparency. The Government of Sudan has accepted the result of referendum which decided the separation. The State of Sudan was the first country has recognized the State of South Sudan. And it has entered into many of agreements with New State convinced of the importance of political, economical and security cooperation between two countries. The State of Sudan still playing its role in framework of organization of IGAD and African mediation to end the current war in the State of South Sudan.

Mr. President, Ladies and Gentlemen, In the same approach Sudan rejects the unfair decisions issued towards it, and rejects also the decisions and Israeli policies and actions towards the Palestinians. The Israeli practices towards Palestinians are clear violation of the principles of the International law and in particular fourth Geneva Convention 1949.

Sudan sees that the Israeli practices against Palestinians have reached at a point is considered a form of complacency of rules of international law and Geneva Convention, perhaps the continuation of policy of aggression which Israel is practicing on Palestinian territories and specially on Gaza Strip that is a clear indication of unwillingness of Israel to achieve the peace in Middle East. Peace cannot be achieved unless Israel withdraws from all occupied territories and Jerusalem. All military operations stand against Palestinians.

Mr. President, Ladies and Gentlemen, Israel did not and never want to achieve peace in region of Middle East, and insists on a great determination to exercise aggression against Palestinian citizens in all its forms, and the denial of them from human rights. In this regard we appeal the international community to adopt unified vision which implements the rules of international law in case of Israeli aggression on Gaza Strip.

Mr. President, Ladies and Gentlemen, Sudan cares very much the topic of trafficking in human beings, especially women and children – and sees the importance of cooperation between the Asian and African countries in the field of combating human trafficking, Sudan has concluded many of bilateral agreements in this field that the topic of human trafficking represents a real threat to the principles of human rights, and also constitutes an obstacle to the achievement of peace and stability in Asia and Africa.

For assuring the conviction of Sudan the importance of combating human trafficking have been issued a law to combat human and also ratification and accession to the protocol to the Convention on Transnational Organized Crime and anti-human trafficking, especially women and children.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Jordan. You have the floor, Sir.

The Leader of Delegation of Jordan:

“Peace, Mercy and Blessings of God upon you”

HE Mr. Secretary General of AALCO, Excellencies, Ladies and Gentlemen,

At the outset allow me to thank to the Government of Islamic Republic of Iran for hosting the work of 53rd session of AALCO highly valuing what I and accompanying delegation have received the hospitality and warm reception.

Allow me I recall at this place the high goals for which basis of this Organization was grew up and which provides the service as an advisory body to the Member States of Organization in the field of law and as a forum of Asian and African cooperation in legal matters of common interest, and search and deliberating the issues related to the international law which have been referred to the Organization from Member States and make recommendations to governments as necessary, as well as exchange of views and experiences and information on issues of common interest which have legal implications, and referral of views of Organization regarding matters of international law referred to it, or to UN, other institutions and international organizations with the approval of governments of Member States, and study of topics which are under considerations from ILC and referral of views of Organization to the Commission, to look into its reports and make recommendations in this regard to the Member States, these are the goals as a whole made the Organization a forum of legal thought in the context of international law, and strengthened advisory role of this Organization that leads to unification and harmonization of international positions, especially in light of international and regional circumstances which surround the countries in the region.

Excellencies, Ladies and Gentlemen, Our this meeting will discuss during sessions a series of important matters of international dimension and which require from us attention and analyses especially. We represent the finest houses of legal experience of countries that have come from and there is no doubt that our countries have been affected or will be affected by a number of issues of common interest which add the importance of discussing those topics. Jordan as part

of the territory of the region where it is located has paid its duty towards the years of forced migrations and large waves of refugees that hosted by Jordan in spite of the limited financial capabilities and resources and especially the growing demand for water and energy from which Jordan is suffering originally from a severe shortage, presence of refugees requires attention into many of legal matters related to empowering them, their care, their rights and their commitment towards hosting countries in addition to that providing basic components like health, education and security.

And from other important sides this meeting will discuss matters are related to law of sea, protection and immunity of formal officials from foreign legal jurisdiction, deportation of Palestinian nationals and practices of occupying authorities towards them and issue of environment and sustainable development and others from topics. We must stop here at a very important issue and that is blind extremism and terrorism and Jordan stood like rest of countries in the world against it and signed the treaties and agreements that fight it. His Majesty King Abdullah II has expressed on more than one occasion Jordan's rejecting stand on terrorism and its determination to fight it which violates our Islamic religion and the teachings of the Quran and that is a challenge for human right to live safely in line with international obligations and commitments in this area.

In conclusion, I wish that this meeting will result in good and positive results in the interest of the peoples and countries that we represent to form the legal ground. As I repeat thanks to the Islamic Republic of Iran for hosting this important meeting wishing success to its work.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Malaysia. You have the floor, Sir.

The Leader of Delegation of Malaysia: His Excellency Mr. President, His Excellency Secretary General, Distinguished Delegates, On behalf of my delegation, allow me to express our appreciation to the Government of the Islamic Republic of Iran for its gracious hosting of this Annual Session. I also wish to thank the Organizing Committee and the AALCO Secretariat for all the arrangements made.

Allow me to take this opportunity to convey Salaam and Greetings from the Honourable Tan Sri Abdul Gani Patail, the Attorney General of Malaysia who had to regretfully miss this Annual Session due to his unavoidable official commitments. At the outset, I also wish to take this opportunity to convey our sincerest gratitude to all the Governments and the peoples of AALCO Member States whom had shared their unwavering support in all forms during the difficult period Malaysia had to go through for the loss of our Malaysia Airlines MH 370 and MH 17.

Malaysia wishes to share our initial reactions to those matters enlisted in the Agenda of this Annual Session namely, the works of the International Law Commission (ILC), Palestine, Status of Refugees, International Terrorism and the Secretary General's Report on Organisational Works and Financial Matters.

Mr. President and Distinguished Delegates, Malaysia appreciates the AALCO Secretariat's continuing effort to assist Member States in the deliberations of the works at the ILC. Malaysia applauds the creation of the Working Group in AALCO to deliberate on the important topic of '*Identification of Customary International Law*'. My delegation will partake in the discussion of the Working Group which shall meet parallel to the plenary. I am also pleased to acknowledge the presence of my Malaysian colleague, Dr. Suffian Jusoh, from the National University of Malaysia, who had been engaged by the AALCO Secretariat to work with the members of this Working Group.

On the topic of "Protection of Persons in the Event of Disasters", Malaysia takes note of the latest developments whereby the ILC at its 66th Session in 2014 has now provisionally adopted draft Articles 3*bis*, 14*bis*, 17 and 18 as coming out of the work of the commission's Drafting Committee. We will share our preliminary views in anticipation of the final report of the ILC during its 66th Session in 2014.

On the topic of "*Protection of Atmosphere*", Malaysia observes that the First Report from the Special Rapporteur has laid down three draft guidelines, firstly, on "Definition of the Atmosphere" (draft Article 1), Secondly, on "Scope of the Guidelines" (draft Article 2) and thirdly, on "Legal Status of the Atmosphere"(draft Article 3). We look forward to engage with Dr. Murase and other AALCO Members States on this very important topic.

Mr. President and Distinguished Delegates, Malaysia continues to dedicate its efforts toward a tangible outcome of discussions on the Palestine issue³. This item has remained on the AALCO agenda since its introduction at the 27th Session held in 1988 on reference made by the Government of the Islamic Republic of Iran. Malaysia is dismayed that even though this Item has come full circle, the "Palestinian issue" continues to plague the international community despite the unity of opinion presented through the numerous General Assembly and Security Council resolutions issued since 1948 condemning the breaches of international law by Israel.

³ Topic has been on the AALCO Annual Session agenda since 1988. The item "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" was taken up, at the AALCO's Twenty-Seventh Session, held in Singapore (1988), at the initiative of the Government of the Islamic Republic of Iran. The Government of Islamic Republic of Iran, after a preliminary exchange of views had submitted to the AALCO secretariat a Memorandum, and the Secretariat was called upon to study the legal consequences of the deportation of Palestinians from occupied territories. At the Thirty-Fourth Session held in Doha (1995) the organisation, *inter alia* decided that this item be considered in conjunction with the question of the Status and Treatment of Refugees. At its Thirty Fifth Session (Manila, 1996) after due deliberations the Secretariat was directed to continue to monitor the developments in the occupied territories from the view point of relevant legal aspects. At the subsequent Sessions, the scope of the item was enlarged, *inter-alia*, to include, at the Thirty-Seventh Session, "Deportation of Palestinians and other Israeli Practices" and the item "Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in the Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949" was placed on the agenda of the Thirty-Eight Session (Accra 1999). At the Thirty-Ninth (Cairo, 2000) session, it was decided to further enlarge the scope of the item and the Secretariat was directed to monitor the developments in (all) occupied territories from the viewpoint of relevant legal aspects. The item has since been seriously discussed at the successive Sessions of the Organization as part of its Work Programme.

In July 2014, the Israeli Government had launched a ground incursion into the Gaza Strip dubbed “Operation Protective Edge” which led to the death or injury of thousands of Palestinian civilians. Malaysia joins the whole globe in condemning strongly this inhumane act. On this context, Malaysia reiterates the importance of AALCO to play its role as a legal consultative organization in dealing with this issue.

Mr. President and Distinguished Delegates, On the topic of “*the Status and Treatment of Refugees*”, Malaysia wishes to record our concern surrounding the draft resolutions calling upon all Member States to ratify, accede and fully implement the 1951 Refugee Convention, the 1967 Protocol and other relevant international and regional instruments.

Malaysia continues to treating persons who have entered Malaysia claiming to be refugees with full respect to their dignity and continues to fulfill its moral obligations in extending effective protection and assistance to such persons on humanitarian grounds. However, Malaysia wishes to highlight the overarching principles of State sovereignty to enable States to continue to determine their own policies with regards to refugees and displaced persons taking into account national priorities, capacities and resources. On this account, Malaysia will submit our proposal to amend the draft resolution on this item.

Mr. President and Distinguished Delegates, We are pleased to note the proposal for the traditional topic of “*International Terrorism*” to be discussed in the context of a new dimension namely “*World against Violence and Violent Extremism*” during the second part of the Special Half Day Meeting on Wednesday. We look forward to engage on this important topic.

We thank the Honourable Secretary General and the AALCO Secretariat for the Report of the Secretary- General on the Work of the Asian-African Legal Consultative Organisation (ORG 1).

Malaysia notes that there is no proposal to increase Member States’ annual contributions made in paragraphs 71 of the Report of the AALCO Secretary-General (ORG 1). Malaysia is pleased to record that it has consistently paid its annual contributions to AALCO since becoming a Member States which had not done so to fulfill this obligation.

Malaysia remains dedicated and strives to contribute its efforts in ensuring the effectiveness and sustainable operations of the AALCO for the benefit of all AALCO Member States. Malaysia is pleased to note that the status of collection of arrears has improved as highlighted in paragraphs 83 of the Report (ORG 1). In this regard, Malaysia congratulates His Excellency the Secretary General and the AALCO Secretariat on the success of these efforts. Malaysia also notes the requests from some Member States on their financial dues resulting from extenuating circumstances. Malaysia intends to participate actively in the discussions on the report (ORG 1) to present its view regarding these matters.

Thank You.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of Thailand. You have the floor, Sir.

The Leader of Delegation of Thailand: Mr. President, Mr. Secretary General, Excellencies, Distinguished Delegates, Ladies and Gentlemen,

It is with great pleasure for my delegation to participate in this Fifty-Third Annual Session of the Asian-African Legal Consultative Organization. On behalf of the Thai delegation, I would like to take this opportunity to congratulate Your Excellency for your election as the President of the 53rd session of AALCO. Our sincere congratulations also go to the Vice-Presidents. Under your able leadership, my delegation believes that this session will come to a successful conclusion. I would like to assure you of my delegation's full cooperation.

My delegation also wishes to express its profound gratitude to the Government of the Islamic Republic of Iran for the warm hospitality and excellent preparation of this Meeting. I also would like to thank the AALCO Secretary-General and his staff for the reports on the topics to be discussed at this meeting, which would provide a good basis for our deliberation.

Mr. President, Thailand attaches great importance to the work of AALCO and has valued its role as forum to exchange views and experiences on legal matter of common concern as well as its efforts develop common legal positions of Asian-African States ever since its inception in 1956. AALCO work has progressively and significantly strengthened our cooperation in the codification and progressive development of International Law. Thailand would also like to express its appreciation towards AALCO's role in organizing workshops and seminars in various topics throughout the year. Such activities have provided opportunities for AALCO members to share knowledge and exchange views as well as to strengthen capacity building.

As regards the issue of capacity building, I am pleased to inform you that Thailand successfully hosted a United Nations Regional Course in International Law for participants from Asia-Pacific in Bangkok in November 2012. Thailand has expressed its readiness to host another session in the future. In addition, we are of the view that capacity building in the field of international law is important, and that the UN program of Assistance in this field should be funded by the UN program budget, rather than a voluntary contribution, as reflected in the UNGA Resolutions 67/91 and 68/110, in order to ensure the continued effectiveness and success of the Program.

Mr. President, Distinguished Delegates, I would like to touch upon some topics that Thailand looks forward to discussing with fellow AALCO delegations during this session. On issues relating to Law of the Sea, having become party to the UN Convention on the Law of the Sea (UNCLOS) in 2011, Thailand is reviewing its laws and regulations in order to harmonize them with the provisions of the Convention and to introduce measures in order to protect and preserve its national interests.

On the issues related to World Trade Organization (WTO), Thailand welcomes the successful outcome of the Ninth WTO ministerial Conference held in Bali, Indonesia, in December 2013. Thailand believes that the outcome of the Ninth Ministerial Conference is a significant step in bringing back the charm of multilateral trading negotiation. However, it is of Thailand's concern that the Protocol relating to the Agreement on Trade Facilitation which is part of the

outcome has resulted in a deadlock, due to different views of the WTO Members. This has caused a delay in commencing its ratification process. Therefore, Thailand would like to urge other WTO Members to comply with the agreed approach and timelines of the Agreement on Trade Facilitation as well as other significant outcomes in Bali.

On environment and sustainable developments, Thailand is committed to address climate change seriously through variety of innovative measures including building low-carbon societies and lowering greenhouse gas emissions, as well as disaster prevention and management. In order to achieve those commitments, a series of relevant laws and regulations are under process of amendment or enactment, such as laws and regulations on climate change, issues of biodiversity, and the carbon emission bill.

On the invaluable work of the International legal Commission (the ILC), Thailand has always closely followed their developments. Thailand is proud to see Ambassador Kriangsak Kittichaisaree, a member of the ILC from Thailand and Chairman of the ILC Working Group on the topic "Obligation to extradite or procedure". He has guided the ILC's deliberation on that topic to a successful conclusion this year. As you are aware, Ambassador Kittichaisaree is also a member of the Eminent Persons Group of AALCO, which he continues to be advice AALCO in both administrative and substantive matters. My delegation will elaborate more on our views towards the topics of our particular interest, "Protection of Persons in the Event of Disasters".

Mr. President, On Thailand's role and contribution to international community, I would like to take this opportunity to inform AALCO delegates that Thailand has launched a campaign to promote its candidature for non-permanent membership in the United Nations Security Council (UNSC) for the term 2017 to 2018. As a medium sized developing country, Thailand strongly supports a rule-based multilateral system, with full respect for sovereign equality among nations. We believe that partnership between UNSC and regional organizations, such as AALCO, will become even more important in addressing the multi-faceted challenges of the world today. Furthermore, Thailand also presents its candidature for the membership of the United Nations Human Rights Council (HRC) for the term 2015-2017, with an aim to share its experience and values in human rights protection and promotion at an international level. The Royal Thai Government strongly believes that Thailand is well-placed to serve on both the UNSC and UNHRC. We would therefore greatly appreciate valuable support from distinguished Member States of AALCO at the aforementioned elections.

Mr. President, Distinguished delegates, Thailand would like to express its appreciation to the Government of the People's Republic of China for their proposal to host the fifty-fourth Annual Session of AALCO in China next year, considering that 2015 would mark the 60th anniversary of the Bandung Conference which was an important step in promoting Asian-African economic and cultural cooperation.

My delegation wishes to take this opportunity to reaffirm the Royal Thai Government's commitment and support to AALCO's tremendous work and effort. I look forward to a fruitful discussion at this AALCO session.

I thank you, Mr. President.

President: Thank you, Sir. Next speaker of the list is the distinguished representative of India. You have the floor, Madam.

The Leader of Delegation of India: Thank you, Mr. President. First of all allow me to join the Delegations in congratulating you Mr. 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. I also take this opportunity to congratulate Ms. Agimba Christine Anyango and her country Kenya for her election as Vice-President of this Session. I also wish to thank the Government and People of the Islamic Republic of Iran for hosting our Annual Session in this beautiful and historic city of Tehran. I would also like to thank them for the excellent arrangements made for this session and for the warm hospitality extended to us.

I also express my appreciation to the Secretary-General and his staff for the excellent preparations they have made for our current Session, including the preparation of documents to help our consideration of the various items on our agenda. I would like to recall that India was one of the seven founding members of AALCO. We continue to attach highest importance to AALCO and its work, and we are proud to be the host country of AALCO, since it was established.

AALCO Annual Sessions are known for deliberations on select topics of international law on the AALCO Agenda. AALCO is a legal consultative Organization purely for deliberation on legal matters. This differentiates AALCO from other regional/ international organizations which generally focus on political aspects of inter-State relations. My delegation is of the view that AALCO should essentially focus on legal aspects of inter-state relations. Political and other aspects should be left to political organizations/ bodies.

This year, topics chosen for deliberations are very important for us: Environment and Sustainable Development; Status and Treatment of Refugees; Law of the Sea; Extra-Territorial Application of National Legislation; Sanctions Imposed against Third Parties; World Trade Organization and Code of Conduct for World Trade; and Deportation of Palestinians.

My delegation would be expressing views on the above mentioned items as and when the agenda items are taken up. We look forward to hear the views of the Member States and participate in the deliberations in the Special Half day meetings on “Selected item on the Agenda of the International Law Commission” and “Violent Extremism & Terrorism”. My delegation would like to highlight a couple of organizational matters which are of concern for us.

AALCO is an inter-governmental organization; primary objective is to function as an advisory body to its Member States in the field of international law. Hence, legal staff of the Secretariat plays a crucial role in the functioning of the Organization and discharge of its mandate. However, it is a matter of concern that the staff strength is diminishing on a yearly basis. For

example, the sanctioned staff strength in the legal category is 10-12. We understand that presently the actual strength is just two. We believe that AALCO has the potential to contribute more in the field of research, publications and capacity building exercises. Reduced Staff strength gradually lowers the functioning of the Secretariat.

My delegation takes this opportunity to urge the AALCO Secretariat to recruit more Officers and to put a recruitment and retention policy in place which guarantees an assured career growth for its Officers in order to avoid attrition of human resources. Officers have to be recruited on a permanent basis and pay scale has to be kept attractive for bright candidates to join the Organization. We believe that adhocism is not desirable at all in this matter and will ultimately also adversely impact AALCO's contribution as a consultative organization advising Member States on contemporary issues of international law.

Another important concern is the huge arrears of annual contribution which has been accumulated in the last several years. We appreciate efforts taken by the Secretariat to collect the arrears. We understand that AALCO Secretariat has limitations in compelling a Member State in arrears to pay. We believe that to improve AALCO's financial position the problem of accumulated arrears has to be addressed in a timely manner.

We commend AALCO Secretariat for establishing Eminent Persons Group (EPG). We believe that EPG can give inputs on the organizational and substantive aspects and give a fresh momentum and direction in the work of the Organization. We wish more meetings of the EPG to take place at regular intervals and expanding the group taking into account our diverse legal systems.

On behalf of my delegation, I wish you all fruitful deliberations and hope this Annual Session will provide with the unique opportunity to deliberate on legal issues that impact both regionally and internationally.

Thank You, Mr. President.

President: Thank you, Madam. Next speaker of the list is the distinguished delegate of Sri Lanka. You have the floor, Sir.

The Leader of Delegation of Democratic Socialist Republic of Sri Lanka: Mr. President Danesh Yazdi, Deputy Minister of Foreign Affairs of the Islamic Republic of Iran, Mrs. Agimba Christine Anyango, Deputy Solicitor General of the Republic of Kenya, His Excellency Prof. Dr. Rahmat Mohamad, AALCO Secretary General, Deputy Secretaries General, Honourable Ministers and Attorneys Generals, Heads of Delegation, Respected Guests, Ladies and Gentlemen.

Please let me first express my warm wishes to President elect, Honorable Ministers, Heads of Delegations, Distinguished Delegates and Observers, panelists and other distinguished invitees who are present today.

I express my appreciation and thanks to Prof. Rahmat Mohamad, Secretary General of the AALCO for the leadership and the contribution he has made in steering AALCO. During my tenure as the President of the Fiftieth Annual Session of AALCO, I had the opportunity of observing the work of the AALCO Secretariat from close quarters. I am proud to state that the Secretary-General and his Deputies, and the members of the Secretariat of AALCO always attended to their tasks efficiently and assiduously at all times.

As one of the founding members of the Organization Sri Lanka is justifiably proud to witness the progressive expansion of activities and the recognition it has received from the international community as a leading inter-governmental regional organization rendering multitude of services to the Member States and as a leading international body that is contributing to the development of international law.

International Law has witnessed a tremendous growth and evolution in the face of ever changing global scenario. International law today touches the lives of everybody. There is virtually no area of international interest, which is not, in one way or another, governed by international law, be it trade, transnational crime, terrorism, humanitarian issues and a host of other matters.

Distinguish Delegates, Guests and Ladies and Gentlemen, AALCO has devoted number of its agenda items at this Annual Sessions to pay attention to the concerns in relation to effects of war and terrorism. Considering the paramount importance of this issue in a global context, Sri Lanka as a State urges AALCO to consider terrorism as a global threat especially in Asian and African context.

No doubt that there is a rapid increase of conflicts across the world, the number of victims who seek refuge from the conflicts as well as natural disasters especially in the developing countries continues to increase. In that context the consideration of the topic 'Status and Treatment of Refugees' is topical and also vital for the Member States.

According to UNHCR the number of refugees, asylum-seekers and internally displaced people worldwide has, for the first time in the post-World War II era exceeded 50 million people. The marked increase in the global total of people seeking refuge would have significant implications on both the world donor nations as well as host countries in terms of the sizeable consumption of foreign aid as well as the exhaustion of local response capacities to the crisis.

Five years following the end of the conflict in Sri Lanka, over 500,000 displaced persons have returned to their places of origin. The Government continues to make significant strides in forging reconciliation among peoples, re-establishing infrastructure and meeting other developmental needs in order to assist those who were affected during the conflict.

Distinguished Delegates, Guests and Ladies and Gentlemen

Prominence and importance given by the AALCO to the topic of Environment and Sustainable development is welcome. The notion of sustainable development, which owes its origins to a

number of environmental movements, was defined by the World Commission on Environment and Development as “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Concept of sustainable developments is fast gathering momentum and forms part of the corpus of international law. The growing number of international treaties, declarations and international practice on sustainable development are a testament to its recognition.

Climate change and its impact on the oceanic environment and sea level rise remain a priority policy area for Sri Lanka. Rising sea levels will pose a number of challenges to coastal communities and their livelihood thereby negatively impacting on the economic development efforts in the country. Such changes will also disturb the equilibrium of coastal eco-systems that would likely threaten fisheries resources in terms of the quantity and quality of fish catch.

Sri Lanka ratified the Biodiversity Convention in 1994 and therefore has an international obligation to preserve its biological diversity as a global asset of tremendous value. Long history of policy and laws towards environmental protection has resulted in fairly comprehensive legal regime to protect domestic environmental issues in Sri Lanka. Sri Lanka is one of the countries that cause the least amount of adverse impact on the global environment. However Sri Lanka is conscious of its obligation towards the international community and support the implementation and support the implementation of international treaties related to climate change, biodiversity and combating desertification.

The AALCO consists of Member States holding divergent and sometimes contentious views on many common subjects. Therefore the Annual Session of AALCO is the time for the discussions and deliberations on issues related to international law for better recommendations for the present issues with consensus and productive solutions.

Ladies and Gentlemen, in coming days, we will be deliberating on a variety of current and relevant, matters of topical interest to us the Member Countries in this organization. Our Organization is perhaps the only inter-governmental organization that spans two most populous continents of the world, Asia and Africa. The dynamism of this region and the growing economic clout of the most populous countries in this region give us that much vaunted leverage in the efforts that we engage both in the UN General Assembly as well as the International Law Commission.

As I pointed out at the last Annual Sessions in New Delhi AALCO is continuously devoting a significant part of its time and resources to deliberate on topics that had serious bearing on world peace, sustainable development, environment and prevention of crime and the rule of law. I also quoted from the address of His Excellency Mahinda Rajapaksa at the 50th Annual Sessions of AALCO in Colombo, “It is vital to ensure greater effectiveness with regard to regulatory mechanisms at the international level, in respect of issues which are of immediate concern to many of our countries in Asia and Africa. Money laundering. Gun running, human and drug trafficking, are linked to international terrorism, continue to pose serious challenges, which call for a prompt and vigorous response by the international community.”

I wish to reiterate here that we have no time to lose. We must all move forward with renewed vigor and commitment to initiate meaningful actions to combat crime and uphold the rule of law.

In conclusion I wish to place on record that all Member States should take collective steps by way of measures to ensure the stability and viability of AALCO. It is of utmost importance that all the member States should collectively develop the strength, unity and cooperation on matters of international importance. Sri Lanka takes this opportunity to express our continued support and commitment to the organization.

Kindly allow me also to take this opportunity, on behalf of my delegation, to thank the Government and People of Islamic Republic of Iran for the warm hospitality extended to all of us since our arrival and for the excellent arrangements and facilities made available to us.

Thank you all.

President: Thank you, Sir. Next in the list is the distinguished representative of South Africa. You have the floor, Madam.

The Leader of Delegation of the Republic of South Africa: At the outset, I take this opportunity to express my gratitude to the Government and people of the Islamic republic of Iran for the warm hospitality that they have extended to us since our arrival. I also express my heartfelt thanks to Dr, Neeru Chadha for presiding over the organization in an efficient manner and convey my congratulations to the new President and VP. Next, I would like to thank the SG for leading the organization in an effective manner that has visibly increased its relevance in the international for a. I also the AALCO Secretariat for the excellent preparation for the session. South Africa is proud to be associated with AALCO since it joined the organization in 2007. On 27 April 2014, we marked 20 years of democracy. We are committed to peaceful resolution of all disputes and respect for international law in these critical moments where violation of international law is taking place in many instances. Therefore, it is important and imperative to adhere to the Rule of Law. Today we see that Gaza is experiencing a grave turmoil in which thousands of people have lost their lives, thousands have been displaced and infrastructure has been destroyed. This has grave implications for the people of Gaza. South Africa on its part has sent two envoys who would try to convess for two state solution. South Africa is opposed to extra territorial sanctions and we are of the view that these sanctions have detrimental consequences for the population of the country on which they are imposed. Therefore, we welcome the study –Unilateral and Secondary Sanctions: An International Law Perspective. South Africa would also like to urge all Member States to attend all the international meetings related to environment and sustainable development and urges them to present their views at the climate summit which in turn would help to strengthen legal mechanisms in respect of capabilities and common concerns to all. We also feel that it is an appropriate time to include the topic violent extremism and terrorism on the agenda of this session and in due course we would present our views on this topic. We have also noted that the Secretary General is working towards enhancing AALCO's cooperation with the UN, ILC and the Legal Division of the African Union. Thank you.

President: Thank you, Madam. Next speaker of the list is the distinguished representative of the Arab Republic of Egypt. You have the floor, Sir.

The Leader of Delegation of Arab Republic of Egypt⁴: HE President, Heads of the delegations and ladies and gentlemen, at the outset it gives me pleasure to congratulate His Excellency Yazdi, deputy Iranian Foreign Minister for his election as a president of the 53rd session of the AALCO.

I also thank to the government of Islamic Republic of Iran on what we had including warm welcome, excellent organizing and good accommodation. I remember to express my sincere appreciation to the HE Secretary General of AALCO and his team for their endless efforts.

Gentlemen, We meet today under the precise conditions the Middle East is going through and even most of the countries from Africa and Asia continents, to discuss the topics of paramount important topics for member countries of AALCO and entire international community as well. Therefore we consider the annual session of AALCO a unique forum for mutual cooperation and solidarity between member countries of Asian and African continents and we hope that the meeting will give a significant contribution to the development of frameworks of international law and achieving the interest of Member States.

Gentlemen, It gives me pleasure to focus on in my speech on the presentation of topics of session's agenda and in particular

First: The spread of terrorist groups has become a threat and real danger to the future of all Member States. Egypt has addressed this phenomenon achieving many successes and we look forward to this forum will be a good opportunity to develop a platform for dealing with this phenomenon in the region through an integrated and clear vision.

I also assure the clear position of the Arab Republic of Egypt in severe condemnation of all forms of terrorism, whether it is terrorism of State or Groups or individuals and whatever the source of terrorism or place of its targets.

We emphasize on the importance of adhering to the rules of international law, international humanitarian law and respect for human rights and human freedoms in the framework of national policies to combat terrorism.

In the end we reject emphatically every attempt to link the terrorism with any religion, culture, custom, civilization and ethnic groups. And we emphasize on the importance of providing those who are involved in terror activities before the judiciary whether they participated through providing financial support or in the execution of these activities.

Second: Palestinian Issue- Egypt has been and still consider the Palestinian issue a matter of priority in its foreign policy and try in all international and regional forums to condemn the Israeli practices in the land of occupied Palestine including the recent Israeli aggression on

⁴ The statement was delivered in Arabic. This is an unofficial translation of the same.

Gaza which falls within the scope of clear violation of rules of international law and in particular 4th Geneva Convention 1949.

And we reaffirm that to reach out to the permanent, comprehensive and just solution will not be done until the end of Israeli occupation according to the resolutions of Security Council and General Assembly of UN.

In this context, we commend the firm stance of AALCO regarding condemnation of Israeli violations to the international law in the occupied land. Therefore we urge member countries of AALCO to keep continue their efforts in all international and regional forums in the frame of providing continue and firm support to the Palestinian people in their striving to achieve their legitimate aspiration for freedom.

Finally, we look forward to reach in the end of these meetings towards a concrete and fruitful results verify the interests of States Parties.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of Pakistan. You have the floor, Sir.

The Leader of Delegation of Pakistan: At the outset, I deeply appreciate the govt. of the Islamic republic of Iran for extending a warm welcome and hospitality to all the delegates. Since our childhood, we have been reminded of the cities in Iran and we cherish those memories and hope that the cooperation between our two countries is further strengthened. We have noted with satisfaction that there are a number of important topics to be discussed during this session and my delegation would give its observations as a and when the topics come up for discussion. The Palestinian issue at present is a display of brute force and arrogance by Israel which clearly shows that the contempt for IHL and human rights by Israel. We suggest that the AALCO Secretariat should come up with grounds for identifying the problem and a coordinated stance to the problem.

My country feels that international terrorism and violent extremism is a very real problem as we witness it on an everyday basis. In the suicide attacks that are mercilessly carried out many innocent people were killed for no fault of theirs. The Government of Pakistan is trying its best to redeem the country from the scourge of violent extremism and terrorism. As far as the refugee problem is concerned, my country has suffered a lot on this account also. As my last comment, I would like to deeply appreciate the very good work done by the Secretariat under the guidance of the SG. However, I would like to suggest that for the next Annual Session, the Secretariat should circulate its work at least three months before the session so that the delegations can come well prepared for it. Thank you.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of the State of Palestine. You have the floor, Sir.

The Leader of Delegation of State of Palestine⁵: Praise be to God who made the Al-Aqsa Mosque a address for Palestine and a link between that and The Sacred Mosque and wherein revealed a Holy Quran. “Glory to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque to the farthest Mosque, whose precincts We did bless,- in order that We might show him some of Our Signs: for He is the One Who heareth and seeth”.

“Peace and blessings be upon the Prophet Muhammad”

HE brothers and sisters, their Highnesses, Excellencies, Heads of delegations and participating members of delegations I greet you all with the greeting of Islam which is “Peace, Mercy and Blessings of God upon you. From the land of Rabat, on behalf of the people of Palestine and their leadership I greet you wishing the success for this conference and for justice the empowerment and righteousness in our countries.

The victory of right and justice over wrong, injustice and aggression is one of the basic pillars of this conference. Continuation of Israeli aggression on our patient Palestinian people is an assault on the divine laws and international laws and ethical principles and at the same time a violation of humanitarian values and principles of human brotherhood and denunciation of international conventions and treaties.

Indeed our Palestinian people has suffered from occupation and still suffering from many decades, Israel continues killing human and taking off trees and demolishing stones and burning everything and using all kind of weapons including Internationally banned weapons against unarmed innocent people, women and children, old men chasing our people in their safe homes and in mosques, schools and even in hospital even bombing of the Islamic and Christian cemeteries that resulted in blown out the bones of dead to sky which says in what guilt we are bombed?

Yes you have watched through satellite television the killing of our children they are having fun on the Gaza beach, why they are targeted and killed, are not they children like children of rest of the world, their rights to have fun and play?? You also watched bombing of houses on heads of their inhabitants.

What Israel has done in the recent aggression on our people in the Gaza Strip, which killed nearly two thousand and two hundred martyr and a ten thousand wounded and the destruction of tens of thousands of homes, mosques and hospitals, and the targeting of ambulances and crews paramedics, journalists, and the destruction of the economic establishments industrial, agricultural, commercial and destroy private and public object, and the continuation of settlement activity in the West Bank and occupied Jerusalem and to move forward in the establishment of the apartheid wall despite the decision of the International Court of Justice to establish the illegality of the wall of Jerusalem, and the targeting of children, and burning them alive to death which are continuous war crimes and crimes against humanity and a flagrant violation of international laws, especially the humanitarian international law and the Fourth Geneva Convention, the matter which prompted us to document these crimes and bring Israel's political and military leaders to be trialed before international courts to prosecute them for these

⁵ *Ibid.*

crimes and forced them to pay compensation to the families of the victims and those affected by these crimes and assaults.

Ladies and Gentlemen, We from this international platform that is platform of truth and justice affirm and call the following:-

First: emphasis on the right of Palestinian people in the resistance of occupation and support of right of our people in self-determination and end the occupation and establishment of an independent Palestinian state with its capital in Jerusalem, based on international legitimacy and resolutions of the United Nations and the Security Council to compel Israel to work on the application and implementation of these decisions.

Second: need to stop all settlement activities which are being done by Israel in the Palestinian occupied lands including occupied Jerusalem and respect the decision of the International Court of Justice on the illegality of the segregation Wall.

Third: support for Palestinian move at the United Nations to implement President Mahmood Abbas's plan to end the occupation and support Palestinian efforts to get Palestine full membership in the United Nations.

Fourth: Condemnation of the unjust and illegal Israeli siege on the Gaza Strip in all its forms and be considered a flagrant violation of international humanitarian law and demanding Israel to lift the blockade immediately and open all crossings to the besieged Gaza Strip for the past eight years unconditionally.

Fifth: put pressure on Israel for immediate release of thousands of Palestinian prisoners in Israeli prisons and detention centers and to condemn the killing of prisoners through torture in the prisons and detention centers.

Sixth: to condemn Israel's confiscation of acres of Palestinian land to build settlements and by continuing to steal water from the Palestinian territories and to emphasize on that the settlements and the occupation are continues international crimes and there is no immunity for war criminals before international justice.

Seventh: condemn the recent Israeli aggression on Gaza Strip and call the international security council to stand up to its responsibility to refer the Israeli war criminals to the International Criminal Court for trial on what they have done of war crimes and crimes against humanity, against our people in the Gaza Strip and the West Bank and occupied Jerusalem.

Eighth: call the governments of your brotherly and friendly countries actively participate in the reconstruction of the Gaza Strip which is due to the recent Israeli aggression which is a enormous devastation requires your nations concerted precious efforts for the reconstruction of the Gaza Strip and to find shelter for thousands of Palestinian families, which Israel destroyed their homes, especially as we are on the doors of the winter.

Ninth: Emphasis on the right of the Palestinian people in the seaport and airport like other peoples of the world and the need for emphasis on respect for territorial waters and airspace of the State of Palestine and discontinue Israeli violation of that.

Tenth: continues cooperation between ministries of justice in our countries and to find the its coordination mechanisms to support Palestinian legal efforts for prosecution of leaders of occupation before international courts to establish the principle of right and justice and end Israeli occupation and build the independent Palestinian State and its capital Jerusalem.

Ladies and Gentlemen, In the end of this speech I thank to Islamic Republic of Iran for hosting this conference with hope we host you all in Jerusalem after end of occupation and establishment of independent Palestinian State.

Thanks to you all for your kind attention.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of Brunei Darussalam. You have the floor, Sir.

The Leader of Delegation of Brunei Darussalam: Assalamualaikum and Good Afternoon, Your Excellency Mr. Mehdi-Danesh Yazdi, Deputy Minister of Foreign Affairs of the Islamic Republic of Iran, Mrs Agimba Christine Anyango, Deputy Solicitor General of the Republic of Kenya, His Excellency Prof. Dr.RahmatMohamad, AALCO Secretary General, Deputy Secretaries General, Honourable Ministers and Attorneys General, Heads of Delegation, Respected Guests, Ladies and Gentlemen.

On behalf of the Brunei Darussalam delegation, I would like to extend my congratulations to you your Excellencies on your elections to the presidency and vice presidency of the 53rd Session of the Asian African Legal Consultative Organization. I am confident Your Excellencies with your able leadership, the Session will be steward towards a fruitful deliberation.

Allow me also to extend my gratitude to your predecessors, Her Excellency Dr.Neeru Chadha, Joint Secretary of the Legal and Treaties Division of the Ministry of External Affairs, Government of India and Ms.Hema Odhav, First Secretary (Multilateral) of the South African High Commission in New Delhi, for their excellent tenure of leadership over the past year.

Not forgetting also, I wish to give our warmest and sincere thanks to the Government and people of the Islamic Republic of Iran, especially to the Hosting Committee for their kind hospitality as well as to the AALCO Secretariat for the excellent arrangements made for the convening of this session. Their endless efforts in ensuring the preparation and the smooth running of this meeting are not to go unnoticed for which we wish to extend our gratitude. It is indeed a great pleasure to be here in this beautiful city of Tehran, a land rich with great histories.

Mr President, We take note of the topics for the consideration and discussion for this Session which are of importance to Member States. Brunei Darussalam has great interest in the

deliberated agenda items particularly matters relating to the works of the International Law Commission. We recognize the crucial role of the Commission towards the progressive development and codification of international law alongside the efforts of the Sixth Committee of the United Nations. In that regard, we are looking forward to the special meetings, which will be touching upon these issues in the days to come.

As for the newly proposed topic to be included in the agenda for this Session which was proposed by the esteemed Government of the People's Republic of China entitled "International Law and Cyberspace", Brunei Darussalam views this proposed inclusion as of relevance to be considered by the Organization. The development of internet technologies and the increasing dependence on its use globally is undeniably tremendous. However, even with the benefits that the technologies bring these are not without its challenges. Crimes stemmed from the use of this median are on the rise. The non-existence of geographical limits and the transnational feature furthermore only adds to its complexity. We therefore welcome the inclusion of this topic to be discussed in AALCO forum. We view that any deliberation and outcome therefrom should best be confined to the legal aspect viewpoint that is well within the role of AALCO as a forum to discuss international law matters.

Mr. President, We note there will be a special session on terrorism. We are of the view that legal discussion on this topic is very timely as we witness terrorist activities on the increase. Terrorism is without a doubt a global concern, which requires global action. In particular, when its activities are contrary to international law, human rights and peaceful settlement of disputes.

Brunei Darussalam is state party to 11 of the 14 international anti-terrorism conventions/protocols. At the regional level, being a Member State of the Association of the Southeast Asian Nations- ASEAN, Brunei Darussalam has pledged to work with ASEAN and other regions towards combating terrorism. We signed on to the 2011 ASEAN Declaration on Joint Action to Counter Terrorism and have ratified the ASEAN Convention on Counter-Terrorism in May 2011, which is a framework treaty to provide for regional cooperation to counter, prevent and suppress terrorism in all its forms and manifestations and to deepen cooperation among law enforcement agencies and relevant authorities of the ASEAN Member States. In complementing this effort, Brunei Darussalam also signed other ASEAN instruments relevant to terrorism, notably the Mutual Assistance Treaty among Like-Minded ASEAN States.

In ensuring the domestication or implementation of our obligations to the international Conventions and protocols, we have introduced enabling legislations such as-

- Internationally Protected Persons act;
- The Tokyo Convention Act;
- The Hijacking and Protection of Aircraft Order 2000; and
- Maritime Offences (Ships and Fixed Platforms) Order 2007

Brunei Darussalam had also enacted several other legislations including the Anti-Terrorism Order 2011 whose provisions are consistent with the United Nations International convention for the Suppression of the Financing of Terrorism and the UN Security Council Resolutions

1267 and 1373; the Criminal Asset Recovery Order 2012; Mutual Legal Assistance in Criminal Matters Order 2005; and the Extradition Order 2006.

In this respect, we wish to express our continued support and will continue in our efforts to prevent and eliminate all forms of terrorism. We look forward to the deliberations on this item.

Mr President, International law is an area of law that is fast changing and gaining more importance and relevance each day. On that note AALCO has an important role in the progressive development of international law especially in enabling the Asian-African States in developing international legal policies and positions. This is particularly important for Brunei Darussalam, being a small developing country, as we can understand concerns of member countries in the two regions. We acknowledge the laudable efforts done by the Secretary General and his proactive involvement in order to ensure the continued sustainability of the Organization. We are pleased to note on the status of the collection of arrears by some Member States since the fifty-second session. In line with the Putrajaya Declaration On Revitalizing And Strengthening The Asian-African Legal Consultative Organization we urge Member States who are in arrears to fulfill their financial obligation so as not to affect the effective functioning of the Organization. It is only understandable that the good functioning and future of this organization is all depended on its financial strength.

Mr President, Brunei Darussalam would like to acknowledge the activities that had been undertaken since the fifty-second session. We are particularly pleased to note the convening of trainings and workshops organized by the Secretariat as well as in collaboration with the relevant entities. We are certain that these trainings and workshops were crucial and most beneficial for Member States as part of the capacity-building initiatives. We look forward to more such initiatives being undertaken in matters of interest particularly those relating to the work of the International Law Commission in the future.

Your Excellency Mr. President, I wish you great success and I look forward to a constructive and fruitful discussion.

Thank you.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of Nigeria. You have the floor, Sir.

The Leader of Delegation of Nigeria: Your Excellencies, Distinguished Representatives of State and Non-State Parties, On behalf of my delegation, I convey the warm and fraternal greetings of the Government and good people of the Federal Republic of Nigeria to Your Excellencies and to the Secretariat on this occasion of the successful convening of the 53rd Session of our Organization in the beautiful and historic city of Tehran, capital of the Islamic Republic of Iran.

My delegation expresses its gratitude to the Government and good people of the Islamic Republic of Iran for the warm hospitality accorded us since our arrival and for the excellent facilities provided for this Session. Let me also congratulate the president and Vice-President of

this Session on their election to steer the activities of our Organization during this Session. We are hopeful that their tenure will offer a fresh opportunity to consolidate on the on-going work of our organization and steer it towards a more functional and beneficial role for all Member States.

Mr. President, My delegation is pleased to observe that the Agenda of this Session has appropriately listed for deliberation, several topics which are of considerable interest to Member States and which in different ways, affect our collective and individual interests. Some of these include the threats of global terrorism and violent extremism, the continuous threat of environmental degradation and the need to promote the sustainable development of the environment, the plight of refugees and internally-displaced persons, disaster management and conflict resolution, as well as global trade policies and practices. These issues demonstrate that AALCO recognized the significant role it can play in mobilizing the much-needed international solidarity and cooperation to resolve these problems in an equitable manner. We therefore look forward to sharing our experiences and insights on these issues with other delegations during this session.

Mr. President, Since the 52nd Session was concluded in New Delhi in 2013, the Government of the Federal Republic of Nigeria has continued to take steps to comply with its obligations to its domestic population as well as to the international community through the initiation and implementation of laws and policies designed to advance the Rule of law, improve the welfare of the people and maintain our standing as a responsible member of the international community.

This year, 2014, marks the Centenary of our existence as one united country following the Amalgamation of the Northern and Southern Protectorates of Nigeria in 1914.

In pursuit of the political rights of the Nigerian people to continuously review the terms of their union, the Government, among other measures, convened a National Conference which has been successfully concluded. Its outcome has re-affirmed the unity and indissolubility of Nigeria and thus consolidated the resolve of Nigerians to continue to engage with the international community, including this body, as a united political entity.

Mr. President, Nigeria supports the work of the AALCO in promoting the development of international law as the foundation of global trade and security, in line with commanding principles of the United Nations Charter. In this context, we recognize and appreciate the very important work of the organization in guiding and harmonizing the views and contributions of its members on the International Law Commission in order to ensure that the commission succeeds in the discharge of its important mandate.

Mr. President, The issue of terrorism and violent extremism is of extreme concern to the Nigerian government, against the backdrop of the current terrorist activities of insurgents in Nigeria's North-East region. Despite the security challenges which have resulted in avoidable loss of lives and property as well as the unfortunate displacement of several thousands of innocent persons, the Nigerian Government is steadily re-asserting control over the situation with a mixture of political, administrative and legal measures. These include the implementation of the Terrorism Prevention (Amendment) Act 2013 which provides the

necessary legal framework for the prevention, investigation, tracking and prosecution of terrorism and financing of terrorist activities.

Other extra-legal measures which have been initiated by the Nigerian government include the launch of the 'soft approach' to prevent and combat terrorism. Under this programme, deliberate measures are being taken to de-radicalize potential recruits of terrorist gangs, decontaminate the minds of arrested terrorism suspects, and utilize the reach and influence of community and faith-based groups in counseling youths, and thus cutting off the available pool of recruits to Boko Haram insurgents. The Government has also launched a Victims Support Fund for which over \$500 million has been raised. Concurrently with the on-going security campaign in the North East, the Government has also launched a Rehabilitation Programme and a 'Safe School Initiative' for the region to restore education, repair damaged dreams and rehabilitate destroyed infrastructure.

May I use this opportunity to express our gratitude to Member States of AALCO for the level of support and solidarity which they have extended to the Nigerian Government and people at this most trying period. My delegation requests greater collective efforts in this direction through collaboration in intelligence gathering and sharing, joint investigations and operations, the tracking of the illicit sources of finances available to the terrorists as well as the judicious application of the principle of Universal Jurisdiction in order to ensure that terrorists and criminals have not hiding place in any part of our world.

My delegation assures this gathering that despite the present challenges, there is no threat to the corporate existence of Nigeria as a nation and Nigerians are generally determined to continue to live in peace with each other and to collectively overcome the present scourge of terrorism in order to preserve lives and property and also ensure that valuable resources currently being utilized in prosecuting a military campaign are channeled into the provision of social amenities for sustainable national development.

Mr. President, My delegation commends the on-going evaluation by the organization of the issue of the Environment and Sustainable Development. The Nigerian Government, acting through the Federal Ministry of Environment, the National Environmental Standards Regulatory Agency (NESREA) and other specialized agencies, has made the issue of the sustainable development of the environment a cardinal priority for the Nigerian state. It is our conviction that humanity has a duty to ensure the safe and sustainable use of the environment in order to build a cleaner and healthier world. In this connection, Nigeria remains committed to the implementation of the three Rio Conventions and other international instruments which provide the requisite legal regime for the sustainable and progressive use of the earth's natural resources.

Mr. President, My delegation looks forward to the deliberation on other matters listed for this Session, particularly the continuing discussion on the application of the World Trade Organization regime and its impact on developing countries. Nigeria remains committed to the broad objectives of the WTO and urges that AALCO, through its studies and evaluation of WTO implementation framework, contributes to the evolution of fair and equitable practices which will guarantee the overall health and viability of the global economy.

In light of the fact that Nigeria's re-based GDP now makes it the largest economy in Africa, we remain committed to achieving commercial best practices to strengthen our trade relations with other countries while improving domestic capacity and competences in all sectors of the domestic economy. This is manifested in our new National Automotive policy which encourages the indigenous manufacturing and assemblage of vehicles, as well policies in the agricultural sector designed to make Nigeria as self-sufficient country in food rather than remain a net importer of produce of agricultural produce such as rice, sugar and wheat, among others.

Mr. President, As the 53rd Session commences, we congratulate all distinguished participants once more on the steady progress being made by this organization and urge it to continue in its task of providing expert knowledge and guidance to Member States in order to improve our collective competences and expertise in engaging with our global partners and amongst ourselves as Member States of this esteemed organization.

Mr. President, Your Excellencies, Distinguished Delegates, I thank you all for your attention and wish you happy deliberations.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of the Islamic Republic of Iran. You have the floor, Sir.

The Leader of Delegation of the Islamic Republic of Iran: Mr. President, Excellencies, Secretary – General, Distinguished Delegates, Ladies and Gentlemen, I deem it imperative to extend a warm welcome, once again and on behalf of the Ministry of Foreign Affairs of the Islamic Republic of Iran, to you, Excellencies, the distinguished Delegates and all the participants at the session. I wish to thank the outgoing president for her efforts.

I would also like to congratulate, Mr. President, on your election as the President of the Fifty-Third Annual Session of the Asian-African Legal Consultative Organization (AALCO). I also congratulate the vice-President on her efforts. I hope that with the assiduous efforts of my colleagues and the AALCO Secretariat, we can hold fruitful deliberations on the wide range of issues of interest and of common concern to AALCO Member States during the Session.

The Islamic Republic of Iran continues to attach high importance to the AALCO and remains committed to do its best to contribute to the existing synergy between the AALCO and Member States in strengthening the rule of international law. Words of praise should go to the AALCO Secretariat for the intensive efforts it has always undertaken despite the limited resources and especially to the devoted endeavours of the Secretary General, Pro. Rahmat Mohamad. The work of the Secretary General is, without doubt, outstanding in promoting the role and functions of the Organization and in its contribution to respect for rule of law and the development of international law.

Mr. President, The AALCO provides ample opportunity where Member States can work together to hold insightful deliberations on the main issues of common concern. Annual sessions of AALCO should serve as a forum contributing to progressive development of international law. This can be achieved by actively monitoring the latest trends and

development in international law in tandem with taking a proper legal stance in the face of political realities. Such an approach will be beneficial not only to the Organization but to all Member States based on mutual synergy.

In the same light, the significance of AALCO meetings during the annual session of the General Assembly's Sixth Committee cannot be overstated. Intense deliberations on the issues under discussion in the International Law Commission by AALCO is indicative of a more active role by Asian and African states in the process of law-making so that tall the international community would have a role in the formation of the international legal order. This signifies the Member States' resolve to engage actively in the process of law-making at the international level. Translating such a resolve in to action requires that all the Member States work together to push the deliberations further into the realm of *lex ferenda* and not to focus solely on the existing law. The ILC issues currently on the agenda of the AALCO, namely, Protection of Persons in the Event of Disasters, Identification of Customary International Law and Immunity of State Officials from Foreign Criminal Jurisdiction have the potentials required therefore.

Mr. President, Terrorism remains to be a serious challenge in Asia and Africa. In the past year, acts of terrorism have appeared in unprecedented manifestations of violence. These have resulted in the commission of atrocities in our regions whose dimensions have exceeded remote enclaves to influence sovereignty and territorial integrity of numerous states.

Today, violent extremist groups pose real threats to international peace and security. These groups continue to commit heinous crimes against ethnic and religious minorities and civilians. In terms of theory, international law is rich enough to provide for the culpability of the perpetrators of the crimes thus committed. We believe that real cooperation coupled with eliminating double-standards of any kind is the key to changing theory to practice. This would be feasible only after a full-fledged fight on national, regional and international levels is launched against violence and violent extremism.

At the other end of the spectrum, however, terrorism should not be used as a pretext to launch counter-terrorism measures at the cost of disrespecting fundamental human rights law, sovereignty and territorial integrity of States. In the past years, manipulation of transparent rules of international humanitarian law has led to the creation of politically biased institutions such as 'targeted killing and also justification of damage to civilians as 'collateral damage'; thus, through the lens of politics, the most blatant violations of international law of such a nature seem justified and it is the duty of international lawyers, at forums like AALCO, to give priority to well-established principles of international law.

Mr. President, Distinguished Delegates, In the past months, we have witnessed horrible atrocities committed by the Zionist regime against thousands of civilians in Gaza. Directing indiscriminate attacks against civilians and wanton destruction of civilian property leaving thousands of children and women dead and injured cannot escape prosecution. It is high time that the international community took a tangible measure in the fight against impunity and brought to justice the perpetrators.

The 7 year-long brutal siege carried out in the poverty-stricken enclave of Gaza was followed with a yet more relentless systematic massacre of more than 200 civilians in 50 days. Achieving a long-lasting peace is not possible but through eliminating double-standards. No criminal should escape justice; otherwise, a biased selective approach to the application of international law renders futile every effort in this respect.

In the end, let me reiterate my hope that AALCO can have a more active role in the process of law-making and contribute to peace, justice and rule of law as sought by its founders and Member States.

Thank you Mr. President.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of Senegal. You have the floor, Sir.

The Leader of Delegation of Senegal⁶: Thank you, Mr. President. Your Excellency Dr. Danesh Yazdi, Deputy Minister of Foreign Affairs of the Islamic Republic of Iran, His Excellency Prof. Dr. Rahmat Mohamad, AALCO Secretary General, Deputy Secretaries General, Honourable Ministers and Attorneys General, Heads of Delegation, Respected Guests, Ladies and Gentlemen, it is my pleasure to thank the Government of the Islamic Republic of Iran for the excellent arrangements that it has made for this session. The topics chosen for this Annual Session are of great significance to the Member States of AALCO and are very contemporary. Our Country considers the topics such as violent extremism, customary international law, international law in cyberspace to be very important.

Mr. President and Distinguished Delegates, knowing fully well the importance of AALCO to the Asian-African solidarity, I hope that more Francophone countries from the African region join AALCO so as to allow the entry of French-Speaking African Countries into the Organization.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of Syria. You have the floor, Sir.

The Leader of Delegation of Syria⁷: My delegation feels that the topics chosen for this session reflect the concerns of the developing countries that are part of the Non Aligned Movement and are contemporary. In relation to the situation of Palestine, Our delegation feels that the war crimes and crimes against humanity committed by the State of Israel deserve to be condemned by all the state of the international community. It is also necessary to establish adequate mechanisms to try the persons who committed these war crimes as these violate the U Charter and the Declaration of Friendly Relations among Nations and principles of international relations. We are also concerned about the unilateral sanctions imposed on countries such as North Korea by the Security Council that tend to violate some of the basic principles of

⁶ The Statement was not available on the Recorded Tape of the Annual Session. Hence this is a reflection of the notes taken by the Secretariat.

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international law. The international community should try to make sure that bodies like Security Council adhere to the principles of international law enshrined in the UN Charter. With regard to the issue faced by various countries on terrorism perpetrated by groups such as ISIS we hold the view that actions should be taken against these groups irrespective of the place they operate. In this regard, the action of Security Council should not be discriminating among many countries that face terrorist threat particularly Syria. Thank you.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of Republic of Korea. You have the floor, Sir.

The Leader of Delegation of Republic of Korea: Mr. President, Mr. Secretary General, Excellencies and Distinguished Delegates, Ladies and Gentlemen, On behalf of my delegation, I would like to express my sincere thanks to the Government of Islamic Republic of Iran for its warm hospitality extended to my delegation.

I would like to extend my sincere congratulations to His Excellency Danesh Yazdi for his election as the President of this Session, and Her Excellency Christine Anyango Agimba as Vice President. I believe the meeting will achieve great achievements under their leadership. I would also like to express my appreciation to Secretary-General Rahmat Mohamad and his secretariat for their hard work in making this session a memorable and successful event.

Mr. President, Distinguished Delegates, We now have a broad array of agenda items before us, encompassing both organizational and substantive matters. In the past centuries, the Western States had played the leading role in the formation of the rules of customary international law, most of which have been codified after the establishment of the United Nations. The international legal order thus established constitutes a solid foundation of the peace and cooperation among the states of the World. However, many new issues and problems which are not covered or poorly covered by the existing *corpus juris* of international law continue to arise. Unfortunately, most of these problems arise in the Asian and African continents. Therefore, the mission of AALCO is becoming more and more important, as manifested by the Agenda items of this Meeting. The AALCO Member States must play the leading role in developing the ideas which may contribute to the formation of new rules of international law designed to govern these new issues. The Republic of Korea is ready to contribute to this cause.

Turning to our topic of the meeting, I will briefly touch upon only one subject-matter. Concerning the Environment and Sustainable Development, I would like to take this opportunity to say about two things concerning the efforts of Republic of Korea to contribute to the most important global environmental issues. The Republic of Korea is expecting that the new climate change regime of Post 2020 will serve as an effective and flexible mechanism in responding to the challenge of Climate change. In this regard, the Government of the Republic of Korea is making its best effort to elaborate its relevant legislative and administrative measures. In particular, the Government of the Republic of Korea, as the Government of the host country of the Green Climate Fund, is endeavouring for the early functioning of the Fund. The Government of the Republic of Korea will cooperate proactively with a view to yielding substantive progress at the upcoming Lima Conference.

The Korean Government has also actively participated in the effort of the international community for Biodiversity and Sustainable Development. In an effort to make this contribution, the Korean Government has prepared the conference of the Parties to the Convention on Biological Diversity to be held from 29 September to 17 October this year at Pyongchang, Korea.

Excellencies and Distinguished Delegate, Before concluding, I would like to make a brief comment on the general statement by the head of the DPRK delegation, which criticized the ROK-US joint military exercises. On this point, the Republic of Korea delegation has no intention to advance in detail the position of the Republic of Korea, because it considers this AALCO session is not a right place to conduct such a political debate. I confine therefore to reiterate the basic position of the ROK on the matter.

The ROK-US military exercises are purely defensive exercises, designed to enhance our combined readiness against North Korean military provocations and threats. In addition, the exercise has been conducted with the supervision of the Neutral Nations Supervisory Commission (NNSC). Any state has the right to be prepared for its defence. The Republic of Korea is ready to cooperate with North Korea in order to consolidate peace on the Korean Peninsula on the basis of Trust Building.

Excellencies and Distinguished Delegates, I would like to take this opportunity to reaffirm my Government's commitment to AALCO. The Republic of Korea has been an active and ardent supporter of AALCO ever since becoming a full member in 1974. The Korean Government was honoured to have hosted the annual session twice in Seoul, in 1979 and 2003.

The Korean Government takes great pride in the accomplishment and initiatives stemming from these two previous sessions it hosted, and will continue its efforts to contribute to more productive and efficient AALCO Sessions.

Thank you.

President: Thank you, Sir. The last speaker of the list is the distinguished delegate of Kenya. You have the floor, Sir.

The Leader of Delegation of Kenya: Your Excellencies, Honourable Ministers, and Attorneys General and distinguished delegates, On my own behalf and that of the delegation from the Government of the Republic of Kenya to express my pleasure at being here in this beautiful city of Tehran on this auspicious occasion of the Fifty-third Session of the Asian-African Legal Consultative Organization (AALCO), and to thank the Government of the Islamic Republic of Iran for graciously hosting this session. Allow me to congratulate Honourable Deputy Minister for Foreign Affairs, Danesh Yazdi for your election as President of this Session.

I also wish to extend my thanks to the honourable delegates for electing Kenya as Vice President for the Session, which we accept with gratitude and confirm that we will support the President in discharging his duties. Allow me to also commend the outgoing President, Dr

Neeru Chadha for completely presiding over the 52nd Session and the affairs of AALCO over the past year.

I also wish to extend our gratitude to the AALCO Secretariat and in particular H.E. Prof. Dr. Rahmat Mohamad, Secretary-General, AALCO, for his continued efforts in efficiently pushing forward the objectives and agenda of this Organization in various international fora, notwithstanding the resource and capacity constraint experienced by AALCO that have already been highlighted.

Distinguished delegates, ladies and gentlemen, The objectives of AALCO are viewed very seriously by Kenya, and our commitment is evident through our consistent and constant participation in AALCO's annual sessions since joining the Organization. We are particularly appreciative of the role of the annual sessions as a regular forum to articulate interests of the Asian and African regions and formulate common positions on critical contemporary legal issues.

Speaking as a delegate from member states from the African region, I would urge member states from the African region to intensify our participation in and to seize the unique opportunity that membership in AALCO provides, as a forum to analyse the impact of various issues in the legal arena, from both regional and international perspectives and to collectively develop comprehensive legal standpoints and recommendations.

Distinguished delegates, Ladies and Gentlemen, We welcome the matters on the agenda that will be deliberated during this session, as many of these are topical issues that Kenya has to address. As the Kenya delegation will contribute more comprehensively on these agenda items, I will just highlight some of these.

The issues relating to the Law of the Sea is very pertinent, and as you may be aware Kenya and Somalia is in the middle of addressing issues concerning the delimitation of our maritime boundaries in the Indian Ocean, in line with international law.

As a country with a large refugee population, while Kenya is conscious of its international obligations with regard to the status and treatment of refugees, there are emerging challenges that have to be addressed.

Kenya has been a victim of recent terrorist attacks, and we therefore look forward to the deliberations during the special half-day meeting on the legal aspects of terrorism. We also welcome the resolution to include the International law in cyberspace as an additional agenda item in the next session.

I will conclude by wishing the distinguished delegates in fruitful deliberations over the next few days.

Thank you.

President: Thank you, Sir. Next speaker of the list is the distinguished delegate of the ICRC. You have the floor, Sir.

The Observer Delegation of International Committee of the Red Cross ((CRC): Madam President, His Excellency, Professor Rahmat Mohamad, Secretary-General, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen,

It is with profound gratitude that the International Committee of the Red Cross (ICRC) seizes this opportunity to address the 53rd Annual Session of the Asian-African Legal Consultative Organization (AALCO).

We wish to affirm our appreciation to the AALCO Secretariat and the Government of the Islamic Republic of Iran for the opportunity to share perspectives on the promotion, implementation and respect for International Humanitarian Law (IHL).

The ICRC has a history of constructive and encouraging interaction with the AALCO Secretariat, which culminated in the signing of a Memorandum of Understanding in 2003. During the last year, for example, the ICRC and AALCO Secretariat have not only reaffirmed our institutional relationship, in the spirit of such Memorandum of Understanding, but have engaged in a series of Programmes and activities which serve to strengthen our resolve towards heightened promotion, dissemination, awareness and implementation of International Humanitarian Law (IHL).

Most recently, in July 2014, an AALCO Delegation- consisting of the Secretary General and Deputy Secretary General- undertook an official visit to the ICRC Headquarters, in Geneva, and held talks with senior officials on matters of mutual concern.

Madam President, Ladies and Gentlemen, Since Henry Dunant's account of the Battle of Solferino, the theatre of war continues to evolve. What remains constant, however, is the ICRC's neutral, independent and impartial humanitarian approach to providing protection and assistance to victims of armed conflict and other situations of violence- in contexts such as Afghanistan, Colombia, Democratic Republic of Congo, Gaza, Iraq, Israel and the Occupied Territories, Mali, Somalia, Syria and Ukraine, to name few. To this end, the Geneva Conventions (1949), their Additional Protocols (1977 and 2005) and other IHL instruments are integral tools in the ICRC's humanitarian efforts.

We invite you to consider various armed conflicts, either past or present. Look at the indiscriminate loss of life and damage to civilian property. Primary schools and hospitals are bombed. The world continues to witness the pain and suffering of civilians. National Red Cross and Red Crescent Societies are attacked. Humanitarian Aid workers are killed in the course of duty. All this takes place, notwithstanding the establishment of clear protection regimes under IHL. Yet, more must be done- and it must be done now- to protect those who do not participate in hostilities.

The ICRC considers multilateral outreach as an indispensable element of effective humanitarian diplomacy. We therefore actively engage with various multilateral for a, with a

view to disseminating and generating support for the implementation, integration and respect for IHL.

Madam President, Permit us, at this juncture, to raise some matters of particular concern to the ICRC.

Firstly- Humanitarian Access to Conflict Zones

One of the important challenges facing IHL is the difficulty in persuading State parties to allow humanitarian organizations to undertake emergency relief activities. For instance, some perceive humanitarian action as serving the political agenda of and either explicitly refuse or indirectly prevent access to such organizations.

This is why the ICRC constantly seeks to remind parties that in all circumstances, it respects the Red Cross/Crescent Movement's Fundamental Principles of Neutrality, Impartiality and Independence, to name a few. It has repeatedly called for respect of IHL provisions related to humanitarian access. Over the years, the ICRC has publicly expressed the need to have safe, rapid and unimpeded humanitarian relief to those in need.

According to the rules of IHL, impartial humanitarian organizations have the right to offer their services and subject to the consent and control of State concerned, unimpeded passage of relief schemes must be facilitated.

Secondly- Sexual Violence in armed conflict

The existence of sexual violence is a common feature in armed conflicts and, on many occasions, of disturbing proportions. It is not collateral damage. It is absolutely prohibited under IHL and possibly linked to other patterns of violence in conflict and underlying social inequalities. It turns specially protected persons into subjects of deliberate attacks. Women and men, boys and girls are subject to rape, abuse, forced prostitution, survival sex and trafficking. Victims of sexual violence are stigmatised and often, re-victimised.

The ICRC shall continue to prioritise an effective response to sexual violence in armed conflict. For instance, in Colombia, the Democratic Republic of Congo, Central African Republic, Mali, South Sudan and Syria, the ICRC is developing and reinforcing its programmes, and providing life-saving help to detainees, abused women, vulnerable girls and male victims.

Thirdly- Addressing the humanitarian consequences of Internally Displaced Persons (IDPs)

Armed conflict causes mass displacement of civilians-within and beyond the borders of the State. There has been significant normative progress with regard to IDPs, notably through the adoption of the Kampala convention and the increased use of the Guiding Principles in national legislation and policies.

Yet, despite such normative and operational progress, millions of IDPs remain largely out of reach from humanitarian aid. Often left on their own, without adequate food and water, they are

forced to undertake perilous journeys in their search for safety. They are exposed to increased risk of attack by armed actors and with heightened risk of separation, exploitation and abuse such as forced recruitment and rape.

States need to do more to effectively protect its civilian population. This requires a better respect for IHL, which explicitly prohibits arbitrary displacement and provides protection to civilians and their property from the dangers of military operations. While the primary responsibility, in this regard, rests upon the parties to the conflict, the wider community of States must also ensure respect for IHL in all circumstances enshrined in Common Article 1 to the Geneva Conventions. This indicates the importance of working collectively towards the mitigation of humanitarian consequences on displaced civilians.

Fourthly- Health Care in Danger

Madam President, Distinguished Delegates, The ICRC remains extremely concerned about the multifaceted nature of violence against health-care delivery, as observed in many of the contexts in which the ICRC operates. The ICRC 's Health Care in Danger Project, aims at changing the widespread practices of disrespect for the wounded and sick and those who care for them.

Much work needs to be done on domestic legislation and the implementation of measures to ensure respect for the Red Cross, Red Crescent and Red Crystal emblem and the protection it confers to medical services, equipment and buildings of the armed forces and humanitarian workers in times of crisis.

This makes a strong argument for collective action, involving States, National Red Cross/ Red Crescent and Red Crystal Societies, UN agencies, professional associations of health-care practitioners, armed groups and a range of civil society organisations.

Fifthly- The changing context of armed conflict and cyber warfare

The ICRC must constantly strive to ensure that IHL adapted to the changing nature of the battlefield. New means and methods of warfare, such as cyber warfare have become subject to increasing debate within the humanitarian and diplomatic community. Cyber warfare refers to the means and methods of warfare that consist of cyber operations amounting to armed conflict or cyber operations conducted in the course of armed conflict. While the military potential of cyberspace is not fully understood, it appears that cyber attacks against transportation systems, electricity networks, dams and chemical or nuclear plants are technically possible. Such attacks could have wide-reaching consequences resulting in high numbers of civilian casualties and significant damage.

As with any new technology, if cyber capabilities are used in armed conflict, they must comply with IHL, in particular with the principles of Distinction, Proportionality and Precautions. The main challenge, in this regard, is the interconnectedness of cyberspace. There is only one cyber space and the same networks are shared by civilian and military users.

A holistic reflection is warranted to fully consider the risks and implications of the development and use of such technologies. It is indeed crucial to ensure that they are not employed prematurely under conditions in which respect for IHL cannot be guaranteed.

Madam President, Distinguished Delegates, We thank you for the opportunity to share some of the main challenges and institutional priorities for the ICRC in building respect for IHL. It is our hope that this leads to meaningful dialogue within the community of AALCO Member States on the promotion, development, implementation and support for IHL.

Rest assured, the ICRC looks forward to the continued collaboration with the AALCO Secretariat and its Member States on all efforts undertaken to respect and ensure respect for IHL.

President: I thank the ICRC delegate for his speech and remarks. Next programme, as you are all aware, is the address by Minister of Justice of the Islamic Republic of Iran. Sir, I invite to address this meeting.

Mr. Mostafa Pour Mohammadi, Minister of Justice, The Islamic Republic of Iran:

“In the Name of God, the compassion and the merciful”

Thank you very much, Mr. President and the distinguished guests, it is indeed a great pleasure to be here addressing a very distinguished group of law scholars. “We the people of the United Nations determined to save succeeding generations from the scourge of War.”

Sixty-nine years ago, a group of concerned humans gathered and, with these simple yet powerful words, launched an international desire in international law, peace and security. The document they produced and resulting institutions are yet to fulfill their promises. The international community has succeeded in instances to uphold the international law to preserve international peace and security, but they were stained by some States arrogance of law. Today, with all the shifting trends, changing context and procedures, we are facing a renewed threat from violent extremism and terrorism. Old threats resurfacing in new forms, with renewed energy and action.

Terrorism and resort to violent extremism goes beyond the hype in past few months. We were never immune to these acts. Colonialism, failed humanitarian interventions and miscalculated policies contributed to intensify the trend. Moreover, these acts bring about broader consequences in terms of state paralysis and humanitarian situations. In words of a UN’s Secretary General’s High-Level Panel report; these acts “attack the values that lie at the heart of the Charter of the United Nations: respect for human rights; the rule of law; rules of war that protect civilians; tolerance among peoples and nations; and the peaceful resolution of conflict.” Taking this into consideration, the international cooperation should be conducted in pursuant to spirit of the U.N. Charter encouraging international cooperation, especially chapter eight on regional arrangements.

I would argue that the answer to these threats is already embedded within existing international law. We are not suffering from poverty of documents, rules and norms but lack of will. The fight against violent extremism and terrorism, is a fight for an international rule of law- and as *Marti Koskenniemi* would say, - the fight for an international rule of law is a fight against politics, despite some measure of politics being inevitable. A fight that is main feature is international and regional cooperation that I will be focusing on.

The interest in international and regional cooperation is within the context of resolution adopted by the General Assembly on 18 December 2013 on “A word against violence and violent extremism”, suggested by the President of. The resolution to pay attention to the importance of mutual cooperation and underlines the role of regional organisation. The resolution creates a new opportunity to assess the role of regional cooperation

Regional cooperation cannot be understood without grasping its legal basis and political agreements. Internationally, regional cooperation is well established and encouraged. Why regional cooperation? The states of a region are better aware of the situation, its cultural backdrop, societal context and historical background compared to other distant states. The local knowledge can be an aide to open diplomatic windows and legal measures. Furthermore, region’s proximity to any crisis gives primacy and urgency to act as regional states have to live with consequences. For this, purpose, regional arrangements would be unable to dissolve themselves from an issue and hence, maybe more likely to engage with the issue over the long-time. I’m not suggesting that geographical proximity would automatically generate regional consensus on how to respond, but facilitate the best possible response. That is why in addition to legal basis, we need to pay attention to political aspects too.

The regional experience in forming legal measures to fight violent extremism and terrorism is richer than the international level. The international legal framework mainly deals with certain specific acts, there are more sectoral conventions. While the effort to fight these phenomena lacks an over-arching framework, a robust international co-operation rests on regional and sub-regional levels in pursuit of peace and maintenance of security; not just to fight off these acts, but to ensure effective use of international legal instruments, for greater good of upholding the international rule of law and its progress.

In Africa, The African Union has been pursuing continental efforts at least for more than twenty years. The AU, as stated in its constitutive act, is inspired by cohesion and cooperation among the peoples of Africa and African States and encourages it’s regionally. In 1992 (at that time, the Organization of African Unity), adopted a Resolution on the Strengthening of Cooperation and Coordination among African States in which the Union pledged to fight the phenomena of extremism and terrorism. The resolution stressed the importance of coordination and consultation among the Member States and the necessity to enhance consultations so as to make the values of tolerance, moderation and solidarity prevail in inter-African relations and avert any discord.

AU’s legal framework against terrorism and extremisms is in fact, one of the oldest and most progressive of its kind among regional arrangements. In June 1994, through Declaration on the code of conduct for Inter-African Relations, AU rejected all forms of extremism, whether under

the pretext of sectarianism, tribalism, ethnicity or religion. The declaration also condemned, as criminal, all terrorist acts, methods and practices, and expressed its resolve to enhance cooperation to combat such acts.

The list goes on. First, the 1999 Convention on the Prevention of Combating Terrorism substantially address various measure including exchange of information, legislative and judicial measures; Third, The Additional Protocol to the 1999 Convention on the Prevention and Combating of Terrorism that developed the legal framework, aiming the establishment of the Peace and Security Council for the African Union to coordinate and harmonise regional efforts in the prevention and combating of international terrorism in all its aspects.

The regional cooperation was further intensified through appointment of special representative for counter-terrorism cooperation and also the African Model law on Counter Terrorism that both attempt to strengthen the regional cooperation through co-ordination and negotiation with National authorities and to address possible national legislatives. The AU ensures coherent coordinated efforts through the work of the African Centre for the Study and Research on Terrorism, with a structure to centralise information, analysis and to develop national capacity-building programs.

The African experience in the development of legal framework to mainly combat terrorism but also extremism signifies their resolve in intense regional cooperation that is necessitated by facts on the ground, involving information-sharing and having a common understanding of basic doctrine and operational strategies to improve national policies. At its essence, the African legal framework can be an example for regional cooperation. The African Union recognized threat and attempted to deal with it by establishing a legal basis. The legal framework, at large, is not just an attempt to combat terrorism and extremism but a leap to institutionalize cooperation among states, its officials and various bodies,

In Asia, ASEAN's relatively young campaign against terrorism and extremism is mainly known by its 2007 Convention on Counter Terrorism (ACCT). Upon completion of ratification process in January 2013, as one of the last regional conventions on the topic, in addition to the existing universal instruments, serves as a legal framework for regional cooperation to counter, prevent and suppress terrorism and to deepen the cooperation. Recalling the treaty of amity and Cooperation in Southeast Asia of 1976 that promote active and close cooperation in wide-range of fields, the ACCT strongly commits to improvement of regional cooperation by underlining the need for cooperation between ASEAN law agencies and relevant authorities.

Article 6 of the ASEAN'S Convention on Counter Terrorism, designates areas of cooperation such as exchange of information, intelligence and early warnings; monitoring financial transactions; effective border control and cross-border cooperation; promotion of capacity-building programmes and technical cooperation. ACCT's Article 15 mandates each party to designate a coordinating structure to enhance cooperation under this Convention.

ASEAN's Treaty on Mutual Legal Assistance in Criminal Matters can also be acknowledged as another legal basis for regional cooperation, as it facilitates apprehension, investigation and prosecution, exchange of witnesses, sharing of evidence, enquiry, seizure and forfeiture of

proceeds of the crime. ASEAN is also working on the establishment of its own regional Extradition Treaty to better facilitate regional cooperation on subject-matter that could reduce impediments of collective efforts. It should be noted that various ASEAN Concept paper on Global Movement of Moderates, call for fostering of cooperation, regionally and internationally, in addressing extremism but lacks any meaningful legal effectiveness or measures.

ASEAN's legal framework is still a work in process that emphasize the need for cooperation and institutionalizing through legal frameworks. However, the lack of urgent widespread threat to the region, might explain the slow speed of the process. Whether attempts to reinvigorate and strengthen ASEAN itself would contribute to development of its legal framework on the topic or not, is beyond the scope of this talk.

However, the Shanghai Cooperation Organization (SCO), born out of security-related concern and describing the main threats it members confronts as being terrorism, separatism and extremism, is another Asian regional arrangement that contributes towards legal basis of regional cooperation. The Charter of the SCO, in its preamble and articles 1, 3, 9, 10 and 14, highlight the importance of comprehensive and efficient regional cooperation in the maintenance and strengthening of peace, security and stability in the region.

In fact, Article 3 of SCO Charter sets out a goal of the organization as, "development and implementation of measures aimed at jointly counteracting terrorism, separatism and extremism", among other issues. Article 10, builds on Shanghai Convention to combat terrorism, separatism and extremism to reaffirm the task of a regional counter-terrorist structure.

The Shanghai Convention is more important than the Charter as it gives detail on how to cooperate on the issue of terrorism and extremism within the region. The Convention believes that "joint efforts by within its framework are an effective form of combating terrorism, separatism and extremism"; and states shall cooperate in the area of prevention, identification and suppression of acts referred to in Article 1(1) of this Convention. Article 5 of the Convention designate consultations, exchange of views and position coordination as ways to foster cooperation.

Furthermore, in Article 6 of the Convention outline areas of cooperation as exchange of information; operation assistance; preventive measures; exchange of experience; training experts; and conclusion of additional agreements on other forms of cooperation. Among its declarations and communiqués, the Declaration of the Head of States on Building a region of peace and prosperity, urges SCO to step up bilateral and multilateral cooperation to jointly combat terrorism, separatism and extremism.

SCO is a very young intergovernmental organization. It does not benefit from a extensive legal framework but a significant one that is actually built on concerns of terrorism and extremism. While the feature of this legal framework for regional cooperation, in terms of urging cooperation and ways such as exchange of information, is similar to other regional

arrangements; the difference lies in the nature of concern: SCO's priority is terrorism and extremism while others deal with it among other issues, though an important one.

Among Muslim States, the Organization of Islamic Cooperation is the arrangement determined to promote cooperation. Article 1(18) of its Charter, outlines cooperation in "combating terrorism in all its forms and manifestations" as one of OIC's objectives and principles. It's convention on combating terrorism. Article 3, acknowledges such fights as two phases: preventive and combating.

Article 4, lists areas of Islamic cooperation as exchange of information; Investigation; exchange of expertise; Education and information field (or training); and Section Three (articles 14 to 18) constitute principles of judicial cooperation. Moreover, Article 22 to 28 deal with Extradition. In its preamble, the convention rejects all forms of violence and terrorism, in particular those based on extremism as incompatible with Islamic Sharia and urges cooperation.

On strategic level, that can be of some guidance to us, OIC's Ten-Year Program of Action priorities combating extremism, violence and terrorism while giving attention to its root causes. It also calls upon states to introduce comprehensive qualitative changes to national laws and legislations in order to criminalize all terrorist practices as well as all practices to support, finance, or instigate terrorism.

Other than the Convention on Combating International Terrorism, OIC lacks robust and meaningful legal framework on the issue despite its promoting extensive promotion among Islamic States. However, existing measures share similar features to other regional arrangements in emphasizing on information-sharing and need to expand cooperation.

In conclusion, I should say that the review of current legal frameworks on African Union, ASEAN, Shanghai Cooperation Organization and the Organization of Islamic Cooperation suggest a tradition of regional cooperation, encouraged by regional arrangements, to combat terrorism and violent extremism, among other matters. These legal frameworks are further enriched by their emphasis on broader cooperation with other international bodies, recognition of existing regional frameworks. Of course, all of them are prone to usual misuses, indeterminacy, misinterpretations or different views and readings.

In cases, legal frameworks must be reformed or even reinvented; or new ones must be created to deal with the new threats and forms but international law is legally capable of addressing terrorism and violent extremism through state cooperation and state responsibility. Nevertheless, a legal basis exists that formulizes and institutionalizes regional cooperation. Regional cooperation should be pursued in spirit of United Nation's Charter, and taking into consideration that no matter what and despite political calculuses, the United Nation's maintenance of international peace and security. The worthy cause of fighting terrorism and extremism should not be stained with illegalities but coupled and enhanced with strive towards international rule of law, with regional cooperation and organizations as its building blocks.

In modern world, terrorism, arms dealers, violent extremists, and war criminals all operate through global networks. So, increasingly, do governments and should continue to do so. Further development of current legal frame work should be a part of their task too. Legal frameworks at the moment are mostly concerned with exchange of information, coordination of activities and cooperation. Regional frameworks are combating not just regional, but a global crime, a common problem on a global scale.

In doing so, Asian-African Legal Consultative Organization is empowered to contribute to existing legal framework through active review and monitoring of their implementation and offering their consultation. AALCO should be able to build on experiences of Member States and rally its vast expertise and respect of international law and global justice, to construct a legal-oriented Agenda for World Violent Extremism and Terrorism.

At the end of my speech, as we are approaching The International Peace Day, in a few days, i would like to recite a poem by eminent and great Iranian Poet, Hafez- he says,
“Let me say a wise word dear,
Peace is much better than war and dispute”.

With that I would be happy to answer any questions I can.

President: I thank the honorable Minister of Justice of Islamic Republic of Iran for his remarks which was enlightening. I thank all the delegations for their remarks.

The meeting was thereafter adjourned.

VI. VERBATIM RECORD OF THE SECOND GENERAL MEETING

**VI. VERBATIM RECORD OF THE SECOND GENERAL MEETING OF
DELEGATIONS OF AALCO MEMBER STATES HELD ON TUESDAY, 16
SEPTEMBER 2014 AT 10.00 A.M.**

His Excellency Dr. Danesh Yazdi, President of the Fifty-Third Annual Session in the Chair.

President: Let me give the floor to the Secretary-General of AALCO for the release of publications of AALCO.

Secretary-General: Thank you Mr. President. It is my honour to release the publications of AALCO. The first is the *Yearbook of AALCO 2013*. The Yearbook of the AALCO, which was previously known as the ‘Report and Selected Documents’, has been published since 2003. The Eleventh Volume (2013) of the Yearbook has been prepared by the AALCO Secretariat and is being released at the Fifty-Third Annual Session of AALCO. A copy of AALCO Yearbook 2013 would be sent to all the Member States of AALCO through their Diplomatic Missions located in New Delhi in the coming month. The Yearbook remains the most comprehensive and authoritative reference work of the Organization in a particular year. More specifically, the Yearbook provides comprehensive information about AALCO, its activities, the studies prepared by the Secretariat on the agenda items during the year, summary of deliberations and the resolutions adopted at the Annual Session. In addition, it contains statements delivered by the Secretary-General and the Deputy Secretaries-General at various forums and countries. In the last nine years, the Yearbook has established its place firmly among the publications as an important reference material not only for the Member States of AALCO, but also for other international organizations, international lawyers and academics who work in the field of international law.

Mr. President, Excellencies, Ladies and Gentlemen, the second publication is the release of the *AALCO Journal of International Law, volume 3, Issue 1, 2014*. With a view to contribute towards a better knowledge and understanding of international law, which in turn can influence the discourse of the global policy debates, AALCO has been publishing “Quarterly Bulletin” since 1976. In the year 1997 its name and periodicity were changed to “AALCO Bulletin” brought out bi-annually, till the year 2001. The Secretariat felt the need to re-structure the format and mode of this publication and after careful discussions and study, a totally overhauled publication in the new title, i.e; ‘AALCO Quarterly Bulletin’ was launched by beginning once again with Volume 1, Issue No. 1 dated January-March, 2005 and was published until 2011.

Beginning from 2012, the name of the Bulletin was changed to *AALCO Journal of International Law*, and in an effort to improve further the quality of it so that it does contribute to the Third World legal discourse in an effective manner an “International Advisory Board” had been constituted. The primary role of this body, which would consist of a group of well-renowned legal scholars, practitioners and jurists drawn from the Asian and African Continents, would be

to exercise oversight and provide guidance as to the many possible ways through which the quality of the Journal could be enhanced.

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

Mr. President, Excellencies, Ladies and Gentlemen, the third publication is the *Proceedings of the Workshop on Selected Items before ILC* which was held at UKM, Malaysia on 29th and 30th November 2013. Distinguished Delegates, Ladies and Gentlemen, a two-day Workshop on "Selected Items Before the International Law Commission (ILC)" had been organized by the Universiti Kebangsaan, Malaysia (UKM) with the cooperation of the Secretariat of the Asian–African Legal Consultative Organization (AALCO) and held on 29th and 30th November 2013 at the Senate Room, UKM, in Malaysia. The participants of this workshop included Representatives from the Member States of AALCO, distinguished Members of the International Law Commission (ILC), Faculty Members and students of the UKM, Malaysia, members of the Secretariat of AALCO, and international law practitioners from the Attorney General's Chamber, Malaysia and others.

The Workshop had been divided into seven sessions (five Working Sessions and an Inaugural and a Concluding Session). The Working Sessions were devoted to exploring at length topics such as "AALCO and its Relationship with ILC", "Formation and Evidence of Customary International Law", "Immunity of State Officials from Foreign Criminal Jurisdiction", "Protection of Persons in the Event of Disasters" etc.

Distinguished Delegates, Ladies and Gentlemen, it is my pleasure to announce to you that there are two publications that have come out of this Workshop. The first one is the "The Proceedings of the Two-Day Workshop on "Selected Items Before the International Law Commission", that has been prepared by the Secretariat of AALCO and the other one is the Verbatim Record of the Two-Day Workshop on 'Selected Items Before the International Law Commission' that has been prepared by the UKM, Malaysia.

Let me take this opportunity to release the Proceedings of the Two-Day Workshop on 'Selected Items before the International Law Commission', on this occasion. I hope this would serve as a useful reference material for the Member States and any one interested in the matters of ILC. I also would like to inform the delegates that this Proceedings would be converted into a Book in the near future.

Mr. President, Excellencies, Ladies and Gentlemen, the fourth and last publication is the *Verbatim Record of the AALCO Legal Experts Workshop On The Law Of The Sea*. A two-day Legal Experts Workshop on the "Law of the Sea", had been organized by the Secretariat of the

Asian–African Legal Consultative Organization (AALCO) on 24th and 25th February 2014 at the Secretariat of AALCO, New Delhi. The participants of this workshop included Representatives from the Member States of AALCO, Faculty Members and students from various Universities, both from India and abroad, members of the Secretariat of AALCO, and international law practitioners from many Government Bodies and other UN agencies.

The Workshop had been divided into Seven sessions (five Working Sessions and an Inaugural and a Concluding Session). The Working Sessions were devoted to exploring at length topics such as ‘Regional Cooperation on Maritime Issues’, ‘Fragmentation of International Law: Law of the Sea’, ‘Piracy Legislation’, ‘Marine Biodiversity’, ‘Dispute Settlement: Afro-Asian Traditional Wisdom’ and the like.

Given the importance that the topic “Law of the Sea” holds for Member States of AALCO the Secretariat of AALCO deemed it appropriate to publish the Verbatim Record of this Workshop. Accordingly, I am proud to bring out the Verbatim Record of this Workshop to the Member States with the belief that it would be useful to them in many ways. Thank you Mr. President.

President: I thank the Secretary-General Prof. Rahmat Mohamad for giving a statement on the publications of AALCO. On this agenda item, are there any comments to be made from the floor?. I am sure that all of you would like to express your appreciation for the Secretary-General and his efficient Staff for preparing these publications. On your behalf and on my own behalf I would like to appreciate our Secretary-General and his Staff in the Organization for preparing these valuable publications. I see none wanting to take the floor and hence I close this agenda item. With that we enter the phase of deliberating the Organizational matters. On this issue of Organizational matters delegations let me remind that only delegations from the Member States of AALCO are allowed to participate in the meeting. Therefore I would humbly require and request the Observers to leave their seat. In this part, we would be listening to the Report of the Secretary-General on the work of the Organization and Financial Matters of AALCO.

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

VII. VERBATIM RECORD OF SECOND MEETING OF THE DELEGATIONS OF AALCO MEMBER STATES HELD ON TUESDAY, 16 SEPTEMBER 2014 AT 10.30 A.M.

His Excellency Dr. Danesh Yazdi, President of the Fifty-Third Annual Session in the Chair.

Report of the Secretary-General on the Work of the Organization and Financial Matters of AALCO

Prof. Dr. Rahmat Mohamad, Secretary-General: Thank you, Mr. President. Honourable Ministers, Excellencies, Ladies and Gentlemen. At the outset I would like to join the Leaders of Delegations of Member States of AALCO in congratulating the President and the Vice-President of the Fifty-Third Annual Session on their elections. We look forward to working with you and standing guided by your wisdom.

I would like to express my sincere gratitude to the current President of AALCO, Her Excellency Dr. Neeru Chadha, Legal Adviser, Government of India and Joint Secretary, Legal and Treaties Division, Ministry of External Affairs, Government of India, for her guidance and support to the AALCO Secretariat in all its activities. I express profound thanks to Ms. Hema Odhav, Vice-President of the Fifty-Second Annual Session of AALCO and First Secretary (Multilateral), The South African High Commission, New Delhi, for discharging the duties as Vice-President of the Fifty-Second Annual Session of AALCO.

I would like to take this opportunity to express my gratitude to all Member Governments, for their constant encouragement, support and participation in all activities pertaining to the agenda of AALCO and I reassure you that I will continue to fulfil my mandate, to the best of my abilities and for further strengthening the Organization. I am also grateful to the Ambassadors/High Commissioners and the Liaison Officers in New Delhi, for their valuable inputs in dealing with the substantive and organizational matters and for the kind support rendered to me, which has helped me in discharging my duties and functions in a smooth and effective manner. Special thanks are also due to the Member States for paying their annual contributions and to those Member States who have started partial payment of their arrears. A robust financial situation would facilitate the Secretariat in fulfilling the mandate entrusted to it by the Member States.

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

Respected President, Excellencies, Ladies and Gentlemen, this statement would be divided into five parts namely: (i) activities and mandate undertaken since the Fifty-Second Annual Session; (ii) Steps taken to revitalize and strengthen the Asian-African Legal Consultative Organization; (iii) financial matters of AALCO; (iv) future plan of action; and (v) concluding observations.

A. Activities and Mandate undertaken since Fifty-Second Annual Session.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, now, I would like to briefly place before you the activities that we have undertaken since the Fifty-Second Annual Session of AALCO. I would like to emphasize that all these activities have been accomplished on account of the very hard work exerted by the legal staff in addition to the fact that the Secretariat optimally uses the modest resources, available to it.

The year 2013-2014 (September 2013 to July 2014) was significant in the ongoing journey of AALCO. Last year the Organization witnessed yet another successful Annual Session, the **Fifty-Second Session, held in New Delhi the Permanent Headquarters of AALCO**, where some progressive new initiatives like the half-day special meeting on the selected items on the agenda of the International Law Commission (ILC) was convened as per the mandate received from the Member States, according to which more time every year should be allocated to meaningfully deliberate on some of the important issues before the ILC. In addition, the outcome of the third Eminent Persons Group meeting was also placed for consideration of the Member States, which *inter alia* paved the ground rules and measures that the Organization would take for building upon its present acclaimed edifice, in the field of rendering valuable advisory services to its Member States, in the field of international law, on some of the most important and pressing common concerns.

In September 2013, I was appointed as a **Member of the Curatorium of the Asia Academy of Comparative Law**. During my visit to the College of Comparative Law, China University of Political Science and Law, I delivered a lecture on “International Law on E-Commerce: Legal Issues and Impact on the Developing Countries”. The presentation dealt with a brief overview of the legal regime of e-commerce with an emphasis on the UNCITRAL Model Law existing in this area, the major implications of e-commerce for developing countries, the most important constraints for the growth of e-commerce in the developing world and the way the World Trade Organization has dealt with this issue of e-commerce.

Respected Excellencies, I would like to share with you that the **AALCO Legal Advisers Meeting and AALCO-ILC meeting took place in New York** on 24 October 2013. The agenda for this meeting included inaugural statement by the Permanent Representative of India to the UN, Pressing Legal issues in Africa-UN Under-Secretary-General for Africa, E-Commerce: Opportunities and Challenges; and Use of force against non-State actors in terrorist activities. The second segment of the meeting was devoted to ILC Matters. Statement by the Secretary-General AALCO, views by some members of the ILC followed by a discussion. The meeting was attended by Legal Advisers from over 70 States including the Member States of AALCO and non-members.

Dear Excellencies, At the Fifty-Second Annual Session of AALCO, a Resolution on the Law of the Sea was adopted which directed the Secretariat to continue to assist the Member States in implementing the Convention by way of providing capacity building and assistance. In compliance with this mandate, I **visited the headquarters of the International Maritime**

Organization (the “IMO”) at London and held meetings with Dr. Rosalie Balkin, Director, Legal Division/Assistant Secretary-General, IMO.

I would like to bring to your notice the fact that from 14th-16th November 2013, **the Fourth Biennial Conference of the Asian Society of International Law was hosted by the Indian Society of International Law** and focused on the broad theme of “Asia & International Law In The Twenty-First Century: New Horizons”. Among the topics was one dedicated to the “**Asian-African Contribution to International Legal Jurisprudence**”, which included presentations that focused on AALCO’s contribution to and role in the historical and contemporary contexts of international law. I participated as a panelist in the First Plenary “President’s Forum on Asia & International Law in the Twenty-First Century: New Horizons”.

The **AALCO Secretariat organized a two-day Workshop on Selected Agenda Items of the ILC**. This Workshop was convened jointly with National University of Malaysia (UKM) in Bangi-Putrajaya, Malaysia from 29 to 30 November 2013. At the inaugural session, I addressed the gathering along with Prof. Dato’ Dr. Aishah Hj. Bidin, the Dean of Faculty of Law, Universiti Kebangsaan Malaysia. Special address was delivered by YBhg. Prof. Tan Sri Dato’ Seri Dr. Sharifah Hapsabhinti Syed Hasan Shahabudin, the Vice-Chancellor of Universiti Kebangsaan Malaysia and Inaugural address was given by Honourable Dato’ Sri Idrus Harun, Solicitor-General of Malaysia. ILC Members, Dr. Hussein Hassouna from Egypt, Prof. Shinya Murase from Japan, and Mr. Narinder Singh from India presented papers during the Workshop. The Workshop witnessed participation from Member States, academia and students from the Universities in Malaysia. A detailed report on the proceedings of the above-mentioned workshop will be released shortly.

Additionally, the **Secretariat of AALCO** in collaboration with the Public International Law Firm ‘Volterra Fietta’ (located in London) had conducted a **one-day “Training Programme on the Working of AALCO” for the diplomats, Legal Advisors to the Foreign Ministry, the Royal Court and the Ministry of Petroleum of the Kingdom of Saudi Arabia**. This was held on 14th January 2014 at the premises of the Secretariat of AALCO located in New Delhi, India. This Training Programme, which was designed to educate the high-level officials from the Kingdom of Saudi Arabia on the various workings of AALCO, was divided into two Sessions.

The **Secretariat of AALCO had also convened a Two-Day Legal Experts Meeting on the agenda item “Law of the Sea”, on 24th and 25th February 2014 at AALCO Headquarters, New Delhi**. The Secretariat is grateful to the Governments of Indonesia and Japan for deputing their experts to make presentations during this meeting as well as to the Xiamen University, China and University Terengganu Malaysia (UTM) for collaborating with AALCO for this event. High-level officials from various ministries of the Member States of AALCO, academics from many universities in the Asian-African region, a few officials from the United Nations and students from many Indian universities participated in this Meeting. There were five Working Sessions that focused on the following topics: (i) Regional Cooperation on Maritime Issues; (ii) Fragmentation of International Law: Law of the Sea; (iii) Piracy Legislation; (iv) Marine Biodiversity; and (v) Dispute Settlement: Afro-Asian Traditional Wisdom.

I would like to stress on the fact that **AALCO participated for the first time in the “5th South Asian Conference on International Humanitarian Law”, held in Kathmandu, Nepal** from 8-10 April 2014. Three officials from AALCO were nominated to participate in this Conference; Mr. Feng Quinghu, Deputy Secretary-General, Mrs. Anuradha Bakshi, Principal Legal Officer and Ms. Shannu Narayan, Legal Officer. Deputy Secretary-General Feng delivered the Keynote Address at the conference. The theme for the Conference was “Sexual Violence and Armed Conflict”.

Excellencies, I would like to share you that **I presented a paper on 25 April 2014 in the South China Sea Institute on the theme, “The Law of the Sea in the Era of Rapid Development of Marine Science and Technology.”** The conference was attended by some of the best intellectuals, academicians and officials from various UN divisions.

It is significant to note that **AALCO along with the International Committee of the Red Cross (ICRC) conducted a Joint “Workshop on International Humanitarian Law” (IHL)** on 7th and 8th May 2014 at the AALCO Headquarters in New Delhi. The theme of this workshop was “Contemporary Issues Facing International Humanitarian Law”. I delivered the Welcome Address at this Workshop.

The **24th South Asia Teaching Session (SATS) on International Humanitarian Law was organized by the International Committee of the Red Cross (ICRC) in collaboration with the Ministry of External Affairs of Sri Lanka at Colombo, Sri Lanka from 26th to 31st May 2014.** It was attended by mid-level officials and academicians from all the South Asian Countries. I had nominated AALCO Senior Legal Officer, Mr. S. Pandiaraj, to attend the programme.

I would like to point out that on 27th May 2014, **the Colloquium on the “Five Principles of Peaceful Coexistence and Development of International Law” was held in Beijing, China** and was attended by more than 70 participants from China, India, Myanmar, Indonesia, Pakistan, Russia, Bangladesh, and international organizations such as the UN, the International Court of Justice and the Asian, American and European Societies of international law. I made a statement at the colloquium emphasizing the need for revitalization of the Five Principles – originally envisioned as a response to imperialism, colonialism and hegemony – to meet the needs of the Asian-African community in the modern era and ensure its continued contribution to the development of international law.

On 20th June 2014, **the Kuala Lumpur Regional Centre for Arbitration (KLRCA) held a conference on international arbitration with the theme “Reflecting the Past, Building the Future”** which I took part in. The conference featured eminent arbitration experts from across the globe to deliberate the foundations of arbitration, scrutinize the current state of the practice and form a road map for the future.

On 7th July 2014 in Geneva, **I attended the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore at the Twenty-Eighth Session.**

I made a statement at the Sixty-Seventh Session of the International Law Commission, on 8 July 2014. I briefed the Commission on the following agenda items of the sixty-sixth session of the ILC: (i) immunity of state officials from foreign criminal jurisdiction; (ii) protection of persons in the event of disasters; (iii) identification of customary international law; and (iv) protection of atmosphere.

Additionally, on 9th July 2014 in Geneva, 9 July 2014, **I made an extensive visit to the headquarters of the International Committee of the Red Cross (ICRC)**. Among the topics of discussions, the possibility of future collaborations between AALCO and ICRC were discussed and the areas of mutual interest where such collaborations could occur were worked upon.

I also visited the headquarters of the UN Office on Drugs and Crime (UNODC) in Vienna on 11 July 2014. There I met with Mr. Trevor Michael Rajah, Chief of Terrorism Prevention Branch, Division of Treaty Affairs, and the possibility of further cooperation between AALCO and UNODC was discussed. Additionally, I invited UNODC to participate in AALCO's forthcoming Fifty-Third Annual Session, particularly in the planned Special Half-Day meeting on "World against Violence and Violent Extremism" (WAVE), as well as to contribute to the deliberations on the topic of international terrorism.

B. Steps taken to revitalize and strengthen the Asian-African Legal Consultative Organization

Pursuant to the adoption of the Putrajaya Declaration in 2009, various activities have been initiated on a regular basis, to make AALCO the primary centre for harmonizing the actions of Asian-African States in international legal affairs. These include – a) Capacity Building Programmes, b) initiation of AALCO Lecture Series, c) AALCO Eminent Persons Group.

Strengthening the human resources in the AALCO Secretariat

Apart from the Secretary-General (Malaysia), three Member Governments, namely, Japan, People's Republic of China and Islamic Republic of Iran, have offered assistance to AALCO by deputing their senior officials to the Secretariat on secondment. Currently, Deputy Secretaries-General, Mr. Feng Quinghu (People's Republic of China) and Ms. Yukiko Harimoto (Japan), have been rendering commendable services to the Secretariat. The Secretary-General wishes to place on record his gratitude to these Member Governments for rendering such valuable assistance, and also wishes to express deep appreciation for the dedicated services of these officials deputed to the AALCO. Dr. Hassan Soleimani from the Islamic Republic of Iran and Dr. Yusukata Fukahori from Japan successfully completed their tenure as Deputy Secretaries-General, with the AALCO Secretariat in February and January 2014 respectively. The Secretary-General wishes to place on record appreciation for their valuable services to AALCO.

The number of the locally recruited staff (permanent category) in the Secretariat as of 30 July 2014, is 11. The Legal Staff comprises of only two legal officers, namely, Principal Legal Officer, Mrs. Anuradha Bakshi, and Senior Legal Officer, Mr. S. Pandiaraj. The Secretariat of

AALCO has also appointed Mr. H.P. Rajan, an expert in the field of the Law of the Sea, as “Legal Adviser to AALCO on the Law of the Sea Matters”, for a period of three months subject to renewal. The remaining staffs are in the administrative and supporting category. Besides, some staff members have also been employed on temporary basis. After working in the Secretariat for almost nine years, Ms. Shannu Narayan resigned from the post of Legal Officer, to join as Visiting Faculty in National Law University and Judicial Academy, Guwahati, Assam, and Mr. Parthan has left to pursue his Masters in International Law from the International Law Institute, Geneva. The Secretary-General places on record appreciation for their valuable services. As of now these positions remain vacant.

The Secretariat plays a crucial role in strengthening the work of the Organization. Presently, the Secretariat functions under constraints of both human and financial resources. Yet the final products bear no witness to these insufficiencies and measure up to the quality and quantity of any important international conference and their outputs held anywhere in the world.

In view of the decrease in legal staff strength and the increasing activities being undertaken by the Organization, it is proposed to recruit at least two or three new legal staff members in the Secretariat in 2014-2015 which will make the total of legal staff back to 5 as we did at the beginning of 2014.

Request for Deputy Secretaries-General from Africa and Middle East

Presently, all the three Deputy Secretaries-General in AALCO are from the Asian Region, in order to ensure African and Arabic representation in AALCO, I kindly request the African States to second at least one senior official to the Secretariat as Deputy/Assistant Secretary General and also the Arab Member States to depute one senior official to the Secretariat. In order to attract the best talents from the two regions for the Professional Category of Secretariat Staff, I propose offering remuneration and other terms and conditions of services at par with other Inter-governmental Organizations.

Request Member States to depute legal and professional staff to AALCO.

In furtherance of this proposal, I suggest Member States to nominate legal officers from their legal ministry to assist in the legal study, where the remuneration for these officials will be borne by the sponsoring States. Finally, I propose a Visiting Fellowship Programme for senior academic and research assistant for post-graduate students from AALCO Member States.

C. Financial matters of AALCO

Excellencies, Ladies and gentlemen, just after this report I shall dwell upon the financial aspects of the Organization. However, I would like to draw your kind attention to a request of received from three Member States namely; The State of Palestine, Republic of Yemen and Lebanon to exempt them from their financial dues. I would look forward to the valuable suggestions from the Heads of Delegations on this rather sensitive matter.

D. Future plan of action.

Excellencies, Ladies and Gentlemen, on completion of my second year of the second and final term, I once again seek this opportunity to reiterate my gratitude to the Member States for the kind support and confidence they have reposed in me. It is relevant to reiterate here that as mandated by the Putrajaya Declaration on Revitalization of the Organization, the Secretariat is required to present its blueprint on how to strengthen AALCO's organizational and substantive matters. In line with that Declaration, during the Colombo Session in 2011 I had presented the long, medium and short term projects that would be undertaken by AALCO. Meanwhile during the Abuja Session vide resolution AALCO/RES/51/ORG2 the Secretariat was mandated to look into all possibilities while framing the budget for 2015. In response to a request from Liaison Officers and also past mandates received from Member States, this year the Secretariat has submitted detailed breakdown of the planned projects that would be implemented from 2014 to 2016. These programmes would be classified into four categories (i) Capacity building programmes for AALCO Member States; (ii) Research Intensification Projects on the Work of the International Law Commission at AALCO; (iii) Research Intensification Projects on the Work of AALCO and (iv) In House Training Programme for AALCO Secretariat Staff. The details of these programmes have been annexed to the document AALCO/52/HEADQUARTERS (NEW DELHI)/2013/ORG 1.

In addition to the above we would also strive to: (i) Establish collaboration with educational institutions and universities, (ii) Expand internship projects in AALCO, (iii) Prepare studies on the item on the agenda of AALCO, (iv) Prepare studies on selected items on the agenda of the Sixty-Eighth Session of the United Nations General Assembly, (v) Participate in International Conferences, (vi) Engage in Capacity Building Programmes, (vii) Strengthen the library, and (viii) Bring out more special studies and briefing papers on various specialized topics of international law.

E. Concluding Remarks

Excellencies, I am convinced that the Member States of AALCO would encourage and contribute towards the future activities to be undertaken, besides promising to echo the voice of the people of the Afro-Asian region, which is host to the largest part of the humanity, in various international forums.

Towards this end I hope that the member States would extend their wholehearted support to all the activities that would be undertaken in the coming year. In the current tumultuous international scenario it is required more than ever to strengthen Asian-African solidarity and work collectively on issues of common interest.

I sincerely look forward to your valuable suggestions on how to further improve and strengthen the working of AALCO. Thank you very much.

President: I thank the Secretary-General for his very comprehensive presentation on the work of the Organization and its financial status. Financial stability is one of the essential features to run any organization smoothly. We will now have one hour and twenty minutes at our disposal.

After that Member States will have the floor to enrich the report of the Secretary-General is there any proposal, suggestion which would be useful for the future work of the Organization.

President: Now we will hear a report on the Financial Matters of the Organization. Legally speaking that is the right of the Member States of the Organization and not of the Observers, I do apologize to the Observers, but you would be welcome to attend the meetings on the substantive issues that are to be discussed.

Secretary-General: Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is indeed my pleasure to address you all on this important subject namely, “*A Brief Summation on the Current Financial Status of AALCO*”. It is well-known that AALCO completely depends on the annual contribution of its Member States for meeting its budgetary expenses. However, there is a lot of difference between the expected contribution from Member States and the actual contributions received in any particular year. So the real budget for AALCO is the actual amount that it receives in a year by way of contribution.

In the last few years I have been taking many measures aimed at curtailing the expenses of the Organization with the objective of improving the financial situation of AALCO. These include: cutting down on various miscellaneous expenses; cutting down on travel trips/expenses and the like.

Be that as it may, in the year 2014, AALCO has received US \$ 279, 497 from 18 Member States until August 31, 2014⁸. I would like to take this opportunity to express my gratitude to all these Member States for their early payment which would keep the Organization functional. I would also like to kindly remind other Member States who have not paid their annual contributions this year to pay the same quickly.

In the year 2014, we have received arrears from 8 Member States (from 1st January to 31st August 2014) accounting for US \$ 136, 033.75⁹. Hence, the total amount of contributions so far received for this year amounts to US \$ 415, 530.75.

Status of Reserve Fund

It is well-known that Rule 27 (3) of the Statutory Rules of the Organization authorizes the Secretary-General to maintain a Reserve Fund. The objective of this fund is to cater to the financial needs of the Organization should any (financial) emergency arises at least for a short duration of time so that the activities of the Organization do not suffer. The amount that has been allocated on a specific head but which remains unutilized in a particular year is transferred to the reserve fund.

As on 31-12-2013, the Reserve Fund of AALCO was US \$ 281, 492.50. It may be remembered here that this information is to be found in the document AALCO Budget for the Year 2015

⁸ Arab Republic of Egypt, Brunei Darussalam, People’s Republic of China, Cyprus, India, Japan, Republic of Kenya, Republic of Korea, Malaysia, Mauritius, Union of Myanmar, Sultanate of Oman, South Africa, Republic of Singapore, Sri Lanka, Thailand, Turkey, United Arab Emirates.

⁹ Arab Republic of Egypt, Bangladesh, Cameroon, Cyprus, Indonesia, Islamic Republic of Iran, Pakistan, United Arab Emirates,

(AALCO/53/TEHRAN/2014/ORG 2). This means that regarding the status of the Reserve Fund there has not been any change between 31-12-2013 and August 2014. There is an urgent need to increase the corpus of Reserve Fund because if we do not receive sufficient contributions from our Member States, we will be forced to use the Reserve Fund to carry out the day-to-day expenses of the Organization. In this regard, it is pertinent to underline here that the amount that is kept as Reserve Fund can be used only for 8 months. Hence to strengthen and put the Organization on a firm financial footing it is imperative to enhance/replenish the amount of Reserve Fund in the immediate run as well in the longer run.

Bank Balance

As on 31-8-2014, the Bank balance that AALCO possesses accounts for US \$ 126, 219.56. Again assuming that we do not receive adequate and full contributions from our Member States the amount that is available at the Bank in our account can only last up to a maximum of 4 months. This is an important fact that Member States need to keep in mind.

I, as the Secretary-General of AALCO and my Deputy Secretaries-General have been taking a lot of measures in order to improve the financial situation of the Organization. For example as regards the arrear collection, the Secretariat has tried its best in negotiating with countries having arrears during the past three years and this has borne fruit to a good extent. And our tireless efforts will continue until all countries clear all arrears, although it would be (in a sense) unrealistic to recover all in a short period of time as some countries are having serious domestic issues.

The Way Forward

Looking forward, I have a few suggestions to make as regards improving the financial situation of the Organization. We are, as we always have been, encouraging Countries who are in arrears to pay the amount in installments and to that effect we encourage them to enter into Memorandum of Understandings (MOUs) with the Secretariat of AALCO. This in my view would allow these countries time to clear their arrears taking into account their other expenses as well. Let me also remind you that this method has been successful to a significant extent. For example, two of our Member States¹⁰ who had considerable arrears had entered into an MOU with us and paid the same in easy installments. I also take this opportunity to thank the Government of Cameroon for having cleared their arrears almost entirely this year. I hope these examples are followed by other Member States which are in arrears as well.

I also take this opportunity at this juncture to inform the Member States that the Secretariat of AALCO has received requests for waivers of arrears from three Countries, namely Palestine, Yemen and Lebanon. I would like to propose it to the Member States to take a call on that.

I take this opportunity to encourage Member States of AALCO to make voluntary contributions to the Secretariat of AALCO on project-based assignments either in the form of Capacity-Building Programmes or research activity conducted in collaboration with the Secretariat. I also

¹⁰ They are Republic of Iraq and Libya.

encourage the Host Government to make voluntary contributions towards strengthening the financial situation of AALCO.

We are all well aware of the causal link that exists between the

- Our financial resources and the
- Pursuit of our formal mandates.

Given this linkage, I sincerely wish that our Member States would respond positively to my plea of improving the financial status of AALCO.

Before I conclude, let me make few remarks about the adoption of Draft Budget 2015 that will be the subject of discussions after this statement.

I would like to bring to the attention of the Distinguished Delegates that the Draft Budget 2015 that is to be adopted at this Session is the same as that of the Budget 2014 that had been approved last year at New Delhi Session 2013. A few internal changes have been made in the proposed Budget 2015 (on few counts) that are reflected in the Secretariat document "Proposed Budget for the Year 2015" page no. 8 and 9 entitled: "*Explanatory Note on the Proposed Budget Estimate for the Year 2015*".

I sincerely hope that the Proposed Budget for the year 2015 that has not increased the amount of contributions that are paid by the Member States, would be accepted by the Member States.

With these remarks I eagerly look forward to the discussions on this issue.

Thank you.

President: The report of the Secretary-General was very lucid, informative and valuable. Now I would like to open the floor for discussions.

The Leader of Delegation of India: Thank you, Mr. President. This is just to thank the Secretary-General for his very comprehensive report for strengthening the Organization as well as for improving its financial status. On the issue of Human Resources which we had raised, we are happy to note that the Secretary-General shares our concerns and is working towards strengthening the Secretariat. As has been rightly pointed out by the Secretary-General, Secretaries-General come and go but it is necessary that the Secretariat should retain permanent staff and the Secretariat continues to remain relevant. On other issues I will be brief and say that Mr. Secretary-General we support your vision and we hope that we would be able to cooperate with you on this matter, and hope that you are able to achieve your objective. Thank you very much.

President: I thank the head of delegation of India and share your views too that the Organization needs a strong Secretariat to make a functional entity. Japan now has the floor.

The Leader of Delegation of Japan: Thank you Mr. President. Regarding the arrears first of all we highly value the efforts made by the Secretariat to collect the arrears. However, on the matter of waiver of the arrears, our view is that we should continue discussion in the Liaison Officers meetings on this matter and we should not take a decision at this stage. Thank you.

President: I thank you Japan. Malaysia has the floor.

The Leader of Delegation of Malaysia: Thank you Mr. President. We are very delighted to read the Secretary-General's Report on the Work of the Organization and also the Proposed Budget. We are deeply encouraged by the active work of the Secretary-General and the Secretariat. We call upon the Secretary-General and Secretariat to continue their excellent work as enumerated in the report. Due to austerity drive initiated by many governments including Malaysia we regret for not being able to partake in the numerous excellent programmes and courses organized by the Secretariat in this respect Mr. President, we would like to propose that the proceedings of the programmes and courses conducted by the Secretariat should be recorded and then to be made available online at the AALCO's website. This would perhaps enable Member States not present to benefit from the excellent proceedings. As mentioned briefly in my general statement yesterday, we deeply feel for the Secretary-General's call to strengthen the Secretariat and resources and this I hear is also supported by my other colleagues from the other delegations we look forward to hear views from the Secretary-General to deal with these issues. We also heard the Secretary-General's remarks that AALCO's publications could be quoted by international tribunals we fully support this idea, in fact it was for this very reason Mr. President that Malaysia had consistently reminded all parties that AALCO is a legal and not political body, our discussions and works must focus therefore, on legal aspects and perspectives or on the issues on the agenda and not screaming on rhetoric's. Mr. President on the 2015 budget we are very delighted by the lean budget proposed by the Secretariat as has been browsed through by our Liaison Officer in New Delhi, we are in full support of the budget. Thank you Mr. President.

President: I thank Malaysia for the statement, yes Iran has the floor.

The Leader of the Islamic Republic of Iran: Thank you Mr. President. I would like to join the previous speakers in thanking the Secretary-General for the comprehensive report. I think it is important to support all the activities that ensure AALCO remains relevant to the new subjects which are now a days the subjects of concern to the Member States. My delegation also thinks that capacity building is very important in the work of AALCO. Therefore, I think any programmes or plans for the Young Jurists of AALCO Member States could be important in this process of improving the activities of AALCO regarding capacity building. Thank you.

President: I thank Iran. Pakistan has the floor.

The Leader of Delegation of Pakistan: Thank you. My delegation joins the previous delegations in highly appreciating the wonderful work which is being done by the Secretariat in general and the Secretary-General in particular. My delegation appreciates the vision of the Secretary-General, that this Organization should become a mouthpiece at the international levels such as, the International Law Commission and other legal bodies. However, my delegation joins with the concerns shown by the previous speaker from Malaysia that the countries have their own concerns and budgetary constraints, therefore, concrete proposals should be put up for all projects which no doubt would require through examination. My delegation also joins the concern expressed by the delegate of Malaysia that AALCO is a legal

and not a political body therefore; it should restrain itself and contain itself with the basic purpose of the Organization. Thank you.

President: I thank Pakistan and China has the floor.

The Leader of Delegation of the People's Republic of China: Thank you Mr. President. The Chinese delegation also would like to join other colleagues in thanking the Secretary-General for his excellent report which is informative and comprehensive. China deeply understands the difficulties facing this Organization particularly in relation to the shortage of resources, financial and human resources. As the Chinese saying goes "No matter how great a ship is he or she cannot cook a dinner without rice". Therefore, it is a duty and responsibility of the Members of the Organization to provide adequate rice to the Secretariat and AALCO. Mr. President Chinese also encourage insightful work plan for the future as presented by the Secretary-General and China always stands ready to fully support meaningful efforts by the Secretariat to improve the work of this Organization. We also call upon all Member States to really recognise the importance of the work of AALCO and show flexibility in making contributions both compulsory and voluntary. Thank you.

President: I thank China for the remarks. Are there any other comments? Those remarks will be taken up by the Secretary-General and the Secretariat and would be given due consideration for the work of the Organization and to improve the financial situation of AALCO. Distinguished colleagues now we will move on to the other agenda item indicated for this morning session. In view of the time constraint we have two more agenda items to take up this morning. The first one is "**Environment and Sustainable Development**", and the second one is "**The Status and Treatment of Refugees**".

The meeting was thereafter adjourned.

VII. VERBATIM RECORD OF THE THIRD GENERAL MEETING

VII. VERBATIM RECORD OF THE THIRD GENERAL MEETING OF THE DELEGATIONS OF AALCO MEMBER STATES HELD ON TUESDAY, 16 SEPTEMBER 2014.

His Excellency Dr. Danesh Yazdi, the Deputy Minister of Foreign Affairs of the Islamic Republic of Iran and the President of the Fifty Third Annual Session of AALCO in the Chair.

AGENDA ITEM: ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

President: I invite the Secretary General of AALCO to introduce the agenda item. You have the floor, Sir.

Prof. Dr. Rahmat Mohamad, Secretary General of AALCO: His Excellency Mr. President; Excellencies, Distinguished Delegates, Ladies and Gentlemen; The law relating to the “Environment and Sustainable Development” constitutes an important item on the work programme of AALCO and has been followed by AALCO for nearly four decades now. The present Secretariat report provides an overview of the Nineteenth Session of the Conference of Parties to the UNFCCC (COP 19) and the Ninth Meeting of Parties to the Kyoto Protocol (CMP 9), held from 11-22 November 2013 at Warsaw, Poland. The Report also briefly refers to the subsequent negotiations on climate change held in Bonn, Germany in March and June 2014.

In addition, the International Regime on Combating Desertification shall have a brief report of the Eleventh Session of the Conference of Parties to the UN Convention to Combat Desertification (COP 11) held from 16 – 27 September 2013 at Windhoek, Namibia. The last section of the Report deals with the Final Session of the UN Commission on Sustainable Development and the Inaugural Session of High-Level Political Forum on Sustainable Development held on 20 September 2013 at the UN Headquarters.

Your Excellencies, At the United Nations Conference on Sustainable Development, Heads of State and Government recognized the significant contributions to sustainable development made by the multilateral environmental agreements¹¹ and requested that the future sustainable development goals build upon commitments already made.¹² There are many globally agreed goals contained in both binding and non-binding multilateral instruments, especially in the environmental sector.¹³ Since 2012, Governments, through their participation in the multilateral environmental agreements, have encouraged all partners to consider existing goals as the basis for future goals¹⁴.

The future goals and targets should be at least as, and preferably more, ambitious than what already exists. The inclusion of selected existing targets would underscore the urgency of existing commitments. Sustainable development goal targets on renewable energy, energy efficiency and low-carbon development trajectories would reinforce the objectives of the

¹¹ General Assembly resolution 66/288, annex, para. 89.

¹² *Ibid.*, para. 246.

¹³ See United Nations Technical Support Team (TST) (2014), “Compendium of existing goals and targets under the 19 focus areas being considered by the OWG SDG”. Available at: www.unep.org/post2015.

¹⁴ UNEP/EA.1/INF.18 dated 21 May 2014.

United Nations Framework Convention on Climate Change without duplicating its processes. Integrating biodiversity and ecosystem values into indices of poverty, prosperity and wealth, would support the Aichi Biodiversity Targets as they address the drivers of unsustainability. The new goals and targets could highlight emerging issues, and they could set a vision for renewing commitments to agreements whose terms will expire in the coming decades¹⁵.

The 19th Conference of Parties to the UN Framework Convention on Climate Change (COP 19) reiterated the need for finalizing the climate change agreement by 2015 for the period till 2020, which was set as a target during the Durban Conference (COP 17) in 2011. The main focus was to define a clearer path for the final two years of the Durban Platform negotiations leading to future climate agreements. The major discussions were on “intended nationally determined contributions” to the 2015 agreement, by the first quarter of 2014, for those countries which were ready to do so. There were few demands from developing countries, including the need for increased climate finance, and for a new mechanism to help especially vulnerable nations cope with unavoidable “loss and damage” resulting from climate change.

Thus, in short, the main outcomes from the COP 19 included:

- An agreement to table post-2020 emissions reduction contributions by the first quarter of 2015;
- Agreement on the Warsaw Framework for REDD+¹⁶ finance;
- Establishing the Warsaw International Mechanism for ‘Loss and Damage’;
- Finalising the institutional arrangements between the Green Climate Fund and the COP.

The above concerns have also been clearly stated in a UNEP Report entitled “Environment Sustainability for Human Well Being in the post 2015 Development Agenda”, the post-2015 development agenda cannot be a zero-sum game; benefits or gains to one group or sector should not translate into losses for another.¹⁷ Goals should be complementary and consistent; no goal should be achieved at the expense of another goal. Universality can be defined in several ways:

- (a) Issues that are of common concern (e.g., the global commons, or the global financial system) that require common action;
- (b) Issues that do not affect countries and peoples in the same way or to the same degree, but require common action to address them in a globalized interdependent world (e.g., food security, the illicit trade in wildlife, managing chemical waste, unsustainable lifestyles or regional dust storms);
- (c) Issues that may not be significant everywhere, but are recognized as requiring widespread support (e.g., eradicating extreme poverty).

¹⁵ Ibid.

¹⁶ REDD+ means “Reducing emissions from deforestation and degradation in developing countries, including conservation.

¹⁷ P. Caballero, P. Hazelwood and K. Van der Heijden, 2013, “Setting a new course: universality as an integral part of the post-2015 development agenda” (discussion note).

The post-2015 development agenda and the sustainable development goals must address such universal concerns with a universal ambition which recognizes that each country starts with a different baseline of challenges, needs, priorities and response capabilities. It is also important to recognize that even countries that have achieved certain goals are vulnerable to reversal of such gains from future environmental, economic and social shocks. Responses can be differentiated through choice of development pathways and according to national circumstances and priorities. Some countries are able to leapfrog the usual development trajectory by adopting a more resource efficient and less polluting pathway, which avoids future costs. Countries' pathways will depend on their reconciliation of short-term versus long-term priorities.¹⁸

Your Excellencies, The high-level segment of the 11th Session of the Conference of Parties to the UN Convention to Combat Desertification (COP 11) was held during the meeting on 23 and 24 September 2013. The main focus was on the best options for the implementation of the Convention and its Strategic Plan 2008-2018. These round table discussions focused on an integrated landscape approach that addressed the biophysical, socio-economic and cultural aspects of dry lands and sustainable land management practices.

The inaugural meeting of the High-level Political Forum on Sustainable Development (HLPF) was held under the auspices of the UNGA on Tuesday, 24 September 2013 at the UN Headquarters in New York. The establishment of the HLPF was called for by the UN Conference on Sustainable Development (UNCDS or Rio+20) in June 2012.

Your Excellencies, The Warsaw Conference saw an affirmation towards having a draft text on “nationally determined contributions” to be finalized by the first quarter of 2015. The question on “loss and damage” and reinstating such damages were at the centre of this Conference.

Combating desertification has been a continued concern of the international community. The recent COP 11 focused on guidance on a land-degradation neutral world (LGNW), including a target-setting approach, and the translation of the desertification, land degradation and drought (DLDD) commitments made at Rio+20 into concrete activities with the framework of the UNCCD. The vicious cycle of biophysical process driven by land users through persistent productivity losses lead to poverty and causing social, economic and political problems. The High Level Political Forum on Sustainable Development, which replaced the UN Commission on Sustainable Development however, has, at its inaugural session, confirmed the move towards sustainable development governance.

Therefore, in conclusion it could be said that if we are to pass on a healthy environment to the future generations, all the Member States while framing their national policies pertaining to the environment, must bear in mind the principle of common but differentiated responsibilities.

Thank you.

President: Thank you Secretary General. I now call upon Nepal.

¹⁸ UNEP/EA.1/INF.18 dated 21 May 2014

The Delegate of Nepal: Thank you, Mr. Chair. Mr. President, Sustainable development emphasizes a holistic, equitable and far sighted approach to decision making at all levels. It emphasizes not just strong economic performance but also intra-generational and inter-generational equity. It rests on integration and a balanced consideration of social, economic and environmental goals and objectives. The concept of green economy focuses primarily on the intersection between economy and environment.

Mr. President, Environment is vital not only for the present generation but also for the future of human race. Any adverse impact on it would be seriously detrimental to socio-economic development and human activities. Preservation of the environment not only for the present generations but also for the future generations should be the utmost priorities in the developmental activities for sustainable economic and social growth. The development of climate resilient infrastructure and promotion of environmentally sound and sustainable development through the use of clean technologies could provide an opportunity for mitigating the impacts of climate change.

I would like to appreciate the amendment made to Kyoto protocol to the United Nations Framework Convention on climate change thereby establishing a second 8-year commitment period with effect from 2013. This amendment would give the opportunity to developed countries who have not adopted emission reduction targets and ratified the Kyoto Protocol to undertake to reduce emissions and not shift the burden to developing and least developed countries.

Mr. President, We are aware that human-induced multiple impacts of climate change on ecosystems, goods and services in mountainous region as well as implications on livelihood, health and welfare of the people are very serious, sea level rise, rapid melting of snow, unusual weather pattern that adversely affects crops harvesting, flash flood, outburst of snowy lake and so on are direct consequences of the climate change. These problems are results of the green house gas effect left by the rapid industrialisation and urbanisation. These problems are not the problems of one state nor can they be resolved without collective effort of the international community. We must, therefore, need to take urgent, collaborative and effective actions at all levels for addressing climate vulnerable communities and also strengthening the climate change resilience of the people of mountainous countries.

Mr. President, I would like to recall the International Conference of Mountainous Countries on climate change held in Kathmandu from 5-6 April 2012 which agreed to enhance cooperation among the mountainous countries and countries with mountainous regions for addressing the common problems, recognising that the mountains provide solutions for sustainable development using ecosystem services, in particular, water, biodiversity, energy, and for enhancing food security. It was also agreed to consolidate the common efforts to effectively integrate mountain issues into the global climate change and development agenda including the Rio process and beyond.

The Kathmandu Call for Action 2012 would be a good initiative to protect the high potentials of mountain ecosystem service to promote green growth strategies and strengthen linkages

between mountain ecosystem and other ecosystems to reduce poverty and promote sustainable development which is a prime concern of the region of Asia and Africa.

Mr. President, I would like to recall the Bali Action Plan and Roadmap which laid out the four-fold action roadmap for climate change action mitigation, adaptation, technology and finance. In this context, the industrialised countries should take concrete steps through financing, technology development and transfer, capacity-building support to enable vulnerable countries to cope with unavoidable "loss damage" and resulting from climate change. The future climate change negotiations should take into account the principle of "common but differentiated responsibility" of climate change enshrined in the United Nations Framework Convention on Climate Change. In this context, this organization needs to be proactive to contribute to making the climate negotiation a success.

With these words I would like to conclude my brief remarks.

Thank you.

President: Thank you Nepal. I now give the floor to the Iran.

The Delegate of the Islamic Republic of Iran: Thank you, Mr. President. Excellencies, Heads of Delegations, and Members of Delegations, Ladies and Gentlemen, At the Outset, I would like to thank the AALCO for continuously including this topic "Environment and Sustainable Development" in the agenda of the annual sessions of the Organization as this topic has particular importance to both the Member States of AALCO and the international community.

Almighty God has gifted Asian and African continents with the outstanding and huge environmental resources and components, which are a large portion of the world's resources, and this, of course, remains an issue of concern for all countries to the various environmental issues, because they pose a serious impact on their societies and their people.

In this context, I would like to stress that Islamic Republic of Iran believes that ensuring sustainable economic and social growth is not possible without a comprehensive environmental vision that put, at the forefront of the priorities, preserving the environment for future generations of Iran .Iran National Vision 2030 aims to guide Iran towards striking a balance between development needs and the protection of natural resources.

Iran National Vision focuses on forming legal framework and effective environmental institutions to safeguard the environmental heritage of Iran, as well as the Iran National Vision 2030 stresses the importance of educating citizens of their role in protecting the environment of the country, in the interest of the health and safety of their children and for Iran's future generations.

These aspirations relating to the economy of Iran and its society, people and environment which the Iran National Vision 2030 included, will be translated through a national strategy for the development leading the process of preparing the General Secretariat for Development

Planning and in its formation private and public sectors, civil society and citizens of Iran's share through a cooperative mechanism which ensures the bright future of Iranis.

In this context, the Islamic Republic of Iran focuses on the technical and legal aspects of environmental issues which are the two sides of the same coin. The protection of the environment against all forms of infringement and damages is not possible without technical and legal fight to deal with these harmful acts to the environment.

Ladies and Gentlemen, I would like in brief to put light on some efforts made by Islamic Republic of Iran in the field of protection of environment are following:-

Firstly, to strengthen the institutional role of the environmental protection. The Islamic Republic of Iran has established a ministry specialized in the environment affairs is working to provide protection for the Iran environment and national development and sustainability of living and non-living natural resources and quality assurance and environmental health through environmental awareness and proposed environmental legislation, policies and national capacity-building in accordance with the principles of community partnership and sustainable development, best practices and international standards to achieve excellence locally and global leadership of the Islamic Republic of Iran in the environmental field.

Secondly, promulgating effective national legislative framework. The Islamic Republic of Iran has an effective legislative system to preserve the environment and to enable state institutions to play their role and achieve its objectives. This system includes various related legislations that are as following:

- Act No (1) On the prevention of agricultural land levelling and sand beaches for the year 1993
- Act No (30) The issuance of the Environmental Protection Act of 2002
- Act No (5) Organized trafficking of endangered fungal organisms for the year 2006
- Act No (24) of 2010 promulgating a law (system) on pesticides in the Gulf Cooperation Council for the Arab States of Gulf
- Act No (25) 2010 promulgating a law (system) on seeds and seedlings in the countries of the Cooperation Council for the Arab States of the Gulf

Ladies and Gentlemen, In light of the attention of the Islamic Republic of Iran solving environmental problems and providing effective solutions for the sustainable development, the Islamic Republic of Iran has hosted at the end of the 2012 the United Nations Conference on Climate Change. Where, 9000 participants have participated in the conference, including 4356 government officials and 3956 representatives of the bodies of United Nations, Non-governmental organizations and civil society organizations and 683 media members. The negotiations in Doha focused on ensuring the implementation of conventions were reached at previous conferences, which ended with a successful outcome in support of climate and environment issues at the international level. That was a brief overview about the vision and efforts of the Islamic Republic of Iran in the field of environmental issues and sustainable development, which reflects the significance that the Islamic Republic of Iran attaches to this topic.

Thank you.

President: Thank you, Iran. I now give the floor to the Republic of Indonesia.

The Delegate of the Republic of Indonesia: Mr. President, Distinguished Delegates, first of all, allow me to thank the AALCO Secretariat in preparing a comprehensive research on the agenda item of Environment and Sustainable Development. On our points of intervention on this agenda item, allow me also to reiterate some of important statements as have been conveyed by our President at the UN Conference on Sustainable Development (Rio+20), in Rio De Janeiro on 20 June 2012.

Mr. President, Distinguished Delegates, we had an achievement at the UN Conference on the Environment and Development 1992. It was the first time the global community got together, took stock of development and environmental challenges, and charted a common path forward. Since then, we have seen many encouraging developments. Along with economic achievements, the environmental agenda has made significant advances. Environmental regimes itself have grown, for example on biodiversity, on climate change and on forestry. These days more nations are adopting green growth strategies.

Mr. President, Distinguished Delegates; Indonesia has actively pursued a policy of ‘growth with equity’, with three basic components, namely pro-growth, pro-poor and pro-jobs. Then after successfully hosted the UN Climate Conference in 2007 in Bali, Indonesia has become very active in global climate diplomacy and expanded our development strategy: not just pro-growth, pro-poor and pro-jobs, but also pro-environment. Today, environmental sustainability is at the heart of our long-term development plans, both at the national and local levels.

Mr. President, Distinguished Delegates, it is necessary for us to redefine modernity, development and prosperity, and move from overconsumption and excessive consumerism. These steps may support the efforts to move from ‘greed economy’ to ‘green economy’. For Indonesia, green economy is viewed as an economic development approach that no longer relies on overexploited natural resources and environment, but aims to reach an environment friendly economic development.

It is our challenge to ensure that the world economic problems do not detract or distract us from sustainability goals and climate change objectives. It is important for us to focus on our national commitments and global responsibilities.

To secure our climate future, it is also important for us to stress the ‘common but differentiated responsibility and respective capability’. Indonesia believes that developed countries must take lead, along with the increasing role of the developing countries too. In this regard, Indonesia in the midst of a deadlock in 2009 has made the voluntary decision to reduce emissions of 26% by 2020, or 41% with international support. I thank you.

President: Thank you Republic of Indonesia. I now give the floor to Japan.

The Delegate of Japan: Mr. President, on the question of climate change, Japan considers that the current international efforts are being focused upon how to attain the goal of a fair and effective post-2020 framework applicable to all parties, and all possible endeavours have been exerted internationally to reach agreement on the details of that framework and achieve the 2015 Agreement.

Therefore, the forthcoming meeting of COP19 to be held in Warsaw, Poland will be a crucial meeting to deliberate intensively upon the elements to be included in the future framework, and determine specific work schedule for the next two years towards the 2015 Agreement.

It should be stressed that the future agreement should be one which would duly reflect the present world's real situation of greenhouse gas emissions by all parties.

Mr. President, With regard to the question of Bio-diversity, at the COP 11 held in Hyderabad, India in October last year, many important decisions were taken as a follow-up of the previous COP held in Nagoya, Japan, including agreement in principle on the goal of Resource Mobilization of doubling international financial flows to developing countries.

A mid-term review of implementation of Aichi Targets is to be conducted by 2015. In order to preserve bio-diversity, it is important to strengthen internationally coordinated cooperation among the countries concerned. Japan wishes to further promote cooperation in these endeavors with other Asian and African countries.

Mr. President, How to follow up the Rio+20 and the strengthening of the UNEP are also very important tasks. Japan believes that the Rio+20 Conference has brought about an important outcome, such as highlighting the importance of Green Economy, and integrating sustainable development goals (SDGs) into 2015 development goals, which could lead to progress in international endeavours in the future to achieve sustainable development.

Japan attaches importance to the developing countries making transition to Green Economy, and announced its Green Future Initiatives on the occasion of Rio+20 Conference. Japan has been advocating the innovative concept of city building such as "Environmental Future City Vision". Japan wishes to actively share its ideas, knowledge and experiences with the international community in such areas as building of disaster-resilient society and Environmental Future City.

Japan has also a high tribute to the positive results of the 27th Session of the UNEP Governing Council/ Global Ministerial Environment Forum (18-22 February 2013, Nairobi, Kenya), in particular, on such institutional reforms and arrangements which are necessary to strengthen its role so that the UNEP would be able to assume a central role in implementing environmental dimensions of sustainable development within the UN system.

Thank you.

President: Thank you Japan. I now give the floor to Sultanate of Oman.

The Delegate of Sultanate of Oman: Thank you, Mr. President. The humanity has been making great efforts for a long time to realize their dream of righteous and equal world, clean and green Earth.

International conventions and protocols for environmental protection such as “United Nations Framework Convention on Climate Change” and “Kyoto Protocol”, and United Nations Millennium Development Goal were adopted and many countries are endeavouring and cooperating with each other for their implementation.

Today, environmental issues, particularly the issue of climate change are a vital issue for not only contemporary generation but also future of human race.

Climate change is seriously detrimental to socio-economic development and human activities, and developing countries with weak capacity to cope are bound to be affected most.

It is important that the developed countries should fulfil their duties and play greater role in reducing greenhouse gas emissions, and help and cooperate the developing countries technologically and financially to improve their ability to cope with the climate change.

Mr. President, Today, the Sultanate of Oman government, considering the environmental protection as its important political task, strives constantly to complete the domestic laws for protection and development of natural environment. Such domestic laws include Law on Environment Protection, the Forest Law, Law on Water Resources, Law on Protection on Useful Animals, Law on the Program of Land Development, Law on the Environment Impact Assessment, and Law on Weather and so on.

We are also fulfilling our obligations under relevant international treaties such as “United Nations Framework Convention on Climate Change”, “Kyoto Protocol”, “Convention on Biological Diversity”, and “Vienna Convention for the Protection of the Ozone Layer” which Sultanate of Oman is a party to.

The Sultanate of Oman government pays its first attention to enhancing combustion efficiency of coal combustion facilities, and preventing air pollution by purifying exhaust gas, and encourages the introduction of advanced energy efficiency technology as well as the development of renewable energy.

In future, we will strengthen the cooperation with all the countries in building new peaceful and prosperous world, and make a great contribution to the efforts of the international community to achieve the Millennium Development Goal. We will also strengthen the regional and international cooperation in the environmental protection of Earth and fulfil our duty as established in the “United Nations Framework Convention on Climate Change”.

Thank you.

President: Thank you Oman. I now give the floor to the People’s Republic of China.

The Delegate of People's Republic of China: Thank you, Mr. President. Mr. President, Sustainable development is closely related to the practical and long-term interests of all countries, especially those of developing countries. The UN Conference on Environment and Development in 1992, the World Summit on Sustainable Development in 2002, and the UN Conference on Sustainable Development in 2012 provided guidance and action plans on sustainable development for the international community as well as for individual countries. During the past 20 years, the guidance and action plans mentioned above contributed a lot to the improvement of sustainable development and human welfare. The Framework Convention on Climate Change, the Convention on Biological Diversity and the Convention to Combat Desertification, have made positive achievements and played an indispensable role in their respective areas.

Mr. President, Climate change is one of the most prominent issues faced by the international community. It is a development issue in nature, and sustainable development is both its aim and the right path for effective solution. In order to address both development and climate change challenges and uphold right to development, the developing countries should, under the framework of sustainable development, take economic development, poverty eradication and climate protection in a coherent manner.

China participates and plays a constructive role in the international climate change cooperation. We welcome the outcomes of the Doha conference in particular those on the second commitment period of the Kyoto Protocol, which will enhance the implementation of UNFCCC. Regarding the negotiation on a 2015 agreement for post 2020 arrangement, we suggest that all parties, based on the principles of equity and common but differentiated responsibilities, to work further towards a fair and equitable regime addressing climate change. During negotiations, all parties should respect and accommodate others' core concerns, taking full account of both the historic responsibilities of developed countries and the practical needs of developing countries. We would like to underline that, developing countries, most of them from our Asian and African region, as a community of common interest, should enhance solidarity and coordination, and work together to urge developed countries, according to their historic and legal responsibilities, to fulfill their obligations by taking the lead in reducing greenhouse gases emissions and providing financial, technical and capacity building support for developing countries. This is the only way for us to maintain our long-term and fundamental interests.

Mr. President, We welcome the outcomes of the UN Conference on Sustainable Development in 2012, which build consensus to promote global sustainable development. To enhance international cooperation in this regard, we should adhere to the Rio spirit and principles, especially the principle of common but differentiated responsibilities, respect the right of countries to choose independently their modes of sustainable development, and strive to address the concerns of developing countries.

Mr. President, as a developing country, China has prominent issues on environment protection and sustainable development. Fully recognizing the severity and urgency of these issues including climate change, China, with a strong sense of responsibility for human's long-term development, stands firm on the path of sustainable development and has taken positive and

strong policies and measures, which embodies our unremitting efforts in and contributions to addressing environmental issues. To enhance our capacity on sustainable development, the Twelfth Five-year Plan delivered by the Chinese government has underlined as follows: in five years, China, focusing on energy conservation and emission reduction, will establish the concept of green and low-carbon development, and accelerate the establishment of resource-saving and environment-friendly patterns on both production and consumption. With an open and pragmatic attitude, China is ready to deepen its cooperation and communication with all concerned parties, in order to make new contributions to environment protection and sustainable development of mankind.

Thank you, Mr. President.

President: Thank you China. I now give the floor to Thailand.

The Delegate of Thailand: Thank you very much. Mr. President, Mr. Secretary-General, Excellencies, distinguished delegates, ladies and gentlemen. The issue of environment and sustainable development has been on agenda of AALCO's annual session for quite some time. We have been following the progress of this important issue with great interest. However, we are afraid that more has to be done. Thailand is of the view that the development of laws relating to environment and sustainable development is a crucial factor that contributes greatly to the security and well-being of mankind. Climate change is an issue that affects us all. Many of us will continue to be suffering from the adverse impacts of climate change if we do not promptly and effectively deal with this global challenge. In December 2012, state parties to the Kyoto protocol adopted an amendment to the protocol establishing a second commitment for annex one countries for the period 2013-2020.

In Thailand's view, this development is an important step towards a truly global emission reduction regime that will stabilize in-house gas emissions and provide architecture for future international agreements on climate change. Thailand, therefore, would like to see the amendment to the Kyoto protocol enter into force at the earliest opportunity by accepting from its parties, especially, the annex one countries. On our part, the Thai government is under the process of reviewing, assisting laws and regulations on climate change, carbon emissions and issues of biodiversity.

Some national legislation will be enacted or amended in order that we fully comply with the obligation under international law. As for Thailand's policy implementation over climate change master plan 2012-2050 is a framework of integrated policies and action plans relating to climate change.

Mr. President, Thailand welcomes the collective effort to develop the asset of sustainable development goals. They should also be coherent with the UN Development Agenda beyond 2015. Thailand took note of the meetings of high level political forum on sustainable development, SDLF, held under the offices of UNGA last year and of ECOSOC in July this year. Let us hope that the high level political forum have been request the Commission on Sustainable

Development (CSD) will provide political leadership and guidelines to the implementation of sustainable development commitments as well as new and emerging issues.

Mr. President, distinguished delegates, we are honored to share the sufficiency economy philosophy of His Majesty of Thailand, which has played a significant role in Thailand's sustainable development. This enlightened philosophy introduced three interlocking principles of moderation in economic behavior, management of resources and self-immunity of the people of community. His majesty's vision therefore contributes immensely to Thailand's sustainable development. As a medium sized and medium income country, Thailand would like to share our aspiration in universal health coverage (UHC) started more than two decades ago. UHC was a nation agenda with the perception that the UHC is the key instrument to enhance health, reducing poverty and promoting sustainable socio and economic development. The government has gradually expanded rural health services by shifting resources and urban health facilities to rural areas. Compulsory public health care services and incentive were established.

Today, according to the World Health Organization, Thailand features as one of the countries to achieve good health at low cost. Moreover, more than 99% of the Thai population is now covered by the UHC scheme. Thailand has demonstrated that UHC is not only a written country agenda but also an achievable goal by countries at our income levels.

Mr. President, distinguished delegates, last but not least, my delegation which is to highlight the principle of the rule of law as a means to promote sustainable development. It is this principle that serves as the guardian of international framework as it not only provides opportunities for socio-finance but can address existing socio-economic disparities. Thailand has taken initiative in hosting the Bangkok dialogue on the rule of law on 15th November, 2013, which brought together world leaders and global experts to discuss how equitable justice system, transparency, good governance and accountability can contribute to sustainable development. It is our belief that the outcome of the Bangkok dialogue can lay an ideological foundation for the development of an international consensus on this issue.

Mr. President, we have already mentioned the efforts of the royal Thai government. I would like to take the opportunity to reaffirm our commitment and Thai aims to work in consultation and cooperation with parties concerned in order to achieve sustainable development goals.

Thank you Mr. President.

President: Thank you Thailand. I now give the floor to Sudan.

The Delegate of Republic of the Sudan¹⁹: Thank you Mr. President. Sudan recognizes that the environment and natural resources are valuable national assets that must be sustainably managed for present and future generations. We continue to engage in international dialogue aimed at addressing environmental sustainability issues through participating in meetings of the Conference of Parties for the conventions which we are a party. These include the Convention on Biodiversity (CBD), UN Convention to Combat Desertification (UNCCD) and the UN Framework Convention on Climate Change (UNFCCC). Sudan was pleased to host the 27th

¹⁹ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

session of the Governing Council /Global Ministerial Environment Forum held at UNEP Headquarters in Nairobi in February 2013.

Sudan actively participated in the Rio+20 Summit Conference on sustainable development held in Rio de Janeiro, Brazil in 2012, where key decisions were made on environment and sustainable development. Sudan is now in the process of implementation of Rio+20 outcomes.

Distinguished delegates, The following activities are being undertaken by the Government of Sudan:

- I. Finalizing the Multilateral Environmental Agreements (MEAs) strategy which will assist Sudan to implement MEAs in a coordinated manner and to maximize impacts.
- II. An initiative to update and review National Biodiversity Strategy Action Plan (NBSAP) for the period 2010-2020. The strategy will address the critical issues and challenges facing biodiversity conservation in the country.
- III. The process of finalizing the assessment and documentation of the Natural capital. This will result in the establishment of a database of the natural capital to assist in conservation and valuation of natural resources in the country.
- IV. On climate change issues, the country has mobilized key stakeholders to come up with programs and projects to mitigate and adapt to climate change. In this regard, Sudan has finalized the development of a climate change response strategy as well as a climate change action plan. The plan addresses the options for a low-carbon climate resilient development pathway as Sudan adapts to climate impacts and mitigates growing emissions. The plan also addresses the enabling aspects of finance, policy and legislation, knowledge management, capacity development, technology requirements and monitoring and reporting.
- V. The country has also programs and projects to combat desertification. These include mainstreaming of targeted intervention areas in the key development plans to guarantee sustainability.
- VI. The country has embraced sound management of chemicals as provided by the Multilateral Environmental Agreements (MEAs) dealing with chemicals. We are in the process of updating the National Implementation Plan (NIP) on chemicals management. Further, there is an initiative on the management of mercury to safeguard the environment and health.
- VII. Sudan is also focusing on phasing out Ozone Depleting Substances (ODS) and has programs on advocacy and other alternatives.

However inadequate financial and human resources remain challenges in achieving the sustainable environment development.

President: Thank you Sudan. I now give the floor to Pakistan.

The Delegate of Pakistan: Thank you Mr. President. It cannot be denied that climate change is a topic that affects all of us. One would be hard pushed to find a place in the world where the pinch of climate change has not been felt. Many of us have been and will continue to be suffering from adverse impacts of climatic anomaly if we do not effectively address this global problem.

Pakistan therefore attaches great importance to environmental issues and sustainable development and urges that in order to achieve a long-lasting economic development; members of global community must take this matter seriously and collectively.

Mr. President, in order to move the country forward and to respond to the global challenge, Pakistan has many priorities. Among them are food security, poverty eradication, and sustainable economic development. Nonetheless, we strongly believe that a paradigm shift toward building low-carbon societies is necessary in addressing climate change.

We are committed to lowering greenhouse gas emissions through innovative energy conservation and efficiency policies with the aim of reducing the country's Energy Intensity by 25 percent below the current level within 20 years. Even though 70 percent of electricity generation in Pakistan currently comes from natural gas, a low-carbon energy source, we still plan to propose and implement progressive policies to promote increased use of renewable and alternative energy in both the industrial and agricultural sectors. It is our ultimate objective to replace 25 percent of the energy generated by fossil fuels with green energy within the next decade.

Our National Energy Policy Board has approved the 20-year Energy Conservation Plan from 2011-2030, and the 10-year Renewable and Alternative Energy Development Plan from 2012-2021. It is expected that, as a result of these plans, Pakistan will reduce 206 million tons of greenhouse gas emissions by the year 2030. Furthermore, domestically, we provide considerable supports in helping our local authorities incorporate climate mitigation and adaptation into their decision-making and planning, and in helping them to enable a transition to low-carbon and resilient communities.

Mr. President, green economy can serve as an effective implementation tool to move a country towards sustainable development, but should not be a substitute for sustainable development itself. In this regard, Pakistan is of the view that the discussion on green economy should be based on the agreed 1992 Rio Principles.

Given the vast differences in development stages among countries, Pakistan believes that there is no "one-size-fits-all" green economy strategy. Countries should be given sufficient policy space and flexibility to develop their own green economy policies aimed at sustainable development. However, Pakistan believes that there are common elements that are essential to improving cross-sectoral coordination and coherence in the implementation of the sustainable development agenda. This includes, among others, collaboration among stakeholders, including the international community, government, private sector and civil society.

Pakistan attaches great importance to the Rio+20 conference and stands ready to work constructively with the international community in its collective actions to advance sustainable development at all levels – local, national, regional and international. Without doubt, progress towards sustainable development is not possible without our collective efforts and strong political commitment.

Mr. President, it is imperative that we, as member of AALCO, work together to achieve greater understanding and co-operation in order to enable the realization of full, effective and sustained implementation of the UN Framework Convention on Climate Change (UNFCCC).

It is absolutely essential that Annex I Parties to the Kyoto Protocol commit themselves to the second-term commitment period and ensure the continuity of this legally binding agreement with more ambitious targets. Comparable mitigation efforts are needed in order to measure the emission targets and achievements of the parties effectively.

Mr. President, we recognize that our common goals will not be easy to achieve on a global scale and one also has to approach these sensitive issues realistically. Pakistan places great importance on securing long-term financial commitments from both private and public sources, from developed countries for climate mitigation and adaptation undertaken by developing countries. It is our conviction that, in order to adequately address the need of developing countries, the scale of the commitments must be the same as that stipulated in the Cancun Agreements – 100 billion US dollars per year.

In this regard, Pakistan would like to see the implementation of the Green Climate Fund. We therefore call upon developed Parties to make substantial financial commitments toward the fund in order to ensure its adequate capitalization and speedy access to the fund by developing Parties.

Moreover, Pakistan calls for meaningful steps to be taken by developed countries to promote, facilitate, and finance the transfer of or access to, environmentally sound technologies to developing countries, in order to enable them to meet their mitigation and adaptation needs. Reiterating the rights to sustainable economic growth and development of all Parties, we call on all Parties to firmly observe Article 3, paragraph 5 of the Convention, and refrain from adopting any measure, including unilateral ones that constitute a trade barrier or a disguised restriction on international trade.

Mr. President, I sincerely wish that ambitious outcomes could be achieved through a party-driven, inclusive and transparent process. I would like to take this opportunity to reaffirm our commitment that Pakistan aims to work in consultation and cooperation with all parties concerned in order to achieve the results desired. Thank you for your attention.

President: Thank you Pakistan. I now give the floor to Malaysia.

The Delegate of Malaysia: Thank you Mr. President. The honourable Secretary-General; Excellencies; Distinguished Delegates; Ladies and Gentlemen, Malaysia takes note that the decision of the 18th Conference of Parties to the UNFCCC wished that among other things the Ad Hoc Working Group on the Durban Platform for Enhanced Action should continue and streamline its work and reaffirm its commitment towards negotiating the text of a new legal instrument. This would be applicable to and agreed upon by all parties to the UNFCCC and have legal force under the Convention.

Mr. President, Malaysia wishes to underscore that the ADP is not a forum to renegotiate the rights or reinterpret the Convention. In this regard, the new legal instrument should be based on the provisions of the Convention; particularly the principles entrenched in Articles 3 and 4 of the Convention. In this aspect Malaysia emphasizes the importance of Article 4 paragraph 7 of the Convention in formulating the said new legal document. Additionally, the formulation of the new legal instrument shall be based not only on scientific finding, but also on the principle of common but differentiated responsibilities, the respective capabilities of parties, as well as the notion of sustainable development. It shall also address the 4 important pillars of obligations, adaptations, finance and development and transport technology, as well as capacity building.

Mr. President, in regard to the Kyoto Protocol, Malaysia notes that the parties to the Kyoto Protocol have adopted the Doha amendment to the Kyoto Protocol by decision CMP 8 at the 8th Session of the Conference of Parties serving as the meeting of the Parties to the Kyoto Protocol held in Doha, Qatar, in December 2012. Malaysia notes that the amendment to the Kyoto Protocol established a set commitment period to Annex 1 and 3 from 2013-2020. As a party to both conventions of the Kyoto Protocol, Malaysia welcomes the decision to amend the Kyoto Protocol to establish a second commitment period as it is the only existing legal framework under which developing countries undertake quantitative commitment to reduce greenhouse gas emissions for the eight-year period spanning 2013 to 2020. Malaysia believes that with the amendment, developed country parties to the Kyoto Protocol that have nevertheless not been willing to adopt emission reduction targets for the second commitment period, or have never ratified the Kyoto Protocol, should, in the true spirit of the Convention, undertake to reduce greenhouse gas emission in a comparable manner to the Kyoto Protocol second commitment period, and not shift the burden of reducing emission to developing countries.

Mr. President, therefore in the context of the existing AALCO mandate to continue to monitor the progress in the implementation of the climate negotiation, Malaysia would like to propose to AALCO to streamline the AALCO member State views and position on this matter, and for the respective AALCO member States to bring forth such views and position in future UNFCCC negotiations.

Mr. President, for the initiative under the Access to Benefit Sharing, Malaysia acknowledges the need to put in place an effective implementation to internalize the Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from Utilization to the Convention on Biodiversity. Malaysia continues to make efforts to unite its national legislation to facilitate its ratification of the Nagoya Protocol.

Mr. President, in addition to this discussion, Malaysia wishes to record our national plan in addressing environmental protection as mentioned by the Malaysian Head of Delegation in his General Statement. Malaysia believes that initiatives at the domestic level are the key to future regional and global legal cooperation to achieve sustained, inclusive and equitable economic growth, sustainable development and eradication of poverty and hunger, as envisaged in the document of the Future We Want. In this regard, Malaysia would like to welcome AALCO

Member States and AALCO Secretariat's proposal for sharing best practices and enhancement of cooperation in this particular area of discussion.

Mr. President, last but not least, Malaysia would like to support AALCO in urging AALCO Member States in actively participating and express their approaches, in particular their stand on common but differentiated responsibilities as entrenched in Article 3 of the Convention, at the upcoming negotiation on environmental issues. Thank you, Mr. President.

President: Thank you Malaysia. I now give the floor to the Republic of South Africa

The Delegate of Republic of South Africa: Mr. President, the South Africa Government attaches great importance to the environment and its sustainable development. The focus being protection of the environment and human health from all types of pollutants, efforts have started by putting in place mechanisms to mitigate the impact to climate change, environmental degradation and related matters.

We would like to commend AALCO for putting this issue on the agenda and the well-researched introductory papers which provide a lot of insights. This clearly shows AALCO confers great significance to issues of global relevance such as environment and sustainable development; climate change being an integral part of this discussions.

Mr. President, in order to go through the challenges of climate change mentioned above, South Africa has already set its priorities including formulation of a National Adaptation Strategy and Action Plan built upon experience in preparing National Adaptation Program of Action (NAPA) as well as putting in place the National Climate Change Steering Committee (NCCSC) and National Climate Change Technical Committee (NCCTC) contributing to a greener economic growth.

Mr. President, the world made some progress during the climate change conference in Cancun, particularly bringing back the hope that multilateralism needs to be instituted in order to address a problem of such a global magnitude. However, much remains to be done after Durban especially ensuring that countries commit to emission reduction levels that are consistent with science; unless this is done poor countries will not avoid facing the envisaged challenges of climate change if global temperatures go beyond 1.5 degrees centigrade.

The Cancun agreement offered not only unprecedented opportunities for developing countries, in particular developing countries to implement their strategies so as to strengthen their national institutional frameworks and capacities, but also made progress on reducing emissions from deforestation and forest degradation, the initiative known as REDD.

Mr. President, whilst commending various efforts by the international community in addressing this important issue, South Africa is of the view that finance and technology to develop cleaner sources of energy are essential.

We know the future impacts of climate change will be serious in developing countries in Africa and Asia. Still, many options are available to address these challenges. Some require major

investments built upon sound development initiatives. These could include protecting catchments, promoting diversified livelihoods, expanding water resources and access to water, increasing irrigation, protecting coastal zones and malaria control programmers in highland areas where due to climate change now malaria is rampant. Integrating climate change in development process and poverty eradication actions will be a continuous and unavoidable undertaking that will need increased financial support to the overall of our government's budget.

As well, a road towards a Greener economy is prone to challenges such as difficulties in protecting forests since they are the only source of energy for the majority of developing countries such as South Africa. We can't simply stop people from using wood or charcoal. It is their life. We need to address the root cause of deforestation by providing affordable, readily available renewable alternative sources of energy in terms of rural electrification and increase of the percentage of urban communities with alternative, reliable and affordable sources of energy. This is key in addressing deforestation and an important contribution to the climate solution. Greater access to energy will address adaptation to climate impacts as well.

Therefore, on our part we insist on the urgency to understand the true implications of climate change to the economy and the people and also provide options to move our economy forward while contributing to global climate change mitigation in a low carbon growth economy in order to establish a mechanisms and functional systems to deal with environment sustainability. South Africa shall continue to join hands other AALCO Member States in order to achieve our goals towards realization of sustainable development and environment for global benefit and serve mankind. Thank you very much.

President: Thank you, South Africa. I see no more requests on this item. So I consider this item closed. We will move on to the next agenda item—Status and Treatment of Refugees after a short break which will be chaired by the Honourable Vice President, Mrs. Agimba.

AGENDA ITEM: STATUS AND TREATMENT OF REFUGEES

Mrs. Agimba Christine Anyango, the Deputy Solicitor General of Kenya and the Vice President of the Fifty Third Session of AALCO in the Chair

Vice President: I have the privilege of chairing the afternoon session in the absence of the President. I invite the Deputy Secretary General of AALCO to introduce the agenda item.

Ms. Yukiko Harimoto, Deputy Secretary-General: Her Excellency Madam Vice President; Distinguished Delegates, Ladies and Gentlemen the Asian-African Legal Consultative Organization (AALCO) has been concerned with the issues relating to the status and treatment of refugees ever since this topic was introduced in its agenda in 1964 at the behest of Arab Republic of Egypt. The record of contributions on the part of AALCO to the cause of the protection of refugees includes the adoption of the "Principles Concerning the Treatment of Refugees" in 1966 at its Eighth Annual Session, which are commonly known as 'Bangkok Principles'. Further study improved upon these principles by adopting two addenda: the 'right to return' in 1970; and the 'Burden Sharing Principles', in 1987. These principles were once again revised in the year 2001.

Your Excellencies, escalating violence in various parts of Asia, Africa and the Middle East continues to set back situations relating to refugees, displacement and statelessness in these regions. The Secretariat's Report deals with the recent developments in these regions in the hope of informing the subsequent deliberations.

An estimated 11 million people require the attention of the United Nations High Commissioner of Refugees (UNHCR) in Africa, including refugees, asylum seekers, internally displaced persons and stateless persons. The primary drivers of these problems have been ongoing conflicts and insecurity. As has been the case in the past, sexual and gender-based violence remains as one of the principal concern, and UNHCR's updated strategy to deal with such violence will guide its prevention and response efforts. Particular attention will be paid to the needs of displaced women and children and age, gender and diversity will be brought into consideration for programme activities.

The Asia and the Pacific region has one of world's largest refugee situations with the region accounting for approximately a third of the global population of concern to UNHCR, or some 9.5 million people. The Afghanistan refugee situation constitutes one of the world's largest protracted refugee situations. There are over 2.5 million Afghan refugees with 1.6 million registered Afghan refugees in Pakistan and almost 1 million in the Islamic Republic of Iran. It is also estimated that in addition to the number of registered Afghans, approximately a million unregistered and undocumented Afghan refugees reside in both Pakistan and the Islamic Republic of Iran. 2014 is expected to be a critical transition year for Afghanistan due to the planned elections and withdrawal of international security forces. The Solutions Strategy for Afghan Refugees, launched in 2012, has the triple goal of facilitating voluntary repatriation, sustaining reintegration and maintaining adequate support for refugees and their host communities.

The conflict in the Syrian Arab Republic has caused massive deterioration in the humanitarian situation. Current estimates are that more than 2.4 million Syrian refugees are estimated to have fled the country while there are more than 6.5 million IDPs for a staggering 9 million people of concern to UNHCR. Sanctions have had a significant impact on the socio-economic situation of large parts of Syria. Meanwhile, sectarian violence in Iraq and now the rise of the Islamic State of Iraq and the Levant will only contribute to the already dire refugee and displacement situation in Iraq. The most recent estimates by UNHCR, as of January 2014, showed that an estimated 400,000 Iraqis were refugees in neighbouring countries while nearly a million were internally displaced. That number is expected to grow exponentially with the onslaught of fresh communal violence and the recent fleeing of tens of thousands of people from Christian communities in northern Iraq.

Furthermore, A serious situation remains in Gaza and the State of Palestine. The United Nations Relief and Works Agency (UNRWA) is engaged in the region, in providing humanitarian aid to Palestinian refugees. UNRWA estimated in January 2014 that there were approximately 1.2 million registered Palestinian refugees living in Gaza, with over 750,000 more in the West Bank, plus about 2 million living in Jordan, with a half million each in Syria

and Lebanon. However, this situation too has deteriorated with the escalating hostilities and death toll in Gaza.

Your Excellencies, at this time, it is also perhaps appropriate for AALCO Member States to revisit and reaffirm the 1966 Bangkok Principles on Status and Treatment of Refugees. Particularly relevant is Article X of the Bangkok Principles pertaining to Burden Sharing.

To reiterate, Article X propounds that:

1. The refugee phenomenon continues to be a matter of global concern and needs the support of international community as a whole for its solution and as such the principle of burden sharing should be viewed in that context.
2. The principle of international solidarity and burden sharing needs to be applied progressively to facilitate the process of durable solutions for refugees, whether within or outside a particular region, keeping in perspective that durable solutions in certain situations may need to be found by allowing access to refugees in countries outside that region, due to political, social and economic considerations.
3. The principle of international solidarity and burden sharing should be seen as applying to all aspects of the refugee situation, including the development and strengthening of the standards of treatment of refugees, support to States in protecting and assisting refugees, the provision of durable solutions and the support of international bodies with responsibilities for the protection and assistance of refugees.
4. International solidarity and co-operation in burden sharing should be manifested whenever necessary, through effective concrete measures where major share be borne by developed countries in support of States requiring assistance, whether through financial or material aid (or) through resettlement opportunities.
5. In all circumstances, the respect for fundamental humanitarian principles is an obligation for all members of the international community. Giving practical effect to the principle of international solidarity and burden sharing considerably facilitates States fulfillment of their responsibilities in this regard.

Dealing with refugee situations in the Asian-African region requires coordinated efforts on the part of all the States in the region to promote the safety, protection and eventually durable solutions for the refugees. It also requires consistent region-wide efforts from all involved States to institute the kind of top-down systems that will deliver assistance to refugees in the most efficient manner possible. This may also include ratifying and implementing the refugee, statelessness, and IDP-related Conventions. It also requires for States to honour their international obligations, particularly with regard to the respect of relevant humanitarian and human rights principles.

It may also be prudent to revisit the Guiding Principles on Internal Displacement at this time especially considering that IDPs account for a greater percentage of UNHCR's 'Persons of

concern' statistics than refugees, and because there is no international legal instrument to handle their plight. It is, of course, not intended to be detrimental to the sovereignty of the States concerned that these guiding principles are raised, but rather to affect a durable solution to the various massive IDP crises in Asia, Africa, and the Middle East.

I thank you, Madam Vice President.

Vice President: Thank you Deputy Secretary General. I now call upon Iran.

The Delegate of the Islamic Republic of Iran: Thank you, Madam Vice President. At the outset, I would like to thank the secretariat for providing us with the informative document – AALCO 53/ TEHRAN/2014/D/3 on the status and treatment of refugees which facilitated our discussion on this agenda item.

Madam Vice President, The issue on the status of refugees has been in to the AALCO so many years ago in 1964. Since then, the continuous efforts of AALCO have resulted in a different refugee matters. Notable among them are the adoption of outcome on "Principles concerning treatment of refugees" or Bangkok Principles and principles on "burden sharing". These achievements, along with other activities carried out by AALCO since 1964, are an appropriate basis for AALCO on which to further expand its considerations. Given that, most protracted refugee situations in the world are located in the two regions. The deliberation on the issue from the perspective of durable solutions deserves to be included on the agenda of the work in hand of AALCO. Attention should be drawn towards the role of resettlement as a durable solution for protracted refugee situations and the international responsibilities of all members of international community in the event of mass influx of refugees.

The fact is that most countries from the two regions are under pressing socio- economic concerns arising from the long-term presence of millions of refugees. This situation, coupled with lack of enough resources, has strained their capacities for dealing with the protracted refugee situations. Refraining by developed states from looking at resettlement as a durable solution and the lack of will in the country of origin to provide the basic requirements for sustainable reintegration has further exacerbated the protracted refugee situations. It is unfortunate that, the policies of of the third states demonstrate that they just opt for finding many solutions in the region where the tragedy has occurred. Unfortunately, today, the resettlement approach of the developed countries has been combined with their migration policies, the result being the predominance of a highly selective approach by these countries.

Madam Vice President, The Islamic Republic of Iran is the host country to one of the main protracted refugee situations in the world. More than 30 years ago, millions of Afghan refugees sought shelter in Iran, in some periods of time the number of refugees exceeded 5 million. Now, after the passage of three decades and despite the improvement of the situation in Afghanistan, Iran still hosts about 1 million refugees. In 2012, The Solution Strategy for Afghan refugees was launched after negotiations by the host counties of Afghan refugees, the country of origin and UNHCR. The Strategy Solutions first and foremost aims at facilitating voluntary repatriation through providing the country of origin with the requirements which are needed for sustaining reintegration and at the same time supporting refugees in the host

countries. We hope that with the help of the international community, firm steps will be taken towards the aim of the Strategy.

Madam Vice President, Regrettably, the situation in Iraq has caused once again a new wave of influx of refugees. Millions of civilians have fallen victim to vicious, brutal attacks emanating from violent extremism. In Syria, the situation of the civilians due to the ongoing conflicts and the imposed sanctions is unfavourable and dissatisfactory and as a result, millions of displaced persons have been suffering from the untenable situation. In Gaza, brutal attacks from the air, sea and land have claimed the lives of hundreds of innocent civilians, many of them women and children. Vast destruction in Gaza has rendered homeless thousands of already bereaved families. We express our solidarity with them and their plight and we stand ready to deploy all possible efforts to alleviate their suffering.

I thank you.

Vice President: Thank you Iran. I now call upon China.

The Delegate of People's Republic of China: Thank you, Madam Vice President. The refugee issue is a global challenge and the majority of global refugees are in Asia and Africa. China welcomes the discussion among Member States of the AALCO on this issue and expects states to exchange views on how reduce the number of to refugees at its source and grant humanitarian treatment for those eligible.

The Chinese Government pays great attention to the protection of refugees. It adopts a serious attitude in the fulfilment of its obligations under the Convention relating to the Status of Refugees and its Protocol. For example, since 1978, China has given asylum to about 300,000 Indo-Chinese refugees, thus significantly contributing to the safeguarding of peace and stability of this region. The Chinese Government reaffirms its commitment to taking an active part in the international cooperation in this regard.

China believes that the international community should pay adequate attention to the root causes of the refugee problem. Wars and armed conflicts remain the main causes of the emergence of the refugee and Internally Displaced Person ("IDP") problem. Across Asia and Africa, countries that were or are still at war or armed conflict see a large number of refugees and IDPs. It is of essential importance for countries to maintain political stability, resolve their internal and international crisis in a peaceful manner and refrain from the use of force so as to avoid a potential refugee problem.

The Chinese Government highly appreciates the efforts and contributions made by the AALCO to resolve the refugee by problem including the adoption of the "Principles Concerning the Treatment of Refugees" in 1966 at its Eighth Annual Session, and the Burden Sharing Principles in 1987 at the Twenty-Sixth Session. As we all know the "Burden Sharing Principles" has been widely accepted by the international community.

Protection of refugees is a responsibility shared by the international community. Countries of origin asylum and settlement should work together under the principle of "international

solidarity and burden-sharing and fulfil their obligations arising from the Convention relating to the Status of Refugees and its Protocol. China calls on all countries to ratify this Convention and its Protocol at an earlier time. The developed countries should provide more assistance to developing ones which give asylum to the majority of refugees in the world, and offer resettlement to more refugees.

It's worth noting that the issue of transnational illegal migration has become increasingly prominent in recent years. Some people with infractions or even criminals, among others, often flee abroad. Illegal immigrants and fugitives also seek refugee status for asylum. China believes countries should strictly distinguish refugees from illegal immigrants and criminals, and avoid the abuse of asylum policy, double standards or politicisation of the refugee issue.

Thank you, Madam Vice President

Vice President: Thank you China. I now call upon Japan.

The Delegate of Japan: Madam Vice President, The refugee's problem has been for a long time gathering attention world-wide as one of the critical human right issues facing us today.

Japan has been working more actively than ever in the field of such values, rights, by promoting its basic policy of emphasizing universal values, such as freedom, democracy, respect for fundamental human rights and rule of law around the world. Aiming at improving human rights and humanitarian issues around the world, Japan is making proactive contributions through multilateral initiatives that include the UN as well as through bilateral dialogues.

We are very much concerned that the number of displaced people (both refugees and IDPs) has become the largest on record, due to the multiple large scale humanitarian crises we are facing since last year, such as the worsening humanitarian situation in South Sudan and Central African Republic or the deteriorating situation in Syria and surrounding countries.

At the same time, it is crucial not to forget the protracted refugee and IDPs situations, such as in Afghanistan, Somalia and the Democratic Republic of Congo (DRC). Finding durable solution to displacement of such a large number of people is essential tasks that needs to be addressed, as is an unsolved protracted cases are a humanitarian challenge, as well as an obstacle for effective assistance.

In order to find durable solutions for refugee and IDP cases, seamless assistance provided through close coordination and cooperation among humanitarian agencies, development agencies, donor countries and affected countries is of great importance. Freeing such refugees from dependence and promoting self reliance, together with development of host communities are also of great significance.

Human security and peace building are important pillar of Japan's foreign policy. Human security is an important aspect for the realisation of durable solution of refugee and IDPs and we intend to continue making further contributions in this regard.

Thank you.

Vice President: Thank you Japan. I now call upon South Africa.

The Delegate of Republic of South Africa: Thank you Madam Vice President. Many South Africans have experienced the reality of being a political refugee or asylum seeker due to the past political situation in South Africa. It is these experiences as exiles that make the status and treatment of refugees an important topic for South Africa. We congratulate AALCO on the work which they have done on this important topic.

South Africa is committed to securing for refugees in South Africa the legal protection that international law provides them. In particular, we recognise the duty to recognise the principle of non-refoulement, which requires that refugees may not be returned, directly or indirectly, to countries where they risk persecution or danger on their lives.

Refugees will not be prosecuted on account of their illegal entry into or presence in South Africa, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence. Refugees are not expelled from South Africa except on grounds of national security or public order and are guaranteed basic human rights.

Ms. Vice President, In relation to asylum seekers and refugees, the Refugees Act, 1998 (Act No. 130 of 1998), provides an elaborate normative and institutional framework for the regulation of their entry into and stay in South Africa. People with refugee status may not be refused entry into the Republic, expelled, extradited or returned to a country where they will be subjected to persecution on account of their race, religion, nationality, political opinion or membership of a particular social group, or where their life, physical safety or freedom would be threatened on account of external aggression, occupation, foreign domination or other events seriously disturbing public order in either part or the whole of that country.

In conclusion, refugees also bear main one being to respect obligations while in South Africa: the law of with in terms of the Republic and any refugee who breaks the law is dealt our domestic law.

South Africa is party to the International Legal Framework for Governing Refugees and the 1967 Protocol thereto, as well as the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa. It remains important for governments across the world to re-affirm the value upon which international agreements of refugee protection are based.

Vice President: Thank you South Africa. I now call upon Kenya.

The Delegate of Kenya: Thank you, Madam Vice President. Your Excellency, Kenya wishes to make the following comments on the topic:

The Republic of Kenya is party to the 1951 UN Convention on the status of refugees, 1967 protocol on refugees and the 1969 OAU Convention protocol on refugees the governing

specific aspects of refugee problems in Africa. Through its national law, the Refugees Act, Kenya has established the Department of Refugee Affairs (DRA) whose mandate is to:

- a. Carry out Registration and Refugee Status Determination (RSD).
- b. Coordination of provision of services (e.g. food, shelter, medicare, primary education safety and security).
- c. Maintenance of appropriate registration and documentation system for asylum seekers and refugees in Kenya.
- d. Issue identification cards and movement passes to refugees in the country.
- e. Issue Conventional Travel Documents (refugee passports) to facilitate refugees travel
- f. Management of Refugee camps, reception and transit centres.

Distinguished delegates, Since the early 1990's refugees have continued to arrive in the country and have been accommodated in two sites, Dadaab in North Eastern Kenya and Kakuma, North-western part of Kenya. Currently Kenya is home to over 600,000 refugees whose nationalities include Somalis, Ethiopians, Congolese, Eritreans, South Sudanese, Rwandese, Burundians, Ugandans and Tanzanians.

The majority of the refugee population comes from Somalia, which has been experiencing civil war for the last two decades. The Department of Refugee Affairs (DRA) commenced the registration of refugees in Kenya in 2011.

Your Excellency, the Department of Refugee Affairs, UNHCR together with other international organizations assist refugees in Kenya by providing support in the camps and to the recent returnees and their communities in neighbouring Somalia and South Sudan. The assistance given includes food, shelter, clothing, medical care, education and protection.

The Government of Kenya and UNHCR's strategic partnership focuses on supporting and strengthening the response capacity of local and national institutions and jointly pursuing durable solutions for refugees, including potential return to Somalia.

Distinguished delegates, The Tripartite Agreement signed between the UN refugee agency and the Governments of Kenya and Somalia, establishes a framework other legal and support for Somali refugees in Kenya who might wish to return to eventually their homeland. It defines the roles and responsibilities of the three parties in accordance with international standards.

This means any refugee has the right to choose whether to go home, after they have been given information about conditions on the ground in Somalia so they can make an informed decision. It also means returns should be conducted in safety and dignity.

Since January 2014, total of 667 individuals have been submitted to UNHCR a Branch office Nairobi for onward resettlement. The pledges have been received from seven countries, that is, Australia, Canada, Netherlands, Norway, Sweden, UK and US.

Distinguished delegates, In summary, Kenya faces the following challenges caused by presence of refugees:

1. Insecurity and increased terrorism threat
2. Strain on the registration process
3. Spontaneous settlement and conflict with host community
4. Environmental degradation and depletion of natural resources
5. Insufficient essential services
6. Entanglement with Kenyan citizens
7. Protracted refugee status
8. outbreak of infectious diseases

The Kenyan government in partnership with humanitarian agencies and the UNHCR has undertaken various remedial measures, including:

- a. Provision of more land by the Government of Kenya to ease congestion in the existing camps.
- b. Increased provision of security by the Government.
- c. In Liaison with UNHCR the government increased access reception and registration of asylum seekers so as to enable humanitarian assistance.
- d. The Government in coordination with UNHCR and other non-governmental organizations put up additional facilities to provide protection, relief and other social services including, food, water, health care, education and shelter. Nutritional centres were opened to cater for provisions of highly malnourished children.
- e. The Kenyan government in coordination with humanitarian agencies increased the capacity for quick medical screening and facilitates, emergency healthcare by non-governmental organizations.

Kenya is also currently undertaking review of the Refugees Act and is developing a National Refugee Policy for the proper management of the refugees.

Thank you your Excellency.

Vice President: Thank you Kenya. I now call upon Nigeria.

The Delegate of Nigeria: Thank you Madam Vice President, , I thank you for the opportunity to make this short statement on this agenda item. May I first thank the Secretariat for its wide-ranging and incisive report on the agenda item which gives objective, but worrying, over-view of the situation of refugees and internally-displaced persons in our two continents today.

Madam Vice President, My delegation observes that paragraph 17 of the Report refers to the security challenges in Nigeria's North-East spill-over of about 10,000 refugees region which has led to the into the neighbouring countries of Niger and Cameroun. My delegation is grateful of the interest and concern of AALCO at the situation in the region. We also thank agencies such as the ICRC and UNHCR for the commendable work they have done to support the Nigerian Government in coping with this humanitarian issue.

Madam Vice President, This issue was highlighted by my delegation as constituting one of the ruinous effects of terrorism on the dignity of our people in the affected area and on the

economy of our nation. This humanitarian angle of the crisis is one of the strongest reasons why Nigeria urges the international community to ensure greater collaboration and cooperation in minimising and confronting international terrorism wherever it occurs in order to preserve the dignity of people everywhere in our world and secure their rights to peaceful existence.

Madam Vice President, My delegation wishes to assure AALCO that the Nigerian Government is already taking steps to restore normalcy in the affected area, particularly through the ongoing security operations to flush out the terrorists from the region. The majority of IDPs and Refugees generated by this conflict have been due to the tactics of the terrorists in attacking innocent villagers in remote areas of the region in a campaign of mindless terror.

On its part, the Government through the National Emergency Management Agency (NEMA), other Federal and State specialized agencies is providing relief materials to IDPs within Nigeria and ensuring that in cases where the education of students has been negatively affected. They are relocated. On the regional front, Nigeria is liaising with Cameroun and Niger to ensure the welfare of Nigerian citizens who, because of the proximity of the conflict area to Cameroun have crossed over into those two countries. We wish to acknowledge the fact that both friendly countries have continued to abide by their obligations under the African Union's Kampala Convention and applicable United Nations instruments on the treatment of refugees.

I want to assure this organization that pursuant to the current efforts by the Nigerian Government and increased regional and international collaboration, the situation will soon be restored to normalcy and displaced people will be able to return to their communities to live in peace.

Madam Vice President, Distinguished delegates, I thank you.

Vice President: Thank you Nigeria. I now call upon India.

The Delegate of Republic of India: Thank you Madam Vice President, first of all I would like to thank Madam Deputy Secretary General for presenting the report on this topic.

Madam Vice President, India is deeply concerned about the hardships and sufferings of refugees all over the world. India is not a party to the 1951 refugee convention or to its protocol. However India's cause in dealing with refugee problem is exemplary. India stands steadfast in its commitment to provide humanitarian assistance to all refugees. We continue to host large number of refugees with all arrangements made out of our own resources.

Madam Vice President, the right to life and equality granted under the Indian Constitution, are applicable to refugees as they are applicable to our own citizens. The scope and ambit of article 14 and 21 of the Indian Constitution, through judicial interpretation, has been extended to non-citizens also. India regards the two international instruments on refugees as only a partial regime for refugee protection. These instruments are designed primarily to deal with individual cases and not with situations of mass influx. They don't adequately deal with situations faced by the developing countries and in particular situations of mixed flaws, without distinctions between refugees and economic migrants.

Besides, there is no balance between rights and obligation of the receiving end the source States. The concept of International Solidarity and Burden sharing has not been adequately developed in the convention. The convention fails to address the question of minimum responsibility of states not to create refugee clause and of cooperation with other states in the resolution of refugee problem. The obligation to grant rights to the refugees on par with national citizens puts an onerous burden on the receiving state.

Madam Vice President, although the convention provides for that a refugee ceases to be so, when the condition under which he had been recognized as refugee ceases to exist. It also provides that acting state should facilitate assimilation and naturalization of refugees. Thus the possibility of having to integrate a large population of refugees, when voluntarily repatriation and resettlement are not available, it needs to be envisaged. Given the diversity of religion, linguistic and ethnic mix and so far as economic space, this could create real problems, if flexibility of approaches is not available for the concerned governmental agencies.

Madam Vice President, India's refugee protection regime is based on the fundamental rights guaranteed by the Indian Constitution and other elementary legal provisions. We have clearly demonstrated our commitment for abiding principle non-refoulement. Decision to grant all UNHCR mandate to refugees in urban areas and the opportunity to apply for long stay visas of one year renewable duration augments the protection space. The long stay visa refugees are allowed to work in the private sector and enroll in any academic institution. India continues to refine its administrative mechanism for providing greater hospitality to refugees during their stay in the country.

Madam Vice President, India welcomes and fully supports the initiative of UNHCR, to act as provider of humanitarian assistance to refugees. We also commend the UNHCR for dealing with humanitarian situation involving large number of women and children with the care and sensitivity that such situations demand. Lastly on the issue of internally displaced people, it is our considered view that law of the land should prevail. International action if any must respect sovereignty and be at the request of the country concerned.

With this I conclude. Thank you very much Madam Vice President

Vice President: Thank you India. I now call upon Arab Republic of Egypt.

The Delegate of Arab Republic of Egypt: Madam Vice President, Excellencies, Heads of the Delegations, Ladies and Gentlemen, at the outset, I am happy to note that the inclusion of the subject of refugees on the agenda of AALCO came through the initiative of the Government of the Arab Republic of Egypt in 1964, which certainly contributed to explore the development of protection policies for refugees and displaced persons in the Member States and to shed light on this problem which has worsened in the region over the years. Egypt is one of the countries which grapples with the issue of displaced people in the region as a result worsened security situation and increase tensions and aggravate conflicts in many neighboring countries from several countries, including, Eritrea, Ethiopia, Iraq, Somalia and Syria as well as the Palestine, which lead to an increase in the refugee flows on territory of Egypt in recent years. This is a real

challenge and the Government of the Arab Republic of Egypt strives to deal with efficiency and effective coordination with the relevant international and regional organizations.

Madam Vice President, when we discuss the problem of refugees; we must look at it from a holistic perspective. Our attention should not be only on finding mechanisms to accommodate the refugees in the host countries and provide support and material assistance and provide services, but also on how the international community as a whole to contribute in finding a solution of the problem of refugees in accordance with the principle of international solidarity and burden-sharing responsibilities.

Finally, I commend the efforts of United Nations High Commissioner for Refugees in providing the necessary protection and support and assistance to the governments of the Member States in the region in this regard.

Thank you for your kind attention.

Vice President: Thank you Egypt. I now call upon UNHCR.

The Representative of the United Nations High Commissioner for Refugees (UNHCR): Thank you Ms. Vice President. The item entitled “Status and Treatment of Refugees” was placed on the agenda of AALCO upon a reference made by the Government of Arab Republic of Egypt in 1963. Since then it has been under consideration at its several annual sessions and inter-sessional meetings. From the very beginning, AALCO has been working closely with UNHCR. One of the fruitful outcomes of such collaborative arrangements was the adoption of AALCO’s “Principles on Status and Treatment of Refugees” at its Bangkok session in 1966. Although these principles have no binding force, it reflected the practice followed by the Asian and African States in dealing with matters concerning refugees.

An addendum to the Bangkok Principles elaborating rights of refugees to return was adopted at AALCO’s eleventh session held in Accra in 1970. Another addendum elaborating the Principles on burden sharing was adopted at the 26th session in Bangkok in 1987. At the AALCO’s 35th session held in Manila in 1996, a proposal put forward by UNHCR’s representative to commemorate the 30th anniversary of the adoption of the Bangkok Principles was welcomed by the AALCO Member States. It took four years to accomplish that objective. AALCO at its New Delhi session in 2001 adopted the Revised Text of the Bangkok Principles on Status and Treatment of Refugees.

Apart from the adoption of the Bangkok Principles, two other important initiatives of AALCO related to refugee item were the preparation of model legislation on refugees and the concept of safety zones. It is a matter of great satisfaction that AALCO had always the benefit of active participation and assistance of UNHCR in developing its work programme on refugee matters. With a view to formalizing its long-established close relationship, a Memorandum of Understanding (MoU) was signed between the two organizations on 23 May 2002. The MoU, besides providing for exchange of documentation and mutual representation also envisages undertaking jointly, preparation of studies and holding of seminars and workshops on topics of mutual interest and concern.

The Declaration of States Parties was adopted unanimously by the States Parties to the 1951 Convention and/or its 1967 Protocol at the Ministerial Meeting of States Parties, organized jointly by Switzerland and UNHCR on 12-13 December 2001. This Declaration recognizes the enduring importance of the 1951 Convention and 1967 Protocol, reaffirms political commitment to upholding the values and principles they embody, and urges all States to consider ways to strengthen their implementation. It also affirms the need for closer cooperation between States Parties and UNHCR to facilitate UNHCR's duty of supervising the application of these instruments.

a. Strengthening Implementation of the 1951 Convention and 1967 Protocol. As the Convention and Protocol are the cornerstones of the international refugee protection regime, their implementation is considered to be the first step in improving protection of refugees and asylum seekers. The Programme of Action suggests that this can be done in myriad ways including, by working towards universal accession to the convention and Protocol, by improving domestic asylum procedures of States and bringing them in uniformity with other States. It also requires to offer other forms of protection to those who need it but may not be qualified under the 1951 Convention definition.

b. Protecting Refugees within Broader Migration Movements. Apart from the movement of refugees there are other categories of people who move from one country to another. These include economic and other categories of migrants. However, there are limited ways through which migrants can move from one country to another and many persons who are not refugees try to enter countries as asylum seekers. Therefore, protection of refugees within broader migration movements can be achieved by encouraging States to develop migration management policies that do not jeopardize refugee protection and that promote a more positive environment for asylum by reducing strains on asylum seekers. The task also seeks UNHCR and International Organization for Migration, other intergovernmental agencies and States to collect more data on the nexus between asylum and migration. The Programme of Action further aims to better understand "push" and "pull" migration factors, i.e., factors that drive people out of their home countries and lure them to other countries. It further calls for combating human trafficking and smuggling and encourages States to accede to the 2000 United Nations Convention against Transnational Organized Crime and its Protocols.

c. Sharing Burdens and Responsibilities more Equitably and Building Capacities to Receive and Protect Refugees.

With a view to achieving this goal, the Programme of Action calls upon UNHCR to work with States, particularly first-asylum States, to develop specific burden-sharing agreements that would be applied in response to mass influxes and to resolve protracted refugee situations. The High Commissioner has termed this initiative and other related efforts "Convention Plus"¹, since the intention is to build on the 1951 Convention by developing special agreements and multilateral arrangements to improve responsibility sharing. States are also encouraged to make greater use of resettlement, both as a protection and burden-sharing tool, particularly in mass-influx situations.

d. Addressing Security-Related Concerns more Effectively.

Convention Plus is an initiative announced by the High Commissioner for Refugees, Ruud Lubbers, in September 2002, following the conclusion of UNHCR's Global Consultations on International Protection. Its basic premise is that while the Refugee Convention remains an essential framework of refugee rights it "does not alone suffice". There is a need to clarify the apportioning of responsibilities and to promote a better sharing of responsibilities by States, notably in the context of mass influxes and mixed migratory flows, as well as for durable solutions. Convention Plus seeks to create a basis on which States might negotiate "special agreements" to address issues which are said not to be adequately covered by the Refugee Convention. Convention Plus does not seek to revise the Refugee Convention but to build on it through the adoption of non-binding agreements between States. Subject to content they may in some cases be legally binding. In terms of content, Convention Plus seeks to develop comprehensive plans of action to ensure more effective and predictable responses to mass influx, to secure development assistance as a way of addressing burden-sharing arrangements, to bring about multilateral commitments for resettlement, and to find clarity on roles and responsibilities of states in the context of irregular and secondary movements. Convention Plus draws, as the legal basis for the special agreements that it proposes, on paragraph 2(b) of General Assembly Resolution 428(V) of 14 Dec 1950, and paragraph 8(b) of the UNHCR Statute. Their purpose is "the execution of any measures calculated to improve the situation of refugees falling within the competence of the Office and to reduce the number requiring protection". Security problems confronting refugees can take many forms. The breakdown in social and cultural structures and norms; the separation from and loss of family members and community support; and impunity for perpetrators of crimes and violence make refugees; particularly women and children, vulnerable. Refugee women and girls are often subject to specific forms of abuse, such as rape, abduction, trafficking, or demands for sexual favors in exchange for offers of protection, documents or assistance. To address security-related concerns more effectively, four objectives, together with accompanying activities, have been identified. They are:

1. The resourcing of States for securing the safety of refugees and for the separation of armed elements from refugee populations.
2. Keeping the Secretary-General and the Security Council seized with the issue.
3. Prevention of military recruitment of refugees, including refugee children.
4. Prevention of age-based and sexual and gender-based violence.

e. Redoubling the Search for Durable Solutions.

The Programme of Action encourages countries of origin, host States, UNHCR, humanitarian partners and refugees to integrate voluntary repatriation, local integration and resettlement into a comprehensive approach to finding durable solutions, particularly for protracted refugee situations. The Programme of Action recognizes that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees. Resettlement is also considered as a vital tool for protection and also as an instrument of international solidarity and burden sharing. Local integration is considered to have proven instrumental in resolving the plight of particular refugees or groups of refugees. In this regard eight objectives have been identified. They are:

1. Realization of comprehensive durable solutions strategies, especially for protracted refugee situations
2. Improved conditions of voluntary repatriation
3. Strengthened cooperation to make repatriation sustainable
4. Local integration having its proper place as part of a comprehensive strategy for durable solutions
5. Expansion of resettlement opportunities
6. More efficient use of resettlement both as a protection tool and as a durable solution
7. Achievement of self-reliance for refugees
8. Rehabilitation of refugees-impacted areas in former host countries.

f. Meeting the Protection Needs of Refugee Women and Refugee Children.

The Programme of Action seeks States, UNHCR and other protection partners to ensure that refugee women participate equally in decision-making processes that affect their lives. It also envisages application of gender-sensitive approach while developing, implementing and evaluating programmes designed to assist refugees. It is observed that the international community and UNHCR have developed a wealth of international norms, policies and guidelines to improve the protection and care of refugee women and refugee children. However it is felt that there is a gap in the application and implementation. Thus, it is suggested that UNHCR will make sure that its Guidelines on Gender-related Persecution, Guidelines on the Protection of Refugee Women and Guidelines on how to prevent and respond to sexual and gender-based violence are widely disseminated and implemented. It is further encouraged to ratify the 1979 Convention on the Elimination of All Forms of Discrimination against Women and its 1999 Optional Protocol and the 1989 Convention on the Rights of the Child and its 2000 Optional Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography.

Thank you, Madam President.

Vice President: Thank you UNHCR. I now call upon the representative of ICRC.

The Representative of International Committee of the Red Cross (ICRC): Thank you Ms. Vice President. The number of internally displaced persons worldwide has reached an unprecedented level. If the international community is to curb this trend, it must address two distinct challenges. The first is better conflict prevention and resolution – tasks that are primarily incumbent upon States. The people concerned are best placed to assess when and where they feel secure. They should be allowed to decide whether or not they will move, unless their security or imperative military reasons so require.

The second is greater protection of civilians affected by armed conflict. Far too often, civilians are not only placed in danger during military operations, but are also deliberately attacked or subjected to serious violence at the hands of armed actors, in violation of established norms and principles. Improved compliance with existing rules would both significantly reduce the need for civilians to flee their homes and allow them to return as soon as hostilities have ceased. While the primary responsibility lies with the parties to the conflict, all States have an obligation to respect and ensure respect for international humanitarian law, as set out in Article

1 common to the Geneva Conventions. This requires States to take action both in peacetime (at domestic level) and when conflict erupts. The International Committee of the Red Cross (ICRC) reiterates its readiness to support States in their efforts towards compliance with humanitarian law.

Internally displaced persons are an integral subset of the civilian population, and as such they lie at the core of the ICRC's mandate. While not focusing solely on specific categories of victims, the ICRC is acutely aware that the internally displaced often urgently need protection and assistance, particularly those in combat zones, besieged areas, remote locations or otherwise beyond the reach of other humanitarian actors. Thus, of the five million beneficiaries who have received ICRC food aid in 2014, more than 88%, or 4.4 million, were internally displaced persons. Similarly, they account for 77% of those who have received essential household items so far this year. Another key ICRC's activity is restoring family links, including reuniting separated children with their families.

In recent years, greater attention has been given to preventing displacement in the first place. All too often, however, this has been construed as preventing people who fear for their safety from moving to a safer place. The ICRC would like to stress that the people concerned are best placed to assess when and where they feel secure. They should be allowed to decide whether or not they will move, unless their security or imperative military reasons so require. If they decide to leave, they have a right to voluntary return in safety to their homes or habitual places of residence as soon as the reason for their displacement ceases to exist.

Through proximity with displacement-affected communities, the ICRC seeks to gain a clear understanding of the causes of displacement and of the prevailing problems in the place of arrival. Besides helping affected communities, it seeks to establish and maintain a confidential dialogue with all relevant stakeholders, including non-State armed groups, to prevent further displacement and improve the protection of those who have been displaced. Through this dialogue, the ICRC raises its humanitarian concerns, reminds parties of their obligations under humanitarian law, and urges them to take the necessary preventive or remedial action.

For the ICRC to be accepted by the parties to a conflict, it must be understood as a strictly neutral, independent and impartial humanitarian organization. This is crucial for the safety of its staff, its access to victims, and for a meaningful protection dialogue with the relevant parties.

National Red Cross and Red Crescent Societies also play an important role. Adhering to the same set of Fundamental Principles, they are the ICRC's primary partners. With their in-depth knowledge of prevailing conditions and solid volunteer network, they are sought-after partners for other humanitarian actors too, particularly when security concerns limit their own presence. To preserve the ability of National Societies to operate, care should be taken not to overstretch their capacities, and to ensure that their perception as neutral humanitarian organizations is not undermined by the authorities or agencies concerned.

Most internally displaced persons reside in relatively safe urban areas, yet their essential needs are often neglected year after year. They struggle to access adequate housing, livelihoods, education and other public services, which are often already weak and overburdened.

Development organizations and government agencies are often best placed to respond in such circumstances, and should act at the earliest possible stage, rather than waiting for the conflict to end. Ensuring the proper functioning of critical infrastructure and services, such as water-distribution and sanitation systems, health-care facilities, schools and social protection programmes, helps not only to prevent huge setbacks in development, but also helps to lay the foundations for recovery for future.

Vice-President: Thank you very much. I think we have done a commendable job in finish this session in time we set for ourselves. After a short break, we shall begin the special half day meeting on “selected items on the agenda of ILC.”

The meeting was thereafter adjourned.

**VIII. VERBATIM RECORD OF THE SPECIAL
HALF-DAY MEETING ON “SELECTED ITEMS
ON THE AGENDA OF THE INTERNATIONAL
LAW COMMISSION”**

**VIII. VERBATIM RECORD OF THE SPECIAL HALF-DAY MEETING ON
“SELECTED ITEMS ON THE AGENDA OF THE INTERNATIONAL LAW
COMMISSION” HELD ON TUESDAY, 16 SEPTEMBER 2014 AT 02.15 PM**

Mrs. Agimba Christine Anyango, the Deputy Solicitor General of Kenya and the Vice President of the Fifty Third Session of AALCO is the Chair

Vice President: Welcome to the Special Half Day Meeting on “Selected Items on the Agenda of the International Law Commission.” We are very pleased to have with us members of ILC. I shall invite Prof. Rahmat Mohamad, Secretary General, AALCO for his introductory remarks.

Dr. Rahmat Mohamad, Secretary-General of AALCO: Madam Vice President, Prof. Shinya Murase, Member of the ILC, Dr. Hussein Hassouna, Member of the ILC, Dr. Rohan Perera, Former Member of the ILC, Dr. Djamchid Momtaz, Former Member of ILC, Excellencies, Distinguished Delegates, Ladies and Gentlemen,

It is my pleasure to invite you all to the Special Half-Day Meeting on the topic “Selected Items of the International Law Commission” held as part of the deliberations at the Fifty-Third Annual Session of AALCO held at Tehran. The ILC and AALCO share a longstanding and mutually beneficial relationship. AALCO attaches the greatest importance to its traditional and longstanding relationship with the Commission. One of the Functions assigned to AALCO under its Statutes is to study the subjects which are under the consideration of the ILC and thereafter forward the views of its Member States to the Commission. Fulfillment of this mandate over the years has helped to forge closer relationship between the two organizations. It has also become customary for AALCO and the ILC to be represented during each other’s sessions. Indeed, the need on the part of the Members of ILC, who play an active and constructive role in the work of the Commission, to be present at our Annual Sessions is critical. This is due to the fact that they bring with themselves a great deal of expertise and experience that could be utilized by our Member States²⁰.

Briefly, the deliberations at the sixty-sixth session of the Commission focused on *eight* topics. These were: *Expulsion of aliens; the obligation to extradite or prosecute (aut dedere aut judicare); Protection of persons in the event of disasters; Immunity of State officials from foreign criminal jurisdiction; Subsequent Agreements and Subsequent Practice in relation to the interpretation of treaties; Identification of Customary International Law ; Protection of Environment in relation to armed conflicts ; Protection of Atmosphere.*

²⁰ In view of the importance that the agenda items of ILC hold for the Asian-African States, the Fiftieth Annual Session of AALCO held at Colombo, Sri Lanka in 2011 had mandated that the future Annual Sessions of AALCO should devote more time for deliberating on the agenda items relating to the work of ILC. Due to this mandate, a Half-Day Special Meeting on “*Selected Items on the Agenda of the International Law Commission*” has been held every year since 2011.

Summary of the Work of ILC at its 66th Session on its Agenda items

As regards the topic “**Expulsion of Aliens**”, the Third report of the Drafting Committee (which deals with the topic “Expulsion of aliens”,) was presented to the Commission. The Committee had before it the entire set of draft articles on the expulsion of aliens, as adopted on first reading, together with the recommendations of the Special Rapporteur contained in his ninth report, the suggestions made during the plenary debate and the comments received from Governments. The Drafting Committee held eleven meetings from 14 to 27 May on this topic and the Committee was able to complete the second reading of a set of 31 draft articles on the expulsion of aliens, and decided to submit its report to the Plenary with the recommendation that the draft articles be adopted by the Commission on second reading.

As regards the topic “**The Obligation to Extradite or Prosecute (*Aut Dedere Aut Judicare*)**”, the Commission considered the Final Report of the Working Group on the topic ‘The obligation to extradite or prosecute’ (*aut dedere aut judicare*) the purpose of which is to summarize the conclusions and recommendations of the Working Group on the topic. The Commission reconstituted the Working Group on the obligation to extradite or prosecute (*aut dedere aut judicare*) under the chairmanship of Mr. Kriangsak Kittichaisaree. The Working Group considered several options for the Commission in deciding how to proceed with its remaining work on the topic on which the delegations had different opinions. Some delegations emphasized the continued relevance of the topic in the prevention of impunity, while others questioned the usefulness of continuing with work on the topic. After careful consideration, the Working Group deemed it appropriate that the Commission expedite its work on the topic and produce an outcome that is of practical value to the international community and further suggested that it adopt the 2013 report of the Working Group.

As regards the topic, “**Subsequent Agreements and Subsequent Practice in relation to Treaty Interpretation**”, the Special Rapporteur on the topic Mr. Georg Nolte presented the Second Report on subsequent agreements and subsequent practice in relation to the interpretation of treaties that covers the following aspects of the topic:

The identification of subsequent agreements and subsequent practice (II.);

- Possible effects of subsequent agreements and subsequent practice in the interpretation of treaties (III.);
- The form and value of subsequent practice under article 31 (3) (b) (IV);
- The conditions for an “agreement” of the parties regarding the interpretation of a treaty under article 31 (3) (V);
- Decisions adopted within the framework of Conferences of State Parties (VI);
- And the possible scope for interpretation by subsequent agreements and subsequent practice (VII).

As regards the topic, “**Protection of the Environment in relation to Armed Conflicts**”, the focus of the brief is the Preliminary Report of the Special Rapporteur, Ms. Marie G. Jacobsson, which was presented at the Sixty-Sixth Session of the International Law Commission. Within the Report, the Special Rapporteur includes discussion on the purpose of the report, as well as

of the scope, methodology and outcome of the topic, the use of terms, and the sources and others materials to be consulted. Additionally, the Special Rapporteur makes consideration of the relationship with other topics addressed by the Commission and of Environmental principles and concepts, human rights and the environment, as well as of the future programme of work.

As regards the topic, “**Identification of Customary International Law**”, the Special Rapporteur Sir Michael Wood, had presented his second Report. In the Second Report, he discusses in detail the elements of the “two-element” approach to customary international law, i.e. the objective element, which deals with the general practice of States (State practice), and the subjective element, which the Special Rapporteur refers to as “acceptance as law” as an alternative term to the more commonly used but often misunderstood term *opinion juris*. As an outcome of the Report, he suggested Draft Conclusions which incorporate his research into guidelines by which these two elements of customary international law may be identified and assessed.

Be that as it may it needs to be underlined here that today’s Special meeting would focus on three topics:

- Immunity of State officials from foreign criminal jurisdiction
- Protection of persons in the event of disasters
- Protection of Atmosphere

As regards the topic, “**Immunity of State Officials from Foreign Criminal Jurisdiction**” the Special Rapporteur submitted his Third Report on the topic that marks the starting point for the consideration of the normative elements of immunity *ratione materiae*, analysing in particular the concept of an “official”. The concept of an “official” is particularly relevant to the topic “Immunity of State officials from foreign criminal jurisdiction”, because it determines the subjective scope of the topic.

As regards the topic, “**Protection of Persons in the Event of Disasters**”, the Commission considered the seventh report of the Special Rapporteur Mr. Eduardo Valencia-Ospina on “*Protection of persons in the event of disasters*” which consisted of four sections. The first section provided a brief summary of the consideration of the topic by the Commission at its previous session and by the Sixth Committee at the Sixty-eighth session of the UN General Assembly. The second section dealt with the protection of relief personnel and their equipment and goods, which contained a proposal for an additional *draft article 14 bis*, entitled “Protection of relief personnel, equipment and goods”. The third section proposed three draft articles that contained general or saving clauses relating to the interaction of the draft articles with other rules of international law applicable in disaster situations.

As regards the topic, “**Protection of Atmosphere**”, the Special Rapporteur Mr. Shinya Murase submitted his First Report on this topic. The report lays down three draft guidelines on ‘definition of atmosphere’ (draft Article 1), ‘scope of the guidelines’ (draft Article 2), and ‘legal status of the atmosphere’ (draft Article 3). In preparing this report, he has provided thorough background of the topic, such as its historical development and the sources of law relevant to it, as well as attempted to explain the rationale of the topic and the basic approaches,

objectives and scope of the project. The report elaborates on the background for this topic containing the evolution of protection of atmosphere in international law, sources in terms of treaty practice, jurisprudence of international courts and tribunals, and customary international law.

I also wish to underline here specifically that the topic of “Identification of Customary International Law” has been a matter of great concern to developing countries. That the voice of Asia and Africa was simply missing in the formation of international law traditionally is well-known. In order to make sure that this does not occur again in the context of ILC having taken it up on its agenda, the Secretariat of AALCO had decided to constitute a ‘Working Group’ on the topic that consists of eminent jurists from the Asian-African region who are nominated by their respective Governments.

It can be recalled that this Working Group met on the first day of the Session (15th September) and discussed numerous issues. Essentially the Working Group is envisaged to perform two functions: firstly, it would conduct in-depth deliberations on the various aspects of the topic (along with the Member States of AALCO) with a view to identify the areas and practices where the developing countries could make contributions; secondly, the findings of these deliberations (in the form of the voice of Asia-Africa in relation to this topic) would be carried forward to the ILC with a view to assist the work of the Commission.

With those words, let me welcome all the Panellists to this Special Meeting and look forward to an in-depth deliberations on these issues identified above.

Thank you.

Vice President: Thank you very much, Secretary General for the remarks. May I now invite Ambassador Kirrill Gevorgian, Chairman of the International Law Commission, to make his presentation.

Ambassador Kirrill Gevorgian, Chairman, International Law Commission: Madam Chair, Excellencies, Distinguished delegates, First of all, I would like to extend my appreciation to the Asian African Legal Consultative Organization, its President and the Secretary-General, Dr. Mohamed for inviting me as the chairman of the current session of the international Law commission to participate in the working of this august body. I would also like to express my deep appreciation for the hospitality of the host Country - The Islamic Republic of Iran.

As you know, the cooperation between the ILC and AALCO has a long-standing tradition. It was launched within a year of AALCO’s establishment at the ninth session of the Commission in 1957. Since that time the Commission has benefited immensely from different forms of cooperation with AALCO and its member states. The Commission has welcomed the visits of Secretary-Generals of the Organization at its sessions. Chairs of the ILC participated in the work of the annual session of AALCO. Eminent lawyers from AALCO countries have become members of the Commission and contributed significantly to its achievements. AALCO’s discussions on the topics under consideration of the commission facilitated its work.

It was a great pleasure to receive Secretary-General Dr. Rahmat Mohmad at the recently concluded sixty-sixth Session of the ILC. The commission is most grateful for his insights into the vision of the organization and its members on the topics on the current program of the ILC.

Distinguished Colleagues, Now I would like to give you a brief overview of the work of the recent session of the commission that I had the privilege of chairing. My colleagues and fellow members of the Commission, Dr. Murase and Amb. Hassouna, will address in more detail the two important topics on the current agenda of the commission: the **“Protection of the atmosphere”** and the **“Protection of the persons in the event of disasters”**.

These two topics are at quiet different stages of consideration. During the past session the commission has just started its work on the **“Protection of the atmosphere”** by deliberating on the first report of Prof. Murase. On the topic of the **“Protection of persons in the event of disaster”** 21 draft articles with commentaries were adopted by the commission, on first reading. I would not go into the substance of these topics, since my colleague will. I would like to draw to your attention to the fact that to further the work of the commission on both themes, information and opinions of states are highly necessary. The commission formulated the questions and I hope Member States of AALCO will help the commission in this regard. Turning to the other topics on the agenda of the Commission I would, first of all, address those that have been completed during the past session. Apart from the **“Protection of in the event of disaster”** that I have just mentioned, it is **“Expulsion of aliens”** and the **“Obligation to extradite or prosecute (*aut dedere aut judicare*)”**. As you may notice, all these three topics bear on the individual in his relations with the state in different situations: as a subject of expulsion, as a person requiring protection in disaster and as a potential perpetrator or victim of international crimes, necessitating intentional cooperation.

I know that AALCO having given its own remarkable contribution to the questions concerning refugees and displacement has been interested in the topic, over the years, **“the expulsion of aliens”**. This year, the Commission, adopted, on second reading, a set of 31 draft articles with commentaries, on this topic. The commission decided to recommend that the General Assembly to take note of the draft articles in a resolution, to which the articles would be annexed and encourage their widest possible dissemination. It also recommend the assembly consider, at a later stage, the elaboration of a convention on the basis of the draft articles. The commission dedicated ten years of its work to this highly relevant, and in my personal opinion achieved the right balance between the rights of states and aliens in the text of the draft articles, now the destiny of the articles are in the hands of the states. I am convinced that AALCO could play a vital role in this regard.

The commission has concluded its work on another topic, **“The obligation to extradite or prosecute (*aut dedere aut judicare*)”** with the adoption of its report on the matter. In this report the commission sought to address the issues that were of interest to states as expressed sixth committee, namely (a) the customary international law status of obligation; (b) gaps in the existing conventional regime; (c) the transfer of a suspect to an international or special court or tribunal as a potential alternative to extradition or prosecution; and (d) the relationship between the obligation of and *erga omnes* and *jus cogens* norms. The report did not aim at resolving these highly controversial issues but rather at stating faithfully the “state of affairs” in these

areas. The commission hopes that the report could serve as a useful guide to States in dealing with issues concerning the obligations.

Distinguished colleagues, There are a number of topics on the ILC's agenda that are currently in the middle of hot discussions. First of all, I would address the topic of special interest to AALCO, as we were informed by Dr. Mohamed –“Identification of Customary International Law”.

During the last session, the special Rapporteur on this topic, Sir Michael wood, decided to challenge the Commission by addressing, in his second report, both constituent elements and of rules of customary international law, namely “a general practice” and “accepted as law” and suggested adopting eleven draft conclusions in this regard.

I think that the Commission has honorably coped with the challenge. All eleven draft conclusions were considered by the commission and sent to the drafting committee. The commission agreed with the special Rapporteur, despite certain opinions to the contrary expressed by the Academia (or *Opinio Juris*) that both elements - “a general practice” and “accepted as law” are indeed necessary for the rule of customary international law to emerge. The drafting committee formulated certain criteria of these two elements, including rules on attribution of practice and its weight, depending on its consistency. The issue of who may produce the relevant practice and *opino juris* was debated.

The Commission also started looking into the role of international organizations in the process of formation of customary international law. Next year the Special Rapporteur will address this important and complex issue. The challenging questions of the role of treaties and conferences in the formation of customary international law will be dealt with as well along with interrelationship between treaties and customary law. The Commission continues to keep a good pace on another topic on its agenda-subsequent practice in relation to interpretation of treaties. Since Dr. Mohamad dealt with this area substantially, I will move on.

The material and temporal scopes of such immunity will be considered next year. The question of what constitutes official act is crucial for further work in this topic. Accordingly, the Commission expects the assistance of states with providing of information on domestic law and practice. The Commission continues to work on the topic-“the Provisional Application of Treaties”. In his Second report, the Special Rapporteur presents a substantive analysis of the legal effects of the provisional application of treaties. The Commission has also reiterated its request to states to provide information on their practices including domestic legislation.

The Commission's work on the topic “Protection of Environment in Relation to Armed Conflicts” is in its preliminary stages. Finally, through its study group, the Commission began considering its Draft Final Report on the topic “Most Favored Nation Clause”. It is envisaged that a revised Draft Final Report be presented for discussion by next year. Let me inform you that the Commission decided to include a new topic in its programme of work, “Crimes against Humanity” and appointed Mr. Sean D. Murphy as Special Rapporteur. The Commission has also requested states to provide information on their domestic law on practice related to the crimes against humanity. The Commission also included the topic “Jus Cogens” in its long

term programme of work. Let me conclude my statement by assuring you on behalf of the Commission of its continued interest in the work of AALCO and views of its Member States. I convey to you all the best wishes of the Commission for a successful and fruitful session of AALCO this year.

Thank you.

Vice President: Thank you so much, Ambassador Gevorgian for highlighting the work of ILC. Let me now invite Ambassador Dr. Hussein Hassouna, Member of the International Law Commission to speak on the topic “Protection of Persons in the Event of Disaster”.

Dr. Hussein Hassouna, Member of the International Law Commission (ILC) : Excellencies, Distinguished Delegates, Ladies and Gentlemen, At the outset, I wish to express my thanks and appreciation to the Government of the Islamic Republic of Iran for hosting the Fifty-Third Annual Session of AALCO and for the hospitality extended to all the participants in the meeting. We all recall that Iran has always strongly supported the work of AALCO has hosted its annual meetings a number of times and played an important role in the activities of its Secretariat. In addition, Iran has, for a number of years, been an active member of the International Law Commission and the contribution of Professor Momtaz, the former Chairman of the Commission, in the field of international law, has been widely recognized.

I would also like to express my support and appreciation to Professor Dr. Rahmat Mohammad, the competent and dynamic Secretary General of AALCO, who honors the ILC with a working visit every year, and who has significantly contributed to strengthening the cooperation between AALCO and the ILC.

Furthermore, I wish to acknowledge the important contribution of AALCO to the codification and progressive development of international law through its continued support of the work of the Commission, namely by following its debates, submitting its views and suggestions, organizing meetings of experts and academics on various topics before the Commission etc.. AALCO has worked over the years in order to ensure adequate reflection of Asian-African concerns in the Commission’s work. It has also urged its members to respond in a timely manner to the questionnaires sent to them by the Commission. I, strongly believe that at a time where international law is facing paramount challenges in today’s world, it is paramount importance for AALCO members to be actively involved in the formation of rules of international law that reflect their interests and concerns.

Introduction

The topic “Protection of Persons in the Event of Disasters” is one of the most important items on the agenda of the International Law Commission. It is subject of universal concern with a predominant Asian dimension. It is demonstrated by the human suffering resulting from disasters occurring all over the world floods in Pakistan, India, Japan, China, Indonesia, Iran to mention a few recent examples. In the face of that challenge, there is an urgent need to regulate the international community’s approach and response to these dramatic situations, in accordance with the principles of solidarity and cooperation.

As a result of its consideration of the topic at the last session, the Commission adopted on first reading a set of 21 draft articles, together with commentaries thereto.

These draft Articles refer to the following main issues: the scope and purpose of the articles. The definition of a disaster. The duty of States to cooperate in various forms, the humanitarian principles applicable in disaster response, humanity, neutrality and impartiality, on the basis of non-discrimination, the obligation to respect human dignity and human rights, the primary role of the affected State in ensuring protection and providing disaster relief and assistance, the duty of the affected State to seek assistance, and the requirement of its consent to such external assistance, the right of those responding to disasters to offer assistance to the affected State, the facilitation of external assistance and the termination of personal and their equipment and goods and the relationship of the draft articles with special or other rules of international law.

Definition of Disasters

In renaming the topic “Protection of persons” in 2008, the Commission had clearly intended to give its treatment a markedly human rights perspective. However, a protection regime often extended to the protection of property and the environment. The Commission’s response to rapporteur’s request for guidance was in Art.3: a disaster was an event that caused harm not only to individuals, but also to property and the environment. No distinction was drawn between various kinds of disasters (natural, human made, sudden creeping) or their diverse causes. Therefore, he did not propose separate legal regimes for different types of disaster.

Overall Approach of the ILC

The ILC draft fills a legal lacuna by concentrating on the basic principles that inform the rights and duties of States and other actors in the event of a disaster and will undoubtedly provide legal support for the more detailed operational guidelines under which non-State actors, in particular the IFRC acts (International Federation of Red Cross and Red Crescent Societies).

The overall approach of the Commission in dealing with the subject has been to striking the proper balance between the need to protect the persons affected by disasters and the respect for the principle of State sovereignty and non-interference. In order to fulfill that goal, humanitarian assistance to the persons in need should always remain neutral and objective and never become politicized. In addition, it should be based on solidarity and cooperation between all different actors. In fact, the ILC’s emphasis on rights and duties is grounded on the principle of cooperation, enshrined in draft articles 5, 5 bis and 5 ter. Moreover, the draft extends to the response and disaster risk reduction phases of the disaster cycle, but does not enter into the post-disaster phase insofar as it leads into development.

Turning now to the humanitarian principles in disaster response, they are included in draft Art.7, namely humanity, neutrality and impartiality, on the basis of non-discrimination. These principles find wide application in international humanitarian law and are referred to in many international instruments dealing with disaster situations including regional ones like the 2009

African Union Convention for the protection and Assistance of Internally Displaced Persons in Africa.

The principle of human dignity included in draft Art. 5 provides the ultimate foundation of human rights law. It is referred to in the UN Charter, all universal human rights Charter on Human Rights as well as the African and European charters to Human Rights.

Concerning the role and responsibility of the effected State towards the persons within its territory included in draft Article 12. In that regard, respect for the principles of sovereignty and non-intervention is paramount. UN General Assembly Resolution 46/182 on the strengthening of the coordination of humanitarian emergency assistance of the UN clearly stipulates that humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by that country.

As to the primary responsibility of the affected State for providing aid and protection to the victims of a disaster under draft Article 12, it is a well recognized principle in international and regional legal instruments. It assumes, according to Art. 9 the primary role of that State in controlling, facilitating, coordinating and overseeing relief operations on its territory. This would also imply its responsibility in carrying out that role vis a vis the victims of the disaster. The affected State may however, receive external assistance with its consent, on the basis of cooperation with outside actors. And according to Draft Art. 12, it has the duty to seek assistance from States or international organizations only, whenever a disaster exceeds its national response capacity.

Draft Article 14 stipulates that the consent to external assistance by the affected State should not be withheld “arbitrarily”. And the Commission laid down certain guidelines for where consent could or could not be considered arbitrary.

Draft Article 16 concerns the right of third parties including States, international organizations or non-governmental organizations to offer assistance. It serves to acknowledge the legitimate interest of the international community to protect persons in the event of a disaster. The offer of assistance is an expression of solidarity, based on the principles of humanity, neutrality, impartiality and non-discrimination. There thus, exists a complementarity between the primary responsibility of the affected State and the right of non-affected States to offer assistance.

With regard to the issue as to whether a State’s duty to cooperate with the affected State in disaster relief matters, includes a duty on States to provide assistance when requested by the affected State, an analysis of the international practice confirms that there is currently no such legal duty and that the provision of assistance from one State to another upon the latter’s request is premised on the voluntary character of the action of the assisting State. However, although there is no duty to provide assistance upon request, there may exist a duty to give due consideration to requests for assistance from an affected State.

On the Issue of the Responsibility to Protect

The view was expressed during the ILC debate that the Special Rapporteur's proposals had not adequately taken into account the concept of the "responsibility to protect". However, even if the responsibility to protect were to be recognized in the context of protection and assistance of persons in the event of disasters, its implications would be unclear. This position was subsequently separately taken by the UN Secretary General who, in his 2008 report on implementing the responsibility to protect had indicated that "the responsibility to protect applies, until Member States decide otherwise, only to the four specified crimes and violations: genocide, war crimes, ethnic cleansing and crimes against humanity. To try to extend it to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility". The Commission has subsequently endorsed this position both during its debate at its 61st session (2209) and that held at the 63rd session (2011).

The Duty of Cooperation: Draft Article 8

Seen from the larger perspective of public international law to be legally and practically effective the duty to cooperate, the provision of disaster relief had to strike a balance between different aspects. First, such a duty could not intrude into the sovereignty of the affected State. Second, the duty concerning the assisting States relates to their humanitarian conduct. Third, the duty had to be relevant and limited to disaster relief assistance by encompassing the various specific elements that normally make up cooperation on the matter. It thus, covered a great diversity of technical and scientific activities.

Assisting actors are required to provide assistance in compliance with the national law of the affected State (Draft Art. 15). However, the right to condition the provision of assistance on compliance with national law is not absolute. The affected State has a duty to facilitate the provision of prompt and effective assistance, under its sovereign obligations to its population. States have an obligation to examine whether the applicability of certain provisions of national law must be waived in the event of a disaster (visa & entry requirements, custom requirements, granting privileges and immunities, freedom of movement...) (Draft Art.17).

The duty of cooperation further implies the duty of the affected State and that of the assisting actors to consult each other with a view to determining the duration of the period of assistance. (Draft Art. 19).

Cooperation plays a central role in disaster relief. It has been addressed to specific terms in various UN resolutions, multilateral conventions, regional and bilateral agreements. In that context, UN General Assembly Res. 57/150 encourages the strengthening of cooperation among States at the regional and sub-regional levels in the field of disaster preparedness and response. In the Middle East, an Arab League Summit meeting in Algeria in March 2005 called for the creation of a mechanism of coordination and cooperation between the Arab governments and intergovernmental and non-governmental organizations. Agreement between the League member States was reached in 2007 on the establishment of that mechanism and the adoption of a program for implementation at both the national and regional level./ It was based on cooperation in disaster control over three phases: preparedness, response and recovery.

Prevention, Mitigation and Preparedness

Art.1: Duty to reduce the risk of disasters:

The international community has recognized during the last decades the fundamental importance of the prevention of disasters i.e. of risk reduction; the office of the UN Coordinator for disaster relief was created in 1971. In 1987, the UN General Assembly recognized in its resolution 42/169 the UN responsibility to promote international cooperation in the study of natural disasters and to coordinate relief and measures of preparation and prevention and decided to proclaim the 1990s as “International Decade for the Prevention of Natural Disasters.”

In the field of protection of persons in the event of disaster, the existence of an international legal obligation of prevention of damages is recognized by human rights law and by environmental law.

Many Multilateral and bilateral agreements cover the reduction of disaster risks—The ASEAN Agreement on Disaster Management and Emergency Response, and the Africa Regional Strategy for Disaster Risk Reduction. But pre-disaster preparedness remains very limited and funding remains a challenge. In many national legislations and policies, States have acknowledged their obligation to take preventive measures.

Art.1 includes the obligation of States to reduce the risk of disasters by taking appropriate measures, through legislation and regulations, to prevent, mitigate and prepare for disasters. These measures include the conduct of risk assessments, the collection and dissemination of risk information and the operation of early warning systems.

Draft article 10 extends the general duty to cooperate to the pre-disaster phase.

With regard to the protection of relief personnel and their equipment and goods referred to in draft Art.18 discussed at the last session of ILC. The need to extend that protection derives from the possibility of a breakdown of law and order in the affected State during the outbreak of a disaster. The obligation of the affected State in draft Art.18 is to take measures to ensure that protection is consistent with other provisions of universal, regional and bilateral treaties dealing with natural or human made disasters. As stated in the Special Rapporteur’s seventh report, there is a requirement of consent by the State to the presence of external relief actors on its territory. The relief personnel, equipment and goods mentioned in the draft article should therefore be limited to those who obtained the consent of the affected State. As a general rule however, assisting States must always abide by the principle enshrined in the UN General Assembly Resolution 46/182 of 1991 which stipulates that “humanity, neutrality and impartiality”, are the key principles underlying the provision of humanitarian assistance.

Art.7 on humanitarian principles states that response to disasters shall be in accordance with those principles without prejudice.

On the relationship of the Draft Articles with Special or Other Rules of International Law

Draft Art. 20 concerns matters related to disaster situations not regulated by the present draft articles” on special rules such as regional or bilateral treaties. That provision pre-supposes that rules of international law shall be the governing rules during disaster situations. Thus, the law of treaties, rules on responsibility of States and international organizations, rules of customary international law, the general principles of international law relating to the respect for sovereignty, territorial integrity and political independence of the affected State, shall always be observed and applied.

In relation to the Charter of the United Nations, a draft article was proposed by the Special Rapporteur stipulating that the draft articles are “without prejudice to the Charter of the United Nations”. The majority of the ILC members considered the need for such separate provision redundant. This is because the precedence of the obligations under the UN Charter is universally recognized and expressly mentioned in Article 103 of the Charter itself, and need not to be repeated each time an instrument refers to an obligation under international law. Should the draft articles later be adopted as a convention, the preamble of this convention could include a reference to the provisions of the UN Charter as is often the case

Concerns of the AALCO members - Final form of the draft articles – Completion of work

Concerns expressed by AALCO States on the question of sovereignty and consent of affected State to external assistance: I like to place the following clarifications:

- (1) (Art.4) Use of terms -- assisting State, other assisting actors: providing assistance to that State at its request or with its consent.
- (2) Art. 12: Role of affected State: The affected State, by virtue of its sovereignty, has the duty to ensure protection of persons and provision of disaster relief; and has the primary role in coordination.
- (3) Art. 14: Consent of the affected State to external assistance. The provision of external assistance requires the consent of the affected State.
- (4) Art.15: Conditions on the provision of external assistance. The affected state may place conditions on the provision of external assistance in accordance with the draft articles, applicable rules of international law, and the national law of the affected State.
- (5) Non-governmental organizations: In seventh report of Special Rapporteur: relevant non-governmental organizations mean any organization working impartially and with strictly humanitarian motives, and are engaged in the provision of disaster relief assistance.

Article in use of terms: A relevant non-governmental organization providing assistance to affected State at its request or with its consent. In the final analysis, the whole draft articles are based on the principles of solidarity and cooperation.

Finally, I hope that those clarifications will dispel most concerns relating to the issues of consent of the affected State and its sovereignty.

Art.18: Protection of Relief Personnel and their Equipment and Goods.

As a result of its consideration of the topic, the Commission adopted on first reading a set of 21 draft articles, together with commentaries thereto. The commission the decided to transmit the draft articles, through the Secretary - General of the UN, to Governments, competent international organizations, the International Committee of the Red Crescent Societies for comments and observations with the request that they be submitted to the Secretary-General by 1 January 2016. In my view, the support of AALCO's Member States to the ILC draft articles, with their comments and observations, will be essential for the successful completion of the ILC work on the subject by the end of the Commission's current mandate in 2016.

I request AALCO Member States to reflect and prepare their comments. In my view, the support of AALCO Member States to the ILC Draft Articles will be essential for the successful completion of the ILC work.

Thank you.

Vice President: Thank you, Sir for that elaborate discussion on the topic. I will now invite Prof. Murase to make his presentation on the topic "Protection of Atmosphere".

Prof. Shinya Murase: Distinguished delegates, it is my great pleasure to speak to you on the ILC agenda item on the Protection of the Atmosphere. Since this is a new topic that started only this year, I would first like to explain how this topic came about.

As you are well aware, the ILC has established certain criteria for topic selection. A new topic should pass three feasibility tests: first, the practical feasibility, that is, whether the topic meets the need of the international community as a whole; second, whether it satisfies technical feasibility in terms of sufficient State practice; and third, whether the topic is politically acceptable. The ILC also reminded that it should not restrict itself to traditional topics, but should consider those topics on new developments of international law that are a pressing concern of the international community as a whole.

The topic on the Protection of the Atmosphere satisfies these criteria. Nobody objects that, in view of the deteriorating conditions of the atmosphere, it is a pressing concern of the whole world; hence there is a practical need to address the topic. There are sufficient State Practice and jurisprudence of International Courts and tribunals, which satisfy the technical feasibility. While there are a number of relevant conventions on trans-boundary air pollution, ozone depletion and climate change, they are largely a patchwork of conventions whose scope of application is limited to specific regions and specific issue areas. There is, however, a growing awareness of "One atmosphere" that the atmospheric problems should be treated in a comprehensive manner. This slide shows where problems occur in the atmosphere. 80% of air exists in the troposphere (up to 15 km above the surface of the earth) and 20% in the

stratosphere (up to 50 km). There is virtually no air above these two layers. Naturally, we are not concerned with outer space.

So, this topic was considered first by the Working Group on the Long-term Programme of Work since 2009, which adopted the topic as ILC's long-term programme of work in 2011 and also by the plenary of the ILC that year. After a series of informal consultations since 2012, the topic was finally adopted in 2013 with certain conditions. The topic will not interfere with political process of negotiations, it will not deal with specific polluting substances; it will not be concerned with outer space, and finally, the final product will be draft guidelines rather than draft articles.

Thus, I submitted my First Report (A/CN.4/667), in which I discussed first the rationale of the topic and the approaches to be employed to deal with the topic. I then made a brief historical review of the development of international law on the atmosphere. I began with the famous passage of Justinian Institute of the 6th century which provided that "by the law of nature, the *air* was one of the things "common to all". I also referred to the Sharia law of the 8th century, which placed importance of the air as the element which is "indispensable for the perpetuation and preservation of life." In November last year, a symposium was organized by AALCO at the National University of Malaysia, where I learned something of the Sharia law. I am proud that this is probably the ILC's first special Rapporteur's report that has ever referred to the Sharia law.

The most important point in understanding this topic is to differentiate between the airspace and the atmosphere. The airspace is an area-based notion. Above your territory is your territorial airspace, for which you claim exclusive sovereignty. The atmosphere, or air, is a fluctuating, dynamic and intangible substance that is moving around all the time. When State 'A' complains air pollution coming from its neighbouring State 'B', State 'A' complains the polluted air but she never complains it as a violation of its territorial airspace. Thus, the atmosphere should be understood as a totally different notion from that of the airspace in international law.

In my first Report, I also summarized the relevant judicial decisions by international courts and tribunals, starting from the famous Trial Smelter arbitration and the ICJ Nuclear Tests cases. At the end of the Report, I proposed three draft guidelines, which I will explain in a moment.

The Commission discussed the topic on the basis of my First Report in May and June at this year's session. First, there was a debate on the interpretation of the 2013 Understanding. There were a few members who criticized the special Rapporteur that he did not comply with the conditions set forth in the Understanding. On the other hand, there were members who asserted that the Understanding was a "disgrace" for the Commission and that it should be abolished. The majority of the members supported my "liberal" interpretation of the Understanding that the Special Rapporteur should be permitted to "refer to" some of the controversial principles such as the "common but differentiated responsibilities" (CBDR) although he may not "deal with" those principles, and also that he should be permitted to "identify" the gaps in the existing treaty regimes, even though he may not "fill" those gaps.

On the substantive aspects of the debate, they focused on the draft guidelines proposed by the Special Rapporteur; first on the definition of the atmosphere, the second on the scope of the guidelines and third, on the legal status of the atmosphere. The majority of the members were in favour of sending these draft guidelines to the Drafting Committee, but I decided not to ask to send them to the Drafting Committee this year but instead wait for next year to send them with certain reformulation.

The Draft Guidelines give a working definition of the atmosphere which means “a layer of gases surrounding the earth in the troposphere and stratosphere”. The definition also refers to the functional aspect of the atmosphere that “transports” pollutant substances.

Some members questioned whether it was necessary to refer to “troposphere and stratosphere” in the definition and whether upper spheres (mesosphere and thermosphere) might be included. My response was that it would not make sense to refer to those upper spheres, because there was no air there.

Some members wanted to have a dialogue with scientists, and so, I have arranged the scientists and experts of UNEP, WMO and UNECE to come to the Commission at the beginning of the session next year for a dialogue with our members.

The Draft Guideline 2 concerns the scope of the project. First, we are concerned with only the anthropogenic activities, that is, human activities, that cause atmospheric problems, and we are not concerned with those caused by natural phenomena such as volcanic eruptions or meteorites. We are concerned only with “significant adverse effects” of such activities.

Second, the draft guidelines will contain basic principles on the protection of the atmosphere and its inter-relationships. Third, the saving clause on the distinction between airspace and atmosphere, which I inserted in Guideline 3 in the First Report, will be moved to paragraph 3 of the scope guideline in my Second Report next year.

The Draft Guideline 3 on the legal status of the atmosphere provoked a heated debate, with a lot of constructive criticisms as well as support. I am going to reformulate this guideline next year. At the end of my First Report, I briefly outlined the plan of work. I only have two more years before the end of the current quinquennial; this plan is based on the premise that I will be re-elected, with your support, for the next quinquennial, beyond 2017.

The content of my second Report will be what you see in this slide: Draft general guidelines 1 and 2 will be the reproduction of the guidelines proposed in the First report. Then comes the basic principles, which refer to the basic obligation of States to protect the atmosphere, and protection of the atmosphere as a “common concern of humankind.” This notion of common concern is to be the basis for international cooperation.

The Third Report to be submitted in 2016 will be devoted to the basic principles of international environmental law, namely, *sic utere tuo* principle, prevention and precaution, sustainable development, equity and special circumstances and vulnerability.

In my Fourth report in 2017, it provided that I am still a member of the Commission and Special Rapporteur, that I will deal with the issue of interrelationship, which will include law of the sea, international trade law and human rights law, among others. In the Fifth and Final Report in 2018, it provided that if I am still alive then, I will deal with the questions on compliance and dispute settlement.

In conclusion, Madam Chair, I would like to stress that it is very important for AALCO member States to make their views known at the Sixth Committee of the UN General Assembly next month. The ILC and AALCO have their common objective, which is to transform the European centric “traditional” international law into a system that is also fair to Asia and Africa. I personally regret to see that the delegates from Western and other States are extremely diligent and make detailed statements at the Sixth Committee, whereas we don’t see comparable contribution from Asian and African States. Thus, at the end of the day, international law remains as West-dominated system, which I regret very much. I therefore urge the distinguished delegates to speak at the Sixth Committee next month as much as possible, hopefully in support of the topic on the protection of the atmosphere, which would certainly help advance this topic forward at the ILC.

Thank you for your kind attention.

Vice President: Thank you, Prof. Murase for sharing your views on this very interesting topic. Now it is time to receive comments from Member States. I first invite the distinguished delegate from Thailand for his comments.

The Delegate of Thailand: Madam Vice President, Mr. Secretary-General, Excellencies, Distinguished Delegates, At the outset, my delegation would like to express its appreciation to the speakers for their presentations which have provided us with the overall picture of the ILC issues under consideration. Also, we wish to thank AALCO for organizing this Special Half-day Meeting on “Selected Items on the Agenda of the International Law Commission” and to thank AALCO Secretariat for preparing a report of excellent quality in related matters. We would also like to congratulate the ILC on the success of the “Working Group” on “Identification of customary international law” held yesterday. We would also be pleased to see the working group to formulate AALCO comments to the ILC on this very important issue, which would enhance, in concrete manner AALCO contributions to the process of codification and progressive development of international law. Our appreciation also goes to members of the Commission for their invaluable contributions to the development of international law. In particular, Thailand is proud to see Ambassador Kriangsak Kittichaisaree, member of the International Law Commission, from Thailand and Chairman of the ILC working Group on the topic “Obligation to extradite or prosecute (*aut dedere aut judicare*)”, has guided the ILC’s deliberation on that topic to a successful conclusion this year, which should serve as a most useful set of guidelines for States in implementing the said obligation. Thailand would also like to reconfirm our commitment to cooperate with the ILC and AALCO in their long standing task of codification and progressive development of international law.

Thailand, would like to give some comments on current work of the commission on immunity of state officials from foreign criminal jurisdiction, and protection of persons in the event of disaster.

Immunity of State Officials from Foreign Criminal Jurisdiction

Mr. President, Allow me to begin with the topic “Immunity of State officials from Foreign Criminal Jurisdiction”

Regarding the substance of the topic, we should like to begin by presenting a clear picture of Thai domestic Law which might have several characteristics common with the relevant national legislations of other States. As a State Party to the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations 1963, Thailand grants immunity from Criminal jurisdiction to persons entitled to such Immunity under the respective conventions. Thailand also accords immunity to persons covered by host country agreements between Thailand and intergovernmental organization based in Thailand.

Beyond those agreements, Thai courts have no experience in dealing with the immunity of foreign state officials from Thailand’s criminal jurisdiction. Thailand is not a State Party to the Convention on Special Missions either. Therefore, Thailand wishes to reserve our position on the ILC’s work on this topic until a later stage when we can determine whether the ILC’s work achieves the right balance between according immunity to State Officials from foreign criminal jurisdictions on the one hand, and ending impunity of those officials on the other hand.

With respect to persons enjoying immunity *ratione materiae*, the Commission should not focus its work on identifying who is an “official”, as such a term has not yet been defined by international law, but is defined differently under domestic laws of different states. Therefore the Commission ought to take into due consideration the practice of states and their domestic law. In connection to this, my delegation would like to point out that, it would be impossible to draw up a list of all offices or post holders who could be classified as “officials” that all states would agree on. The persons covered by immunity *ratione materiae* can only be determined using “identifying criteria” which are applied on a case-by-case basis.

In connection to this, my delegation is of the view that the immunity *ratione materiae* should not be extended to individual or legal persons who act for the state under a contract with their governments or agencies, as there is on sound legal basis to extend the scope of the immunity to non-officials such as private contractors who are not in a position to exercise “inherent government authority”.

My delegation wishes to emphasize that international law must recognize the immunity granted by the domestic law of the state to government agents or law enforcement officials for their acts undertaken to maintain law and order but without intent to commit human rights violations.

Finally, any exception to immunity which the commission will consider in the future sessions must not undermine the immunity of the head of state whose constitutional role is merely

ceremonial and who has no *de facto* authority to direct or influence an act or omission which constitutes a core crime proscribed by international law from which immunity is not allowed.

Protection of persons in the Event of Natural disasters

Mr. President, Allow me to turn to the topic “Protection of Persons in the event of Disaster”, my delegation would like to commend the conclusion by the ILC of the first reading of the draft articles which would guide affected states, assisting states and other actors on how to take appropriate measures prior to, during, and after the event of a disaster.

My delegation would like to register that the term “external assistance” defined in subparagraph (d) of the newly introduced draft article 4 on the “use of terms” should be defined with great caution. Therefore, it should be noted that the “other assisting actors” in the provisions shall not include any domestic actors who offer disaster relief assistance or disaster risk reduction.

Lastly, I wish to touch upon the draft Article 20 on the “Relationship to Special or Other Rules of Law” which clarifies the way in which the draft articles should interact with certain rules of international law. The provision contains the reference to both “special rules” (*lex specialist*) applied to the same subject matter of the draft articles and “other rules” applied to the matter not directly concerned but would nonetheless apply in situations covered by draft articles. However, besides the provisions concerns the law of treaties and the rules on responsibility of both States and international organizations exemplified in paragraph 5 of the commentary to the draft article, the “other rules” should also be illustrated.

Thank you, Madam Vice President.

Vice President: Thank you, Sir. Allow me to invite the distinguished delegate from Japan to make the observations.

The Delegate of Japan: Thank you Madam Vice President. My delegation would like to join the previous speakers in appreciating the presents of three prominent ILC members.

1. Law of transboundary aquifers

Madam Vice President, first, my delegation wishes to bring to attention of the honorable delegates the question of Law of transboundary aquifers.

It is to be recalled that in the intervention of our delegation at the last AALCO annual session, we asked for your kind support on the draft resolution prepared by the government of Japan, and later introduced in the discussion of the Sixth Committee under the agenda of "the law of transboundary aquifers", the topic on which the late Ambassador Yamada had worked as a special rapporteur for drafting articles.

We are pleased to report that, as a result of the negotiation which took place in the Sixth Committee last fall, the UN General Assembly adopted the resolution commending to the attention of member states the draft articles on the law of transboundary aquifers annexed to that resolution as guidance for bilateral or regional agreements for the proper management of transboundary aquifers (A/RES/68/118).

This resolution is a moderate but a great step towards strengthening the rule of law in the field of water management through recommending utilization of the draft articles. As a facilitator of the negotiation on that subject, the Government of Japan appreciates greatly the support rendered from the AALCO member states.

Proper management of water resource has been, and will be the important agenda for the international community, and we hope that the members of AALCO make use of these draft articles in line with the purpose of the resolution.

2. Protection of the atmosphere

Secondly, on the question of Protection of the atmosphere, in the sixty sixth session of the ILC, the topic of "protection of the atmosphere" was deliberated based on the first report submitted by the Special Rapporteur, Mr. Murase.

The first report overviews historical development of international law in relation to the protection of atmospheric environment, and introduces related modern international norms including soft law. The overall study shows the significance of this topic as a contemporary agenda for humankind. I understand that many members of the ILC shared this point.

The ILC has a major role in the field of environmental protection, and we recognize that the protection of atmospheric environment requires coordinated action by the international community. In that sense, the start of deliberation by the ILC for studying comprehensive legal structure in this particular field is highly valuable.

At the same time, it is important for the ILC to undertake its discussion based on the understanding which was settled last year. The Special Rapporteur drafted his first report carefully taking this point into account. International law in this field is very complicated and mixed with hard and soft law. Although sorting out these rules and notions is quite meaningful, the work should be continued through careful deliberation.

As the protection of atmospheric environment is a very serious issue, particularly for Asia and Africa, I hope that AALCO members continue to contribute to the discussion both in the ILC and the Sixth Committee.

3. Cooperation between the ILC and AALCO

Lastly, I would like to refer to the question of cooperation between the ILC and AALCO. In order for the ILC to contribute to the promotion of the progressive development of international law and its codification, views from the international community, particularly voices from Asia and Africa should be properly reflected in its work. In that sense, the role of AALCO is of great importance.

There could be several approaches for delivering our message such as comments from governments toward special rapporteurs in response to requests from the Commission or statements made in the Six Committee.

Since the ILC places high regards on the debate in the Six Committee, active participation in the work of the Committee by the AALCO members is particularly commended.

Last year, during the debate of that Committee, the Government of Japan proposed establishing a mechanism reflecting more the needs from member states in the process of topic selection of the ILC. This year, the ILC decided to update the list of future topics, which is welcomed as it will enhance further the transparency in the topic selection process.

Thank you.

Vice President: Thank you very much, Japan. May I now invite the distinguished delegate from India to make their comments.

The Delegate of India: Thank you, Chair. I thank all the panelists for their presentations during the half-day special meeting on this important agenda item. I also thank the Secretary General/Deputy Secretary-General for introducing this agenda item. Also, I congratulate the AALCO Secretariat for their brief study on this subject.

On the topic, "Immunity of State Officials from Foreign Criminal Jurisdiction" we appreciate the progress made thus far in the ILC. In the current session, the Commission considered the third report of the Special Rapporteur Ms. Concepcion Escobar Hernandez (Spain) in which, draft article 2 (e) on the definition of 'State official' and draft article 5, on the 'beneficiaries of immunity *ratione materiae*' were considered by the Commission and adopted provisionally.

The Special Rapporteur analyzed the concept of 'State Official' through relevant national and international judicial practice, treaty practice and the subjective scope of immunity *ratione materiae*. The material and temporal scope of immunity *ratione materiae* would be considered in the Special Rapporteur's next report.

We consider the acts by officials on behalf of a State to be the acts of that State itself and should be attributed to that State. The Appeal Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the Prosecutor V. Tihomir Blaskic case

(1997), pointed out that "such officials are mere instruments of a State and their official action can only be attributed to the State". In other words, State officials should not suffer the consequences of decisions/ acts which are not attributable to them personally.

We agree that the State Officials, viz., Heads of State, Heads of Government and the Foreign Ministers, so called *Troika*, are entitled to immunity from criminal jurisdiction of foreign States.

With regard to extending immunity to officials beyond *Troika*, we consider that, the same criteria may be applied for few other high ranking officials especially, Ministers of Defense and Ministers of International Trade. They could also be considered as the State Officials deserving immunity from the criminal jurisdiction of foreign States given their increased involvement in international affairs and representing their States in international meetings relevant to their areas.

Further, the subject of the topic is based on the principle of sovereign equality of States and also concerning friendly relations between States in their international relations. The codification of rules in this area is far less than developed. Therefore, the work on the topic may take the form of draft articles to be presented to the UNGA. This could help fill the gap in the immunity law.

With regard to the topic "Identification of Customary International Law", the Commission had considered the second Report of the Special Rapporteur Sir Michael Wood which contained eleven draft conclusions.

The Report also covered the central questions concerning the approach to the identification of rules of "general" customary international law, in particular the two constituent elements (these elements -. being a "general practice" and "accepted as law" — commonly referred to as "state practice" and "*opinio juris*" respectively). We are generally in agreement with the approach that the Special Rapporteur has adopted in this Report.

The draft has been divided into four parts, namely: introduction; two constituent elements; and a general practice accepted as law. We understand that the Special Rapporteur will focus in his next Report on the relationship between treaty and customs, role of International Organizations and whether they may have an influence on customs as well as regional, special and bilateral customs and their relationship to CIL, if any.

While we welcome the Special Rapporteur's methodology in identifying the State practice, primarily relying on the International Court of Justice (ICJ) decisions including the separate and dissenting opinions. However, the Special Rapporteur may not leave out other tribunals decisions also for identifying the customary international law. It may be noted that in the *Arrest Warrant* case of the ICJ, the Court ruled that the Minister of Foreign Affairs enjoys *rationae personae* immunity for the reason that the Foreign Affairs Minister has plenary competence in international relations. This was questioned by many States initially but later it had been agreed by them. The response of the Court certainly helps us to understand the identification of CIL.

It is well known that the customary international law (CIL) is a formal source of international law. The ICJ is mandated to apply CIL to settle the disputes brought before it by the States. Article 38.(1) (b) of the ICJ Statute describes CIL "as evidence of general practice accepted as law". CIL consists of "settled practice" of States and the belief that it is binding. Thus, it has objective and subjective/mental elements (*opinio juris*).

While conventional law is both formal and material source of international law, CIL is not considered to be material source. Therefore, unlike the treaty provisions it is not so easy to find out what the applicable CIL is in a given case or situation; the amount of evidence that needs to be produced or examined and relative weight/importance to be given to the objective or subjective elements to identify or for formation of CIL are tough call. The challenge is compounded, if the persons who seek to apply CIL are domestic lawyers, judges, courts or arbitral tribunals, who may not be trained or well versed in international law. And it is not easy even for those who have training and experience in international law, to identify rules of CIL in all cases. There is no readily available guidance or methods by which evidence of the existence or process of formation of CIL rules could be appreciated and identified.

We would like to see that both elements the 'State practice' and 'opinio juris' are given equal importance in the study. The practice of States from all regions should be taken into account. In this regard, the developing States, which do not publish digests of their practice should be encouraged and assisted to submit their State practice including their statements at international and regional fora, and the case-law, etc.

At the same time, we urge the Commission to exercise utmost caution in taking into account the arguments and positions advanced by the States before international adjudicative bodies and, should not be detached from or devoid of the context in which they were made.

On the topic "Provisional application of treaties" the Commission has considered the second report of the Special Rapporteur, Mr. Juan Manuel Gomez-Robledo. The Report sought to provide a substantive analysis of the legal effects of the provisional application of treaties, in the light of domestic practice, given the fact that States, intended to do so based, upon their domestic conditions. The debate revealed broad agreement that the basic premise underlying the treaty in question, the rights and obligations of a State which had decided to provisionally apply the treaty, or parts thereof, were the same as if the treaty were in force for that State.

We have taken note of Special Rapporteur's characterization of the decision to provisionally apply a treaty as a unilateral act. It may be noted that such a view could not be reconciled with Article 25 of the 1969 Vienna Convention, which specifically envisaged provisional application being undertaken on the basis of agreement between States and as an exercise of the free will of States.

We also welcome the Special Rapporteur's intention in exploring the possibility of contracting States acquiescing to the provisional application by a third State even when a treaty did not expressly provide for provisional application, as well as undertaking a study of the practice of treaty depositories.

Since the provisional application is a sort of formal application, it would be relevant if the study addresses legal implications of provisional application and relations between the State parties to it, including the extent of international responsibility incurred by a State vis-a-vis other State parties for violation of an obligation under a provisionally applied treaty.

We agree with the idea that the present study should be in the form of conclusion or guidelines with commentaries for the guidance of States.

With these observations, I thank the Chair for providing this opportunity.

Vice President: Thank you, India. May I invite the distinguished delegate of the Islamic Republic of Iran to present their comments.

The Delegate of the Islamic Republic of Iran: "In the name of God, the Compassionate, the Merciful"

Madam Vice President, My delegation would like to express its appreciation for the enlightening presentations on the issues under consideration by the ILC. I should also thank the AALCO secretariat for organizing this Special Half-day Meeting on "Selected Items on the Agenda of the International Law Commission". We would like to make a few comments in this regard.

Fortunately, this year the advanced copy of the ILC report has been released a few days before the annual session. This gives us the opportunity to have an exchange of views before the UN General Assembly session. It may be useful for the preparation of our intervention on the subject during the Sixth Committee's debates. There were eight topics on the Agenda of the Commission during its 66th Session. We will limit our remarks on two of them, namely, "Protection of Persons in the Event of Disasters" and "Protection of the Atmosphere".

The successful conclusion of the first reading of the draft articles on "Protection of Persons in the Event of Disasters" is commendable. However, some of the articles deserve special attention. Article 8 of the draft articles concerns the duty of the State affected by the disaster to cooperate. We have some difficulty to understand why the affected State must cooperate with the ICRC and the relevant non-governmental organizations. The commentary explains that a reference to ICRC is included as a consequence of the fact that the draft article may also apply in complex emergencies involving armed conflict. In our view, there is a contradiction between this commentary and article 21 of the draft articles concerning the relation to international humanitarian law. This provision stipulates that "the present draft article do not apply to situations to which the rules of international humanitarian law are applicable". Even if we accept the explanation given by the Special Rapporteur, Mr. Valencia Ospina, the obligation to cooperate in situations of armed conflict cannot in our view extend to non-governmental organizations other than the ICRC.

By the same token, article 13 of the draft on the duty of the affected State to seek external assistance raises some difficulties. This provision obliges the affected State to seek assistance among the States, UN and relevant nongovernmental organizations. It has been opposed by some members of the Commission who are of the view that international law, as it currently stands, does not recognize such a duty.

We support the view expressed by the Special Rapporteur to include in the draft a provision regarding the relationship to the Charter of the UN. Such a provision drafted in the light of article 103 of the Charter will be useful to the extent that it will highlight the cardinal role played by some principles enshrined in the Charter, namely, the principles of sovereignty and territorial integrity of the affected State already acknowledged in the draft. Such a reference can be found in the ASEAN Agreement on Disaster Management and Emergency Response. This inclusion would reaffirm furthermore the leading role to be played by the UN in disaster management.

The issue of "Protection of the Atmosphere" is tightly linked with political, technical and scientific considerations. This, however, does not mean that the importance of the legal issues surrounding the topic should be downgraded. In fact, the decision of the General Assembly to include the topic in the long-term program of the work of the Commission is based on such an understanding.

The task assigned to Mr. Murase, the Special Rapporteur, to that end is fraught with difficulties; therefore, the approach adopted should be applied with caution and ample flexibility to meet the expected purposes. This is justified by the mere fact that the Commission's task, as stated, in the report, consists in *[I quote]* "identifying custom, whether established or emerging, [...] and identifying, rather than filling, any gaps in the existing treaty regime *[end of the quote]*". It seems that the Commission is aware of the unique nature of the job. The question arises as to the end result of the task undertaken by the Special Rapporteur. While the task is not aimed at filling treaty gaps in international legal instruments applicable to state activities in the atmosphere, it seems that the concerns about the topic deserve more than merely pure research.

On the question of whether to include basic principles in the work of the ILC on the topic, sub-paragraph (b) of draft guideline (2), we are of the view that having resort to basic principles of international environmental law is inevitable. Examining rights and obligations of States regarding the protection of atmosphere is impossible without expounding upon principles such as *sic mere*, polluter pays, cooperation or precautionary approach.

In his first report, Mr. Murase, the Special Rapporteur on the topic raised the question of the legal status of the atmosphere which he considered rightly to be the prerequisite to the Commission's consideration of the subject. He favored the concept "common concern of humankind". It seems that the normative content of the concept is still unclear and controversial.

We agree that the protection of the atmosphere is a common concern of mankind; however, the question that can be raised at this juncture is what would be the legal implication of this new concept. We have already some clear idea about the consequence of the qualification of the sea-bed and its subsoil beyond the continental shelf as common heritage of mankind. I am referring to the advisory Opinion of the ITLOS issued in 2011 regarding the obligation of States sponsoring persons and entities with respect to activities in the Area. The Tribunal refers to article 48 of ILC articles on State Responsibility by affirming that the responsibility of States to protect the environment of the Area creates *erga omnes* obligations. We can draw a similar conclusion regarding the protection of the atmosphere. Drawing analogies from the law of the sea, it was suggested that consideration should be given to dividing the atmosphere in zones based on the degrees of sovereignty and control exercised by the subjacent State.

In the end, we acknowledge the difficulty of the task of the Special Rapporteur to the scarcity of State practice, which has led him to rely, in the preparation of his report, mostly on the views of non-governmental organizations and scholars.

I thank you.

Vice President: Thank you, distinguished delegate of Islamic Republic of Iran. May I invite the distinguished delegate of Malaysia to present their comments.

The Delegate of Malaysia: Thank you Madam Chair. Excellencies, Distinguished delegates, my delegation firstly joins other delegations in thanking the Secretary general on his comprehensive report on ILC.

1. Immunity of State Officials from Foreign Criminal Jurisdiction

Madam Chair, Malaysia notes that the Third Report of the Special Rapporteur for the topic was considered at the Commission's Sixty Sixth session. Malaysia is particularly interested in the matter as the Special Rapporteur has proposed two (2) draft articles which capture the key issues pertaining to the immunity of State officials from foreign criminal jurisdiction.

Malaysia has been studying and closely following the development of the subject since the inclusion of the topic at the Commission's Fifty Eighth Session in 2006. At the Sixth Committee of the Sixty Third Session of the United Nations General Assembly, New York in 2008, Malaysia made intervention as regards to its stand on the Preliminary Report prepared by the previous Special Rapporteur, Mr. Roman Kolodkin. In this regard, Malaysia would like to reiterates its position at the Sixth Committee in 2008 that the topic should focus on the immunities accorded under international law, in particular customary international law and not under domestic law. There is also no necessity to re-examine previously codified areas such as the immunities of diplomatic agents, consular officials, members of special missions and representatives of States to international organizations, these categories of persons should be excluded from any definition of "State officials" for the purpose of this study.

Malaysia welcomes the proposed draft Articles and will continue to conduct an in-depth study of the draft Articles. Meanwhile, Malaysia notes that draft Article 2 (e) deals with definition of the State officials to be immune from the criminal jurisdiction. It was drafted to set clear the individuals who are considered to perform official acts in the context of the immunity from foreign criminal jurisdiction. Malaysia fully supports the establishment of such parameters as it would set clear the individuals who enjoy the immunity.

Malaysia has previously raised issue as who are the "State officials" that enjoy immunity. As regard to Article 2 (e), Malaysia views that the definition of "State officials" is broad enough to cover any individual who represents the State or who exercises the State's function. With the proposed definition, Malaysia is of the view that all "State officials" including those who are employed on contract basis would be covered under such definition when they undertake the official acts. However, Malaysia is of the view that since the Commission will exclude previously codified areas such as the immunities of diplomatic agents, consular officials, members of special missions and representatives of states to international organizations, these categories of persons should be excluded from the definition of "State officials".

Madam Chair, Malaysia further notes the adoption of draft Article 5 by the Drafting Committee which provides the State officials who enjoy "Immunity *ratione materiae*". However, it should be highlighted that the definition of "Immunity *ratione materiae*" which was defined in the previous draft article has been deleted and there was no reason given for such deletion. Malaysia is of the view that the definition of the terms "Immunity *ratione materiae*" is imperative to determine in which circumstances would State officials be granted immunity from foreign criminal jurisdiction.

In this regard, Malaysia agrees with the view by the Special Rapporteur in its report that the basic characteristic of "Immunity *ratione materiae*" can be identified as being granted to all State officials, granted in respect of acts that can be characterized as "acts performed in an official capacity", and is not time limited since "Immunity *ratione materiae*" continued even after the person who enjoys such immunity is no longer an official. Malaysia further takes note that the concept of an "act performed in an official capacity", the temporal scope of the immunity and the exception to immunity from foreign criminal jurisdiction will be addressed in the next report.

Protection of Atmosphere

Madam Chair, Malaysia would like to thank the AALCO Secretariat for preparing the report on matters relating to the work of the International Law Commission at its Sixty-sixth Session particularly on the topic of "Protection of the Atmosphere" ("the Report"). Malaysia notes that during the Sixty-sixth Session, the Special Rapporteur for the topic on Protection of the Atmosphere, Mr. Shinya Murase, had submitted his report entitled "First Report on the Protection of the Atmosphere" ("First Report"). Malaysia further notes that the expected outcome of the work of the Special Rapporteur will be a set of draft guidelines ("the Project") which will not seek to impose legal rules and legal principles on current treaty regimes.

Madam Chair, Malaysia observes that the First Report lays down three draft guidelines, firstly, on "Definition of the Atmosphere" (draft Article 1), secondly, on "Scope of the Guidelines" (draft Article 2) and thirdly, on "Legal Status of the Atmosphere" (draft Article 3). In relation to the "Definition of Atmosphere", Malaysia is of the view that there is a need to consult the scientific experts in framing a clear, comprehensive and acceptable definition of the atmosphere by all parties.

Whilst, on the "Scope of the Guidelines", Malaysia notes the Special Rapporteur's proposal for the draft guidelines to address "human activities" that directly and indirectly introduce deleterious substances and energy into the atmosphere. In this regard, Malaysia wishes to seek clarification on the specific type of "human activities" intended to be covered under the draft guidelines, as to ensure that the activities propose will not overlap with "human activities" covers under the existing international regime on environmental protection. Further, Malaysia is not familiar with the term "deleterious substances" as proposed in the First Report. Hence, Malaysia wishes to seek further explanation from the Special Rapporteur on the usage of the terms "deleterious substances" as well as the term "energy", particularly, on the differences of these terms with the common terms such as "hazardous substances" "pollutants" and "waste".

Madam Chair, On the "Legal Status of the Atmosphere", Malaysia is of the view that further consideration needs to be devoted to the adequacy of the legal status of the atmosphere. Analysis of five concepts highlighted in the First Report that is the airspace, shared or common natural resources, common property, common heritage and common concern is necessary, prior to determination of the legal status of the atmosphere. Given the highly technical nature of the topic, Malaysia is currently studying on the draft guidelines as it is foreseen consultation with the relevant agencies and technical expertise would be crucial to the matter.

Madam Chair, Last but not least, Malaysia recognizes that the issues on protection of atmosphere are a global and an imminent threat to the future of humanity and the Earth's survival, and therefore looks forward to subsequent work on this topic and any other proposals from AALCO Member States. Thank you, Madam Chair.

Vice President: Thank you so much, Malaysia. I invite Syria to make their comments.

The Delegate of Syria²¹: Mr. President, Respected Members of the ILC, Distinguished Delegates, this session reminds us of the importance of the need for the interactive process between the AALCO and ILC. We benefited greatly from their presence among us, I am confident that they will have the opportunity to listen the comments of delegations of AALCO through the work of the Sixth Committee.

Firstly, I urge that we must take full advantage of the presence of Dr. Hassouna and Prof. Murase. On what was said by Professor Morase, I agree with him that there is western domination on the system of international law and on its items. What this actually requires is better awareness and cooperation by developing countries in Asia and Africa in particular, in efforts to contribute in the development of international law on the part of these two continents.

²¹ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

As regards Dr. Hassouna's presentation, we greatly benefited from his report. Therein you deliberated on protection of persons in the event of disaster which is a major cause of concern for some of the AALCO Member States. The extent of Responsibility to Protect vis a vis national sovereignty in such humanitarian situations is a moot question.

Overall, these earlier points to regulate the delivery of humanitarian aid raises an important question –does ILC work for codification of law or the progressive development of the law?

There are detailed observations made by colleagues from the delegations of India, Iran, Malaysia, and also Japan. I think these were important observations. However, I do not agree with some of the observations of the distinguished delegate of India and Iran.

Thank you.

Vice President: Thank you, Syria for those comments. The distinguished delegate from Republic of Korea, you now have the floor.

The Delegate of Republic of Korea: Thank you, Madam President. My delegation would like to express its high appreciation to the Secretary General for having invited eminent ILC Members. My delegation also expresses its gratitude to the ILC Members for their explanation on the ILC's works on topics which drew attention of the Asian and African states. I would like to make a brief comment on the process of identification of customary international law in the context of AALCO.

We recommend ILC to collect extensive relevant reference, academic research, national jurisprudence and other documents not only from European countries but also from other parts of the world, especially from Asian and African regions. The Asian and African states have a strong willingness to play a leading role in the formation of new rules of international law. For this, the Asian-African states must accumulate consistent practices such as state practices should be conveyed to the ILC in due process. For helping this process, it is also desirable for the AALCO Secretariat to provide relevant reference regarding the practices of the Member States of AALCO as much as possible. Thank you.

Vice President: Thank you so much, Sir. I invite Pakistan to make their comments.

The Delegate of Pakistan: Thank you very much, Madam Vice President. I am terribly conscious of the fact that His Excellency the Ambassador of Japan must be anxious to see us arrive on time. So I would not make any statement and confine myself to join the observations made and concerns raised by the distinguished delegate of India.

Vice President: Thank you so much, Sir. I invite People's Republic of China to make their comments.

The Delegate of the People's Republic of China: Thank you Madam Chair. Excellencies, Distinguished Delegates, as an important research institute for international law under the UN system, the ILC has played an important role in the codification and

progressive development of international law, contributing significantly to the development rule of law at the international level.

Over the years, the AALCO and the ILC have maintained a mechanism of regular communication, through which they have exchanged views on issues of mutual interest and concern, and jointly promote international law in a way that is more reflective of the demands of developing countries in Asia and Africa. This work has been further strengthened since Dr. Rahmat Mohammad took office as Secretary-General of the AALCO. We appreciate his effort. The Chinese side will continue to work along with other AALCO members in Asia and Africa to exert a positive and effective influence on the development of international rule of law, and safeguard and increase the institutional right of developing countries through the AALCO and other international forums.

Madam Chair, now I would like to briefly talk about China's position on the key topics of the ILC 66th session. On the "immunity of state officials from foreign criminal jurisdictions", Ms. Hernandez, the Special Rapporteur on the topic, submitted her third report which mainly discussed the definition of state officials and the use of terminology, and proposed two draft articles. The report was adopted by the ILC. We affirm the overall thinking of the Special Rapporteur that is to set down general principles of immunity first, and then discuss exceptions to immunity on that basis. On this topic, the ILC needs to focus its attention on the summary and codification of state practices and relevant rules of customary international law, so as to form international law standards that are based on international consensus and can be applied uniformly. Since it is difficult to find a proper solution to the relationship between immunity and impunity for the time being, we suggest that the ILC shelve this problem, rather than rush to develop relevant rules. On the definition of "state officials", the three standards presented by the Special Rapporteur, i.e., having a connection with the state acting internationally as a representative of the state or performing official functions both internationally and domestically, or exercising elements of governmental authority, are by and large feasible in our opinion. We believe that the final version of the definition adopted by the ILC, i.e., any person who represents the state or exercises state functions, is too broad and needs to be further studied.

On the "identification of customary international law", Sir Michael Wood, the Special Rapporteur on the topic, submitted his second report. We believe it necessary to have uniform criteria of the identification, which means the criteria should not differ from one branch of international law to another or from one group of audiences to another. Research on the topic needs to clarify the relationship between customary international law on the one hand and treaties and general principles of law on the other. State practice may take diverse forms, as it includes both physical actions, and policy statements of the state. In principle, there should be no pre-determined hierarchy among them. Any practice, as long as it is widespread and consistent in nature, can be seen as a practice that can serve as an evidence of the customary international law. As for whether inaction can be seen as an evidence of the customary international law, we believe it should be judged on a case by case basis. For example, once inaction constitutes acquiescence

to a right or obligation, it can be seen as a practice. We believe that the ILC should draft a guidebook that contains uniform and clear-cut principles to guide practitioners of international law in identifying and applying customary international law.

On the obligation to "extradite or prosecute", the ILC adopted the final report and concluded this topic. We appreciate the hard work of the working group on this topic. The Chinese side believes it necessary to discuss the obligation to "extradite or prosecute" regarding serious international crimes such as genocide, crimes against humanity and war crimes. The ILC research shows that the obligation to extradite or prosecute" is still mainly a treaty obligation, and that whether it can be seen as a rule of customary international law is still uncertain. We agree with this conclusion. We will exercise judicial sovereignty, fight international crimes and engage in international cooperation under the guidance of the relevant principles.

Thank you.

Vice President: Thank you, Sir. If there are no comments from Member States I consider this session closed.

The session was thereafter adjourned.

**IX. VERBATIM RECORD OF THE HALF DAY
SPECIAL MEETING ON “VIOLENT
EXTREMISM AND TERRORISM (LEGAL
ASPECTS)”**

IX. VERBATIM RECORD OF THE HALF DAY SPECIAL MEETING ON “VIOLENT EXTREMISM AND TERRORISM (LEGAL ASPECTS)” HELD ON WEDNESDAY, 17 SEPTEMBER 2014 AT 9.00 AM

His Excellency Dr. Danesh Yazdi, President of the Fifty-third Annual Session of AALCO in the Chair.

President: I hope you have enjoyed your staying in Tehran so far. Now we have a half day meeting on the legal aspects of violent extremism and terrorism. First, let me give the floor to Deputy Secretary General, Ms. Harimoto for the introductory remarks.

Ms. Yukiko Harimoto, Deputy-Secretary-General: His Excellency Mr. President; Distinguished panelists and Delegates, Ladies and Gentlemen;

The issue relating to “International Terrorism” was introduced as an agenda in 2001 at the behest of the Republic of India. It was felt that consideration of this item at AALCO would be useful and relevant in the context of the on-going negotiation of this item at Ad Hoc Committee of the United Nations on elaboration of the comprehensive convention on international terrorism. The successive sessions directed the AALCO Secretariat to monitor and report on the progress at the Ad Hoc Committee; and requested the Secretariat to carry out, an in-depth study on this topic. The centre for Research and Training (CRT) brought out a Preliminary Study on the Concept of International Terrorism in the Year 2006.

In accordance with the mandate received from the Member States, the Secretariat report prepared for the Fifty-Third Annual Session (Document: AALCO/53/TEHRAN/2014/SD/S7) has reported on: Developments in the Ad-Hoc Committee as well as at the Sixty Eighth Session of the United Nations General Assembly; Comments and Observations of the AALCO Secretariat and a Draft Resolution on this topic.

However, the subject for today’s half-day Special Meeting has expanded the scope of the Secretariat’s study as entitled “Violent Extremism and Terrorism”. This topic has been proposed for discussion by the host Government i.e. The Islamic Republican of Iran.

The topic has gained prominence since the adoption of the United Nations General Assembly Resolution A/RES/68/127 (18 December 2013) entitled “A world against violent extremism”. In that resolution the General Assembly was alarmed by the acts of intolerance, violent extremism, violence, including sectarian violence, and terrorism in various parts of the world, which claimed innocent lives, caused destruction and displaced people, and rejected the use of violence, regardless of any motivation. Recently, perturbed by the ongoing incidents of violence the UN Security Council, on 14 August 2014 unanimously adopted resolution 2170 (2014) condemning Gross, Widespread Abuse of Human Rights by Extremist Groups in Iraq, and Syria.

Violent extremism not only poses a real threat to life of innocent civilians but also seriously endangers peace and security of States, regions and the world. Increasingly sophisticated use of the internet, social media and information technology by violent extremists adds an additional

layer of complexity to this issue. The multi-faceted scourge of violent extremism has become so pandemic for the past couple of years that an increasing number of AALCO Member States have been hard hit by its diverse manifestations. The brutality exhibited by violent extremist groups in the name of their faith and belief is alarmingly unprecedented and represents a serious threat.

The question that we need to address in this meeting is how international law deals with violent extremism and terrorism. As these are very complex problems impinging upon the internal and external security of States, criminal law at the national and international level has to be strengthened. In addition it is also equally necessary to appropriately apply the principles of international humanitarian law and human rights law to situations.

Before I end my brief remarks, I would like to once again thank the host Government for this timely initiative. Special thanks go to our expert panelists for sparing their valuable time to share their views on this important topic with us. The draft agenda for the meeting has been placed before all of you.

Thank you, Mr. President.

President: I thank, Deputy Secretary General, Ms. Harimoto for her introductory remarks. Now, we have the privilege of having with us, Dr. Rohan Perera, Chairman of the UN Ad Hoc Committee on Measures to Eliminate International Terrorism and a former member of the ILC. You have the floor, Sir.

Dr. Rohan Perera: Thank you very much, Mr. President. Distinguished Delegates, Distinguished panelists, first of all I must thank AALCO for giving me this opportunity to address in my capacity as Chair of the UN Ad Hoc Committee on Measures to Eliminate International Terrorism, the work that has been accomplished within that committee since its establishment in 1997 and also to draw the possible linkages between measures being taken to combat terrorism, to provide a normative or legal framework and possible impact that could have on this new issue of extremism and violence. It is my intention this morning to provide a broad overview of this contribution in providing that legal framework to enhance international cooperation.

The identification of the overall architecture of the existing “sectoral” conventions dealing with specific aspects of the phenomenon of terrorism could serve to highlight the building blocks that exist already on which a possible legal response to violence and extremism could be formulated. Acts of violent extremism, as in the case of terrorism, involve the indiscriminate use of violence against innocent civilians. As stated in the General Assembly Resolution 68/127, “entitled the world against violence and violent extremism”. It involves “targeting the civilian population including women and children in violation of international law, in particular, human rights and humanitarian law.” On these aspects, I am sure, we shall be hearing from the other panelists.

From international criminal law perspective, violent extremism would involve a range of crimes categories as grave crimes under international law including the bombing of public

buildings, infrastructure and hostage taking, arbitrary executions and so on. So these are the shared areas of convergence in acts of extremism and terrorism. It is against this background that the existing legal regime relating to combating of international terrorism must be examined.

I will first give a broad overview of the principle features of the sectoral conventions which begins from the early anti-hijacking and hostage taking conventions to the more recent so called “new generation” conventions formulated within the Ad hoc Committee since 1996 which include Convention against Terrorist Bombings, Convention on the Suppression of Financing of Terrorism. These sectoral conventions against terrorism rest on extradite or prosecute regime intended to ensure that there would be no impunity for those who commit specific crimes defined in the conventions. It is premised on the principle that an offender who commits any of these crimes will find no safe haven in the territory of any member state and it imposes a clear obligation on a state to either extradite an offender to a state seeking his extradition or if, for some reason, extradition is frustrated, there is an obligation to submit the case for prosecution without exception whatsoever. Essentially, the rationale for this regime is to preclude any impunity.

The “extradite or prosecute” regime is supported by what I would call “supportive pillars” which would enhance its effectiveness. Firstly, the obligation on state parties to criminalize the convention offences under their domestic law; to categorize them as serious crimes which carry appropriate penalties which takes into account their grave nature and to make them extraditable offences. Secondly, this regime would require the state parties to confer on their domestic courts extra-territorial jurisdiction so that in the event of prosecution, the domestic courts have jurisdiction over these matters irrespective of where the offence has been committed. Thirdly, there are number of provisions in these conventions to facilitate extradition procedures to ensure that a request for extradition does not fail on a mere technicality, for instance, for the want of a bilateral treaty. Generally, it is recognized that extradition is dependent on the existence of a bilateral extradition treaty. So these features clearly underline the obligation of states to cooperate in the prevention as well as the investigation and prosecution of terrorist crimes. In my view, they provide clear sign posts for any legal response that could be formulated to deal with this menace.

Now, a word on “new generation” conventions which we in the Ad Hoc Committee have been able to adopt within last ten years or so. The Terrorist Bombings Convention, Terrorists Financing Convention and Nuclear Terrorism Convention contain certain features which mark a departure from the “First Generation” Conventions. Firstly, there is an injection of an express reference to terrorists’ purpose or intent. Secondly, “new generation” conventions treat the offences of terrorism they deal with as non-political offences to facilitate extradition and mutual assistance.

The underlying rationale of the sectoral conventions is that the legal response to terrorism must be in conformity with international law, in particular, human rights and humanitarian laws and measures of cooperation must be carried out in conformity with principle of respect for sovereignty and territorial integrity of states.

Now, having given a broad overview let me say a word about the Draft Comprehensive Convention on International Terrorism pending since 2000 before the Ad Hoc Committee. The mandate of the Committee is contained in GA Resolution 59/290, through which the General Assembly called on the Ad Hoc Committee to address “means of further developing a comprehensive legal framework of conventions dealing with international terrorism.” Consequent to that mandate, the Committee had before it a draft of a comprehensive convention presented by the Government of India and the negotiations commenced in 2000. Alongside, there was a proposal by Egypt for the convening of a High Level Conference on International Terrorism to examine all its manifestations. The principle objective of this exercise is the identification of possible gaps in the existing regime sometimes referred to as a “piecemeal approach to terrorism”. The Draft CCIT provides for coverage of those offences as directed against environment, a credible threat to commit a terrorist crime and so on. It also envisages enhanced measures of cooperation and clear obligation on states not to let their territory used for the preparation or commission of terrorist acts against other states.

The current impasse and the key outstanding issue on which many groupings have expressed concerns is the question of addressing acts committed in course of an armed conflict, particular in instances of foreign occupation. There are also proposals to deal with the acts of military forces of state during peacetime. In order to address these ranges of concerns, the Coordinator of the Bureau has presented a “Compromise Package” in 2007 (which is subsequently revised) and all delegates have agreed to proceed on its basis. The “Compromise Package” is essentially an exclusion clause or a “choice of law” provision which basically recognizes that the Comprehensive Convention cannot exist in a vacuum and will operate alongside other legal regimes in international law like international humanitarian law and human rights law. The Ad Hoc Committee last met in April 2013 and was able to produce a consolidated text of the negotiations held so far. The Working Group of Sixth Committee is critical for the future of the CCIT and Member States need to demonstrate the spirit of accommodation to overcome remaining hurdles. For Asian-African states, it is important that they all be conscious of the need to preserve the primary norm creating function of the General Assembly of the UN. I hope the Member States of AALCO will participate actively in the negotiations of the Sixth Committee.

Thank you very much.

President: I thank Prof. Perera for his informative comments. I am glad to invite Dr. Mosafa, Professor, Tehran University to speak on “legal basis of regional cooperation.”

Dr. Nasrin Mosafa, Professor, Tehran University: “In the Name of God, the compassion and the merciful”

Thank you very much, Mr. President and the distinguished guests, it is indeed a great pleasure to be here addressing a very distinguished group of law scholars.

“We the people of the United Nations determined to save succeeding generations from the scourge of War.” Sixty-nine years ago, a group of concerned humans gathered and, with these simple yet powerful words, launched an international desire in international law, peace and

security. The document they produced and resulting institutions are yet to fulfill their promises.

The international community has succeeded in instances to uphold the international law to preserve international peace and security, but they were stained by some States arrogance of law.

Today, with all the shifting trends, changing context and procedures, we are facing a renewed threat from violent extremism and terrorism. Old threats resurfacing in new forms, with renewed energy and action.

Terrorism and resort to violent extremism goes beyond the hype in past few months. We were never immune to these acts. Colonialism, failed humanitarian interventions and miscalculated policies contributed to intensify the trend. Moreover, these acts bring about broader consequences in terms of state paralysis and humanitarian situations. In words of a UN's Secretary General's High-Level Panel report; these acts "attack the values that lie at the heart of the Charter of the United Nations: respect for human rights; the rule of law; rules of war that protect civilians; tolerance among peoples and nations; and the peaceful resolution of conflict." Taking this into consideration, the international cooperation should be conducted in pursuant to spirit of the U.N. Charter encouraging international cooperation, especially chapter eight on regional arrangements.

I would argue that the answer to these threats is already embedded within existing international law. We are not suffering from poverty of documents, rules and norms but lack of will. The fight against violent extremism and terrorism, is a fight for an international rule of law- and as *Marti Koskenniemi* would say, - the fight for an international rule of law is a fight against politics, despite some measure of politics being inevitable. A fight that is main feature is international and regional cooperation that I will be focusing on.

The interest in international and regional cooperation is within the context of resolution adopted by the General Assembly on 18 December 2013 on "A world against violence and violent extremism", suggested by the President of. The resolution to pay attention to the importance of mutual cooperation and underlines the role of regional organization. The resolution creates a new opportunity to assess the role of regional cooperation.

Regional cooperation cannot be understood without grasping its legal basis and political agreements. Internationally, regional cooperation is well established and encouraged. Why regional cooperation? The states of a region are better aware of the situation, its cultural backdrop, societal context and historical background compared to other distant states. The local knowledge can be an aide to open diplomatic windows and legal measures. Furthermore, region's proximity to any crisis gives primacy and urgency to act as regional states have to live with consequences. For this, purpose, regional arrangements would be unable to dissolve themselves from an issue and hence, maybe more likely to engage with the issue over the long-time. I'm not suggesting that geographical proximity would automatically generate regional consensus on how to respond, but facilitate the best possible response. That is why in addition to legal basis, we need to pay attention to political aspects too.

The regional experience in forming legal measures to fight violent extremism and terrorism is richer than the international level. The international legal framework mainly deals with certain specific acts, there are more sectoral conventions. While the effort to fight these phenomena lacks an over-arching framework, a robust international co-operation rests on regional and sub-

regional levels in pursuit of peace and maintenance of security; not just to fight off these acts, but to ensure effective use of international legal instruments, for greater good of upholding the international rule of law and its progress.

In Africa, The African Union has been pursuing continental efforts at least for more than twenty years. The AU, as stated in its constitutive act, is inspired by cohesion and cooperation among the peoples of Africa and African States and encourages it regionally. In 1992 (at that time, the Organization of African Unity), adopted a Resolution on the Strengthening of Cooperation and Coordination among African States in which the Union pledged to fight the phenomena of extremism and terrorism. The resolution stressed the importance of coordination and consultation among the Member States and the necessity to enhance consultations so as to make the values of tolerance, moderation and solidarity prevail in inter-African relations and avert any discord.

AU's legal framework against terrorism and extremisms is in fact, one of the oldest and most progressive of its kind among regional arrangements. In June 1994, through Declaration on the code of conduct for Inter-African Relations, AU rejected all forms of extremism, whether under the pretext of sectarianism, tribalism, ethnicity or religion. The declaration also condemned, as criminal, all terrorist acts, methods and practices, and expressed its resolve to enhance cooperation to combat such acts.

The list goes on. First, the 1999 Convention on the Prevention of Combating Terrorism substantially address various measure including exchange of information, legislative and judicial measures; Second, The Additional Protocol to the 1999 Convention on the Prevention and Combating of Terrorism that developed the legal framework, aiming the establishment of the Peace and Security Council for the African Union to coordinate and harmonise regional efforts in the prevention and combating of international terrorism in all its aspects.

The regional cooperation was further intensified through appointment of special representative for counter-terrorism cooperation and also the African Model Law on Counter Terrorism that both attempt to strengthen the regional cooperation through co-ordination and negotiation with National authorities and to address possible national legislatives. The AU ensures coherent coordinated efforts through the work of the African Centre for the Study and Research on Terrorism, with a structure to centralize information, analysis and to develop national capacity-building programs.

The African experience in the development of legal framework to mainly combat terrorism but also extremism signifies their resolve in intense regional cooperation that is necessitated by facts on the ground, involving information-sharing and having a common understanding of basic doctrine and operational strategies to improve national policies. At its essence, the African legal framework can be an example for regional cooperation. The African Union recognised threat and attempted to deal with it by establishing a legal basis. The legal framework, at large, is not just an attempt to combat terrorism and extremism but a leap to institutionalise cooperation among states, its officials and various bodies,

In Asia, ASEAN's relatively young campaign against terrorism and extremism is mainly known by its 2007 Convention on Counter Terrorism (ACCT). Upon completion of ratification process

in January 2013, as one of the last regional conventions on the topic, in addition to the existing universal instruments, serves as a legal framework for regional cooperation to counter, prevent and suppress terrorism and to deepen the cooperation. Recalling the Treaty of Amity and Cooperation in Southeast Asia of 1976 that promotes active and close cooperation in wide-range of fields, the ACCT strongly commits to improvement of regional cooperation by underlining the need for cooperation between ASEAN law agencies and relevant authorities.

Article 6 of the ASEAN'S Convention on Counter Terrorism, designates areas of cooperation such as exchange of information, intelligence and early warnings; monitoring financial transactions; effective border control and cross-border cooperation; promotion of capacity-building programmes and technical cooperation. ACCT's Article 15 mandates each party to designate a coordinating structure to enhance cooperation under this Convention.

ASEAN's Treaty on Mutual Legal Assistance in Criminal Matters can also be acknowledged as another legal basis for regional cooperation, as it facilitates apprehension, investigation and prosecution, exchange of witnesses, sharing of evidence, enquiry, seizure and forfeiture of proceeds of the crime. ASEAN is also working on the establishment of its own regional Extradition Treaty to better facilitate regional cooperation on subject-matter that could reduce impediments of collective efforts. It should be noted that various ASEAN concept paper on global movement of moderates, call for fostering of cooperation, regionally and internationally, in addressing extremism but lack any meaningful legal effectiveness or measures.

ASEAN's legal framework is still a work in process that emphasizes the need for cooperation and institutionalizing through legal frameworks. However, the lack of urgent widespread threat to the region, might explain the slow speed of the process. Whether attempts to reinvigorate and strengthen ASEAN itself would contribute to development of its legal framework on the topic or not, is beyond the scope of this talk.

However, the Shanghai Cooperation Organization (SCO), born out of security-related concern and describing the main threats it members confronts as being terrorism, separatism and extremism, is another Asian regional arrangement that contributes towards legal basis of regional cooperation. The Charter of the SCO, in its preamble and articles 1, 3, 9, 10 and 14, highlight the importance of comprehensive and efficient regional cooperation in the maintenance and strengthening of peace, security and stability in the region.

In fact, Article 3 of SCO Charter sets out a goal of the organization as, "development and implementation of measures aimed at jointly counteracting terrorism, separatism and extremism", among other issues. Article 10, builds on Shanghai Convention to combat terrorism, separatism and extremism to reaffirm the task of a regional counter-terrorist structure.

The Shanghai Convention is more important than the Charter as it gives detail on how to cooperate on the issue of terrorism and extremism within the region. The Convention believes that "joint efforts by within its framework are an effective form of combating terrorism, separatism and extremism"; and states shall cooperate in the area of prevention, identification and suppression of acts referred to in Article 1(1) of this Convention. Article 5 of the Convention

designate consultations, exchange of views and position coordination as ways to foster cooperation.

Furthermore, in Article 6, the Convention outline areas of cooperation as exchange of information; operation assistance; preventive measures; exchange of experience; training experts; and conclusion of additional agreements on other forms of cooperation. Among its declarations and communiqués, the Declaration of the Head of States on building a region of peace and prosperity, urges SCO to step up bilateral and multilateral cooperation to jointly combat terrorism, separatism and extremism.

SCO is a very young intergovernmental organisation. It does not benefit from an extensive legal framework but a significant one that is actually built on concerns of terrorism and extremism. While the feature of this legal framework for regional cooperation, in terms of urging cooperation and ways such as exchange of information, is similar to other regional arrangements, the difference lies in the nature of concern: SCO's priority is terrorism and extremism while others deal with it among other issues, though an important one.

Among Muslim States, the Organisation of Islamic Cooperation is the arrangement determined to promote cooperation. Article 1(18) of its Charter, outlines cooperation in "combating terrorism in all its forms and manifestations" as one of OIC's objectives and principles. Its convention on combating terrorism. Article 3, acknowledges such fights as two phases: preventive and combating.

Article 4, lists areas of Islamic cooperation as exchange of information; Investigation; exchange of expertise; Education and information field (or training). Section Three (articles 14 to 18) constitute principles of judicial cooperation. Moreover, Article 22 to 28 deal with Extradition. In its preamble, the convention rejects all forms of violence and terrorism, in particular those based on extremism as incompatible with Islamic Sharia and urges cooperation.

On strategic level, that can be of some guidance to us, OIC's Ten-Year Program of Action priorities combating extremism, violence and terrorism while giving attention to its root causes. It also calls upon states to introduce comprehensive qualitative changes to national laws and legislations in order to criminalize all terrorist practices as well as all practices to support, finance, or instigate terrorism.

Other than the Convention on Combating International Terrorism, OIC lacks robust and meaningful legal framework on the issue despite its promoting extensive promotion among Islamic States. However, existing measures share similar features to other regional arrangements in emphasizing on information-sharing and need to expand cooperation.

In conclusion, I should say that the review of current legal frameworks on African Union, ASEAN, Shanghai Cooperation Organization and the Organization of Islamic Cooperation suggest a tradition of regional cooperation, encouraged by regional arrangements, to combat terrorism and violent extremism, among other matters. These legal frameworks are further enriched by their emphasis on broader cooperation with other international bodies, recognition of

existing regional frameworks. Of course, all of them are prone to usual misuses, indeterminacy, misinterpretations or different views and readings.

In cases, legal frameworks must be reformed or even reinvented; or new ones must be created to deal with the new threats and forms but international law is legally capable of addressing terrorism and violent extremism through state cooperation and state responsibility. Nevertheless, a legal basis exists that formalizes and institutionalizes regional cooperation. Regional cooperation should be pursued in spirit of United Nation's Charter, and taking into consideration that no matter what and despite political calculuses, the United Nation's maintenance of international peace and security. The worthy cause of fighting terrorism and extremism should not be stained with illegalities but coupled and enhanced with strive towards international rule of law, with regional cooperation and organizations as its building blocks.

In modern world, terrorism, arms dealers, violent extremists, and war criminals all operate through global networks. So, increasingly, do governments and should continue to do so. Further development of current legal frame work should be a part of their task too. Legal frameworks, that at the moment, are mostly concerned with exchange of information, coordination of activities and cooperation. Regional frameworks are combating not just regional, but a global crime, a common problem on a global scale.

In doing so, Asian-African Legal Consultative Organization is empowered to contribute to existing legal framework through active review and monitoring of their implementation and offering their consultation. AALCO should be able to build on experiences of Member States and rally its vast expertise and respect of international law and global justice, to construct a legal-oriented agenda for world violent extremism and terrorism.

At the end of my speech, as we are approaching The International Peace Day, in a few days, I would like to recite a poem by eminent and great Iranian Poet, Hafez- he says,

“let me say a wise word dear, Peace is much better than war and dispute”.

With that I would be happy to answer any questions I can.

President: Thank you, Prof. Mosafa for the comprehensive and very lucid statement. Now I have the pleasure of inviting Mr. Khoder El Tari, Legal Adviser, ICRC. Sir, you have the floor.

Mr. Khoder El Tari, Legal Adviser, ICRC :Mr. President, The International Committee of the Red Cross (ICRC) accepts the kind invitation of the Asian-African Legal Consultative (AALCO) Secretariat and Government of the Islamic Republic of Iran to serve as a panelist during the Special Meeting on the theme “Violent Extremism and Terrorism” at this 53 Annual Session of AALCO.

In particular, Mr. President, we are pleased to offer some perspectives, in our institutional observer capacity, on the subtheme of “Violent Extremism and the Violation of IHL and Human Rights.”

The ICRC

Mr. President, Distinguished Delegates, as you would be aware, the ICRC is a neutral, independent and impartial humanitarian organization which seeks to provide protection and assistance to those persons affected by armed conflicts and other emergencies. By virtue of the Geneva Conventions, the ICRC also has a mandate to promote and disseminate International Humanitarian Law (IHL).

The Geneva Conventions may be considered as unique international instruments, since they not only bind States Party to these Conventions, but also, all parties engaged in armed conflict. In other words, Mr. President, IHL obligations belong to State and non-state actors engaged in armed conflict. The Geneva Conventions are also a source of customary international law. In addition, we wish to refer to the Additional Protocols to the Geneva Convention, which relate to international armed conflict (Additional Protocol I) and non international armed conflict (Additional Protocol II).

IHL and Terrorism

IHL is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare in armed conflict.

IHL aims to protect human life and dignity during armed conflict and seeks to strike a balance between legitimate military action and the humanitarian objective of reducing human suffering. As such, civilians and those wounded and/or captured combatants –who no longer participate in hostilities, must be protected and spared from attack.

Armed conflict and acts of terrorism are different from violence, which are governed by different bodies of law. The main divergence is that, in legal terms, armed conflict is a situation in which certain acts of violence would be considered lawful, while any act of violence adjudicated as terrorist is always unlawful.

The reality of armed conflict is to prevail over the enemy's armed forces. From a strict *Jus in Bello* perspective, parties to an armed conflict, whether international or non-international, are permitted, or at least are not prohibited from attacking each other's legitimate military objectives. However, acts of violence against civilians and civilian objects are, by contrast, unlawful under IHL.

Mr. President, A crucial reason for not legally conflating armed conflict and acts of terrorism is that the legal framework governing armed conflict already prohibits the great majority of acts which would be adjudicated as 'terrorist', if they were committed in peacetime.

For example, IHL both prohibits, as war crimes: i) specific acts of terrorism perpetrated in armed conflict, and ii) a range of other acts that would commonly be deemed 'terrorist' if committed in peacetime.

Mr. President, we wish to recall that the principle of Distinction in IHL – which is also a customary international law norm- strictly prohibits direct and deliberate attacks against civilians, the use of “human shields” and hostages taking. Such prohibitions are also norms of customary IHL, the violations of which constitute war crimes.

IHL specifically mentions and in fact prohibits “acts of terrorism”. The Fourth Geneva Convention (Article 33), states that “Collective penalties and likewise all measures of intimidation or of terrorism are prohibited”, while Additional Protocol II (Article 4) prohibits “acts of terrorism” against persons who do not or no longer take part in hostilities. The main aim is to emphasize that neither individuals, nor the civilian population may be subject to collective punishments, which, among other things, obviously induce a state of terror.

Both Additional Protocols to the Geneva Convention also prohibit acts aimed at spreading terror among the civilian population. Articles 51(2) of Additional Protocol I and 13(2) of Additional Protocol II specifically prohibit acts of terrorism in the conduct of hostilities, providing that “acts of threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited”. The ICTY determined in the 2006 *Galic* judgment that this prohibition is binding- not only as treaty law- but also as form of customary law.

Mr. President, The ICRC strongly condemns such acts of indiscriminate violence, which spread terror among the civilian population.

Human Rights Law

Mr. President, The subject of this panel presentation necessitates our consideration of International Human Rights Law and related norms. Unlawful acts, committed outside the legal qualification of an armed conflict, are to be addressed by domestic and international human rights law and legal parameters of the use of force (law enforcement)- but not by application of IHL.

Core internationally protected human rights norms, namely the right to life, the right to personal liberty and security, the prohibition against torture and inhuman and degrading treatment, the right to due process and to a fair trial, and the right to judicial protection and its correspondent obligations must be respected and ensured, without discrimination. Such obligations exist in both peace time and armed conflict contexts. Put another way, these obligations remain the responsibility of the State in situations of armed conflict.

However, in situations where a state’s population is threatened by violence in peacetime – which may include “acts of terrorism” (howsoever defined by IHRL norms), the state has the right and obligation to protect its population against such threats and, in doing so, may use lethal force in certain situations – in keeping with international human rights obligations and law enforcement rules and procedures.

The Concept of “Violent Extremism and the Violation of IHL and Human Rights Law”

Mr. President, The ICRC acknowledges the role undertaken by the Islamic Republic of Iran on promoting dialogue and consensus on “A world against violence and violent extremism”. Mindful of the Observer Status which the ICRC enjoys in this august forum and in other regional and international organizations, we take this opportunity to highlight various aspects of the UN General Assembly Resolution on this topic, which find convergence with important IHL provisions.

Firstly, Mr. President, we refer to the preamble of the Resolution which stresses that “*States must ensure that any measure taken to combat violent extremism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law....*”

Secondly, in Paragraph 2 of the Resolution, we refer to the condemnation of “*the targeting of civilian populations, including women and children, in violation of international law in particular human rights and humanitarian law...*”

Thirdly, Mr. President, we refer to Paragraph 3 of the Resolution, which “*Deplores attacks on religious places...and cultural sites in violation of international law, in particular human rights and humanitarian law...*”

Conclusion

Mr. President, Distinguished Delegates, Armed conflict continues to evolve. Today’s frontline may no longer resemble that of the battle of Solferino. The use of new means and methods of warfare in armed conflict forces us to reconsider the application of IHL in light of such realities. There are also new and many different parties to an armed conflict. Which law apply? And to whom? When, and how?

These questions force us to confront the legal and practical realities of armed conflict- and the limits to parties’ engagement in the conduct of hostilities. Given its the role under the Geneva Conventions, the ICRC recognizes that more effort must be undertaken to strengthen the legal protection of IHL in armed conflict- both in an international and non-international contexts.

For this reason, Mr. President, the ICRC continues to engage States and other relevant entities on strengthening legal protection for victims of armed conflict which is an institutional priority for ICRC. As you would be aware, this initiative seeks to strengthen IHL in two areas: i) The protection of people deprived of their freedom; and ii) Mechanism to ensure compliance with IHL.

It is the ICRC’s hope that, in consultation with stakeholders, IHL and other legal principles would be effectively applied and complied with by all parties engaged in the conduct of hostilities, in an effort to reduce humanitarian suffering in armed conflict.

Thank you.

President: I thank Mr. El Thari for his lucid statement. I now invite the distinguished delegate of the Islamic Republic of Iran. Sir, you have the floor.

The Delegate of the Islamic Republic Of Iran:“In the name of God, the Compassionate, the Merciful”

Mr. President, First of all, I would like to thank the secretariat for the timely inclusion of the topic of “Violent Extremism and Terrorism” on the Agenda of the AALCO. I would also like to appreciate the thought-provoking presentations provided by the panelists. I am sure that their presentations will help us in better understanding the legal aspects of the issue.

Mr. President, Regrettably, the international community has been plagued by new threats to international peace and security in recent years. Sovereign territories are prone to violation by terrorists who take pride in crossing borders to spread terror against innocent civilians. Violent extremism, a real threat to mankind, has emerged as a phenomenon nurturing diverse manifestations of terrorism. The topic has, without doubt, the potentials necessary for intensive deliberations by the Member States, as historically Asia and Africa have paid considerable price for violent extremism and acts of terrorism.

Serious crimes of grave concern to international community emanate, in one way or another, from rampant spread of violent extremism in various manifestations. Conventional and customary international law seems to provide the necessary apparatus for effective cooperation in this regard. The legal instruments include bilateral, regional and multilateral treaties governing States’ cooperation in prevention, prosecution and punishment of acts of terrorism, and on the prevention and punishment of the most serious crimes of grave concern to international community namely genocide, war crimes against humanity. In addition, the development of customary international law of state responsibility leaves no doubt about the culpability of states which harbour, support or finance extremist terrorist groups.

Furthermore, within the framework of the law of armed conflicts, instruments aiming at the protection of victims of armed conflicts are including 1949 Geneva Conventions and the two Additional Protocols of 1977, 1968 Tehran Resolution on Human Rights in Armed Conflict and treaties regulating methods and means of warfare including the second Hague Convention of 1907 on the Laws and Customs of War on Land, and numerous instruments on the prohibition of the use of certain weapons and ammunitions including chemical and biological weapons and expanding bullets, blinding laser weapons and anti-personnel mines are only part of the existing conventional framework applicable to armed conflicts; amazingly, however, a good number of the provisions of the said instruments have already crystallized into customary international humanitarian law.

In the end, I wish that, “The Special Half-Day on Violent Extremism and Terrorism” can be a proper momentum for a more intensive cooperation among the Asian and African states to reach tangible results in the fight against violent extremism and terrorism.

Thank you Mr. President.

President: I now invite the distinguished delegate of China. Sir, you have the floor.

The Delegate of the People's Republic of China: Thank you, Mr. Chairman. Mr. President, Excellencies, Distinguished delegates, at present, international terrorism has entered a new round of heightened activity as a result of regional instability and causes. In the face of the threats posed by terrorism, broad consensus has been built among the international community on preventing and combating terrorism in an effective manner.

Extremism is closely intertwined with acts of terrorism. Too often, extremism has provided soil for the seeds of terrorism by distorting the relations between religions and politics, infiltrating innocent minds with radical ideology and inciting violent terrorist crimes. In order to prevent and suppress terrorism effectively, it is vital for the international community to thwart the growth and spread of extremism.

China has been victim of terrorism and extremism. The "East Turkistan Islamic Movement" (ETIM) terrorist organization outside China has been preaching religious extremism via the internet and by other means and inciting, planning, and directing violent terrorist activities. China hopes the international community can see through the pernicious nature of ETIM and understand and support China's efforts to fight this terrorist organization.

In recent years, positive progress has been achieved by the international community in suppressing terrorism, with strengthened consensus, deepened cooperation and improved legal framework. However, in some region, the situation of fighting terrorism has become more complicated than ever, which calls for even greater attention and stronger cooperation among all countries.

China holds the international community shall conduct practical cooperation to suppress terrorism and violent extremism, in conformity with the *UN Charter* and other universally recognized international law and norms governing international relations. The relevant measures shall fully respect the sovereignty and territorial integrity of other countries.

China supports the UN in playing a central, coordinating role in combating terrorism and violent extremism. China has participated actively in the negotiation on the comprehensive convention against international terrorism. We hope that all countries will reach consensus at an early date on some key issues, such as the definition of terrorism.

China holds the military action alone is far from enough in combating terrorism and violent extremism. We shall focus on both the symptoms and the root causes, and take a comprehensive approach involving political, economic, legal, diplomatic and other means. Furthermore, we shall fully respect the diversity of civilization, and promote mutual respect and harmonious co-existence among different nations and religions. We shall also solve conflicts in a proper way and eradicate the root causes of terrorism and extremism.

China opposes the practice by some individual countries of adopting double standards, and drawing lines according to ideologies or values on the issue of terrorism and violent extremism. All terrorist activities shall be firmly combated, no matter who perpetrate terrorist activities in

whichever country under whatever excuse. In the same vein, China also opposes linking terrorism and violent extremism to any specific country, nationality or religion.

It is notable that compared with terrorism, violent extremism has not received adequate attention from the international community, with relevant international legislation yet to be strengthened. Some countries even connive at extremist propaganda and incitement aimed at other countries via the internet and by other means, under the pretext of “freedom of speech” or “freedom of religion”. China maintains that all countries need to take this issue seriously, properly defined the boundaries of freedom and rule of law, liberty and security, legitimacy and illegitimacy, prevent and suppress violent extremism and eradicate the root causes of terrorism.

China supports and actively participates in the efforts of the international community in preventing and combating violent extremism. As a member of the Counter Violent Extremism Working Group under the Global Counter Terrorism Forum (GCTF), China actively supports the Working Group in setting up the “Hedayah” in the UAE.

In 2001, the *Shanghai Cooperation Organisation* treaty was concluded by China, Kazakhstan and other countries. The Shanghai Convention is among the first in the world to provide a definition for extremism, setting up a complete legal framework on the prevention and suppression of violent extremism. The convention provides for the obligation of State Parties to criminalize and punish relevant extremist activities. As to cooperation, the Convention provides mechanisms for cooperation among State Parties on information exchange, law enforcement, suppression of the financing and training for extremism, in conformity with the principals of dual criminality and mutual respect for sovereignty and security. On the basis of the Shanghai Convention, China has concluded bilateral treaties on cooperation in combating terrorism, separatism and extremism with seven countries, including Russia, Kyrgyzstan, Kazakhstan and Pakistan.

China is ready to cooperate more closely with both Asian and African countries to further improve the international legal framework on the prevention and suppression of terrorism and violent extremism, and to the maintenance of peace and security in our regions.

Thank you.

President: Thank you, Sir. I now invite the distinguished delegate of Qatar. Sir, you have the floor.

The Delegate of the State of Qatar: Excellencies, Distinguished Delegates, The phenomenon of violent extremism has become one of the disturbing phenomena to the world peace! Extremism is linked – always – to terrorism, and may lead to it. Extremism and terrorism are two things which do not separate from each other, extremism turns – mostly – to terrorism.

The whole world condemned all forms of terrorism and its manifestations. Many of conferences, seminars and workshops have been held and many of agreements and treaties have been made to address it, but those efforts did not succeed.

Despite the importance of efforts made by countries, however, these efforts have not and will not be able to uproot the roots of extremism. It was necessary to dry up its sources through sophisticated intellectual strategies, which step down forced elimination and do not base on security and military operations, strategies which adapt then converge between cultures, beliefs and visions and ideas and countries try through these to refute radicalism (terrorism) and its tributaries.

Those adaptations and approaches also rely on different foundations which recognize the definition of extremism that leads to violence or terrorism and signs, the causes and factors of its appearances, how to treat, and access to structures of treatment that balance between the military aspects of security and humanitarian aspects, so respect human rights and even support it, and maintain economic development and sustainable environment as integral part and inseparable from the security and stability.

The Government of Qatar is working - in full swing – working in cooperation with NGOs and civil society organizations to address the factors that make victims more vulnerable to extremists, including recruitment by terrorists, and also works to keep track of all the tracks that lead to extremism; often extremists exploit social and economic conditions for the recruitment of the most individuals vulnerable with their ideas and push them to adopt this unacceptable method of dealing.

Whatever the State of Qatar takes steps in which the people of Qatar believes in rejecting extremism and violence. The confrontation of this phenomenon in our societies requires a long-term challenge that demands cooperation from all, whether the government or groups active in the community or individuals.

1- Poverty Reduction.

Qatar is pursuing a flexible strategy in confronting extremism, where it participates in all international efforts to reduce poverty in the world and support sustainable economic development and prosperity for all, that makes Qatar to occupy advanced position in the ranking of donor countries at the global level.

2- Support for peace efforts.

Qatar seeks to support peace efforts in the world based on its satisfaction that the armed conflicts turn into chronic conflicts is a fertile ground for feeding of violent extremism, and the help to resolve these conflict by peaceful means that enhance efforts of its combating, and sees also that the fight against terrorism should be in the framework of respect for the rule of law, respect for international humanitarian law. The fight against violent extremism must be accompanied by the necessary precautionary measures to avoid the loss of innocent victims. Targeting extremists whether through human means or drones or mechanical appliances must be in accordance with legal standards.

3- Legislative Measures.

The State of Qatar has adopted many of national legislations which match with the international instruments, to which the State of Qatar has joined. Such legislations include many of law related to the combating terrorism and its financing and money laundering, as well as the cooperation of the Qatari Judiciary with the regional and international judicial authorities in the criminal matters. For this purpose the national committee for combating terrorism and national committee for combating money laundering were established.

4- Doha International Centre for Interfaith Dialogue.

Doha International Centre for Interfaith Dialogue was established in May 2007 as a result of recommendations of Doha Conference for interfaith dialogue, and it was inaugurated formally in 14 May 2007, the key role of centre is spreading the culture of dialogue and acceptance of others and peaceful coexistence among the followers of religions. The centre seeks a constructive dialogue between the followers of religions in order to better understand the principles and religious teachings to be harnessed to the service of humanity, on the basis of mutual respect and recognition of differences, in collaboration with individuals and related institutions.

5- Qatar International Academy for Security Studies.

This is a professional institution that works to improve the security standards, knowledge and cooperation, and serves multiple sectors including government, trade sectors and non-profit within the Gulf region and around the world. That is also working in conjunction with its customers, and often shares with global organizations for education and strategic policy. The Academy seeks to put all the ways to reduce the risk of terrorism by strengthening the resistance of extremism and help people to get rid of the effects and beliefs of violent extremism, and the reduction of the threat come from violent extremism, where individuals and groups choose to peaceful approaches in dealing with matters.

6- Participation in the work of the International Forum for combating terrorism.

The State of Qatar has hosted a workshop of the International Forum on Combating Terrorism, set up by the terrorism action group about tackling extremism for International Forum for combating terrorism, which took place during the period from March 3 - 4, 2014, and attended by representatives from 12 countries, including the United States, Turkey, China, Morocco and UN Counter-Terrorism Committee, Canada, Australia, Spain, the Netherlands, Britain and Qatar, in addition to a number of civil society and non-governmental organizations involved in combating terrorisms.

Global Forum for combating terrorism which is an informal forum for multilateral counter-terrorism, focuses its attention on identifying importance critical civilian needs for combating terrorism, and gathers expertise and resources necessary to meet these needs, and enhances global cooperation.

7- 13th International Conference on the Prevention of Crime and Social Justice.

In the framework of the efforts made by Qatar to combat terrorism, it keeps continue the necessary preparations to hold the 13th Conference on Crime Prevention and Criminal Justice, which will be held in Doha in 2015, that is in coordination with the United Nations Office on Drugs and Crime, according to the United Nations General Assembly's decision in this regard, and the results of the Conference will contribute – without any doubt - in support of international efforts to combat violent extremism, as well as terrorism.

Thank you.

President: Thank you, Sir. I now invite the distinguished delegate of India. Madam, you have the floor.

The Delegate of India: Thank you, Mr. President. The Indian delegation would like to thank the Secretariat for their report and the eminent panelists for their lucid and informative presentations. Mr. President, the international community is continuously facing grave challenges from terrorism. It undermines peace, democracy and freedom. It endangers foundations of a democratic society. Terrorists are waging an asymmetric war against the international community and are major threat to the international peace and security. India holds a firm view that no cause whatsoever or grievance could justify terrorism. India condemns terrorism in strongest terms including where the states are directly or indirectly involved in terrorist activities and facilitation thereof. We reiterate the call for the adoption of a holistic approach that ensures zero tolerance towards terrorism. India strongly favours the strengthening of normative framework to effectively deal with the menace of terrorism. There is need for expanding the scope of legal instruments and enforcement efforts to destroy safe havens for terrorists. In this context, we attach great importance to the work undertaken by the Ad Hoc Committee established by the UN General Assembly for elaborating a comprehensive convention on international terrorism. We reiterate our support to the text of the Draft Convention proposed by the Coordinator of the Ad Hoc Committee in 2007 and are hopeful that all states, considering the seriousness of the threat of the menace of terrorism and importance of adoption of measures to deal with them, will consider accepting the text of the Draft Convention.

India has faced the scourge of terrorism for a long time. Our entire region has been wrecked by the activities of the biggest terrorist actors in the world, be in Al Qaeda, elements of Taliban or Laskar-e-Taiba and others. Almost all members of AALCO are facing terrorism related problems in one or the other form. Therefore there is a continued need to address this problem. At the national level, the Government of India has taken important steps towards strengthening its strategic legal and operational framework in the fight against terrorism. India is a party to 13 international counter terrorism conventions and protocols and has enacted legislations to deal with all aspects of terrorism. At the bilateral and regional level, India has concluded bilateral treaties on extradition and mutual legal assistance in criminal matters including a number of Member States of AALCO. India is also party to the SAARC Convention on Prevention of Terrorism as well as mutual legal assistance in criminal matters as well as similar conventions adopted by BIMSTEC.

On violent extremism, Mr. President, though it feeds on terrorism, there needs to be more clarity on its definition and the difference, if any, between terrorism and violent extremism and measures needed to combat it. We believe that in addition to the law enforcement measures, the preventive aspect is equally important. Focus on education and social integration, tolerance, rule of law and respect for human rights are integral components of such an approach.

In conclusion, Mr. President, we are of the view that AALCO can play an important role in analyzing the issues relating to terrorism and violent extremism and advising the Member States on devising appropriate and effective legal measures to fight them. Thank you.

President: Thank you, Madam. I now invite the distinguished delegate of Egypt. Sir, you have the floor.

The Delegate of the Arab Republic of Egypt²²: Thank you, Mr. President. Heads of delegations, Ladies and Gentlemen, The spread of terrorist groups in the regions of Middle East and Africa has become pressing threat to these countries and people of region and this is threat to the peace and security on both regional level and internationally.

Mr. President, given the attention of world towards danger of terrorism, it is tantamount to emphasize the right steps of Egypt in the fight. Egypt too has been reeling under the scourge of terrorism and suffered many damages in the recent past.

Ladies and Gentlemen, It is no secret that terrorist groups, despite their apparent differences in the extent of extremism and their targets, are one network of interest and more than often extends moral and material support to other outfits when needed. They seem to be bound by the ideology of extremism and hatred and not to accept the others. We all have realized that the ideology of extremists is to not negotiate; reaching a compromise, the threat of terrorist groups is dangerous and we cannot put the future of our people in jeopardy through the allowing them to synergize their energies and finances and provide them with new edge for movement and influence. To thwart this threat it requires solidarity in action and multiplying the collectively and individually capabilities to resist the threat of extremism and terrorism and eliminate it.

Mr. President, It makes me happy to re-emphasize some important principles which should take into account while addressing the phenomenon of terrorism.

First, severe condemnation of terrorist operations in all forms and types, and denouncement of the process of armed violence against innocent people, whatever its origin and without regard to their goals and objectives.

Second, categorically reject of any attempt to link the terrorist operations and violence with any religion or culture or nationality or ethnic or civilization or ethnical groups precisely.

Third, the importance of respect of domestic rules as well as international law, principle of rule of law, respect of rights of human beings and fundamental freedom in the policies and strategies to combat terrorism needs to be emphasized.

²² This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

The resistance of terrorism is international responsibility and it should not be employed to serve the specific interests of some of the parties in the support and acceptance of these organizations anywhere. The need of the hour is to eliminate the hotbeds of terrorism, but it is important to extend efforts to include all the hotbeds of terrorism wherever it is found in the Middle East and Africa as part of the overall strategy.

Further, the double standards in the application of international law should be taken care. The international community should be proactive in addressing the Palestinian issue that provides a pretext and fertile ground for the people with extremist ideology to spread their ideas and promote it and then to recruit terrorist elements. Thank you for your kind attention.

President: Thank you, Sir. I now invite the distinguished delegate of Nigeria. Sir, you have the floor.

The Delegate of Nigeria: Mr. President, My delegation commends the initiative by AALCO to organize this half-day Session on this critical topic, which has become a matter of urgent global importance. May I also commend our distinguished panelists for the very incisive and enlightening presentations on the topic. Nigeria has not been spared of the scourge of terrorism in view of the current activities of terrorists in Nigeria's North-East region, with consequences for regional stability in West Africa and wider implications for global peace and security.

Mr. President, My delegation is of the view that State parties to the United Nations, regional or continental Conventions on Terrorism and Financing of Terrorism, must go beyond the signature, ratification of or accession of these instruments, to take active domestic steps to punish terrorists and to cooperate with other states, without resort to undue legal or technical obstacles, in order to ensure the prevention of terrorism and the apprehension and prosecution of terrorist suspects.

Nigeria continues to advocate this approach in the light of our current experience in fashioning out and implementing a legal response to terrorism anchored on the Terrorism Prevention (Amendment) Act 2013 which is the extant law in Nigeria. It is significant to note that until this Act replaced the inadequate Terrorism Prevention Act 2011, Nigeria's domestic laws were inadequate to deal with the crime, despite our being a signatory to, and indeed ratifying relevant United Nations and Continental legal instruments to counter terrorism and the financing of terrorism.

This Act has also formed the basis for a Legal Order proscribing the Boko Haram and Ansaru Secta thus legally making them criminal organizations. Constitutional provisions on the declaration of a State of Emergency in the affected areas have equally been invoked in the effort to restore normalcy to the affected areas.

To expedite trials, new Practice Directions have been issued, capacity building for investigators, prosecutors and judges intensified, while the Witness Protection provisions in the Act are being actively used in a view of the critical role which witnesses play in the trial

process. These measures are to strengthen our capacity to play our role as an active member of the international effort against terrorism.

Mr. President, It is equally pertinent to highlight the crucial role which Extradition Agreements, Agreements on Mutual Legal Assistance in Criminal Matters on a bilateral or multilateral basis can play in stemming the scourge of terrorism and the tracking of fugitive offenders. In this context, let me highlight the success of cooperation between Nigeria and Sudan, to face trial after the Oqwuche, from Sudan to Nigeria to face trial after the bombing of a Bus Park which led to death of 78 persons.

In addition to the platform offered by the United Nations system, we are convinced that the provisions of AU and ECOWAS legal instruments which encourage common and supportive defence measures among States in the ECOWAS sub-region and African continent respectively, remain a potent legal framework to combat terrorism and violent extremism on the continent, and by extension, across the world.

Mr. President, There is no doubt that in this war on terror, challenges have arisen and sometimes hamper the effectiveness and speed of legal responses to terrorism. Some of these include limited human capacity to investigate and prosecute terrorism, difficulties with securing the attendance of witnesses in the light of threats and fears for personal and family safety, funding gaps which hamper investigation and prosecution efforts, as well as the tendency by States to sometimes emphasize territorial integrity and sovereignty over common regional interests.

We have however learned the lesson of the importance for proactive legislation to anticipate the trend and direction and trend of future criminal activity, the need for greater regional and international collaboration and cooperation as well as the necessity for greater focus on tracking and cutting off the flow of funds to terrorists gangs in order to progressively decimate their capabilities.

Mr. President, in conclusion, success against terrorism and violent extremism can only result from a focus by States on common global interests and shared values and confronted as such. The transplantation nature of terrorism in today's world makes it impossible for a single country to confront the scourge alone. Nigeria therefore looks forward to continued collaboration with member states of AALCO and other members of the international community in this direction.

Mr. President, I thank you.

President: Thank you, Sir. I now invite the distinguished delegate of Democratic People's Republic of Korea. Sir, you have the floor.

The Delegate of Democratic People's Republic of Korea: Thank you, Mr. President. In the first place I would like to express my thanks to the eminent panelists. It is the principled stand of the government of the DPRK to provide people with a secured and safe life by eradicating all forms of terrorism and violent extremism. Deliberating on the issue of violent extremism

and terrorism, my delegation would like to draw the attention of the distinguished delegates to the fact that nowadays the United States of America under the pretext of combating terrorism has trampled upon the sovereignty of independent states like Afghanistan and Iraq killing many innocent people. Presently, we witnessed the same in Syria. The USA is going to give airstrike on the Syrian territory in the name of combating ISIS violating the sovereignty of Syria. We denounce the American move. In this respect, my delegation holds the view that sovereignty of independent states which is enshrined in the UN Charter and many other international agreements should not be violated under the pretext of combating terrorism.

Thank you, Mr. President.

President: Thank you, Sir. I now invite the distinguished delegate of Japan. Sir, you have the floor.

The Delegate of Japan: Mr. President, The international community continues to face the threat of international terrorism, which is today manifesting itself in various forms, old and new and in many countries and regions, presenting a serious threat to peace and security of the world. Indeed, the problems related to terrorism are very complex and pose a biggest challenge to tackle with effectively.

Therefore, I believe that at the present day, more strongly than ever before, international cooperation is needed to share information on terrorists, to make rules and standards on counter-terrorism measures, to assist capacity-building on anti-terrorist measures and also to look into the root causes of terrorism.

Among those efforts combined in the international community, in particular, the enactment of the international legal framework is of vital importance to prevent and eliminate terrorism. Japan attaches great importance on a Comprehensive Convention on International Terrorism, which has long been in process of negotiation at the U.N., with a view to complementing the existing international conventions relating to counter-terrorism.

In considering the importance of this draft convention, we sincerely hope that the text of the Convention would be finalized at an early date by way of overcoming remaining difficulties so that we will be able to conclude the negotiation process at long last. To prevent the expansion of violent extremism, it is also important to understand the process of radicalization. The importance of international cooperation to encounter propaganda and recruit by extremist group is increasing.

I understand that the Counter Violent Extremism working group of GCTF (Global Counterterrorism Forum) carries out various measures in this field. Japan participates in this working group as a member of the GCTF and in international cooperation in this field, including sharing best practices that member countries can put to practical use in addressing the extremism. Thank you.

President: Thank you, Sir. I now invite the distinguished delegate of Indonesia. Sir, you have the floor.

The Delegate of the Republic of Indonesia: Mr. President, Recent trends have shown an escalation in threats of violent extremism. Such threats do not only hinder the well-being of the people, but also threatens governments and governmental institutions. In this regard, Indonesia shares the common concern with Member States of AALCO to combat and suppress violent extremism. Indonesia wishes to convey its deep appreciation to the AALCO Secretariat for preparing this special meeting.

Mr. President, Indonesia is of the view that cooperation in countering terrorism should be continued and strengthened, although terrorist networks in Southeast Asia has suffered major setback as a result of our robust cooperation, nevertheless the threat persist. Therefore in ASEAN, we had resolved to promote cooperation under the framework of the ASEAN Convention on Counter Terrorism. Indonesia has actively participated under the United Nations such as the Global Counter Terrorism Forum (GCTF). This forum provides a framework to strengthen existing international cooperation in countering terrorism as well as to build new partnership, enhance institutional capacity and build capacity of law enforcement apparatus to counter terrorism.

Mr. President, Indonesia believes that a strong national legislation is pivotal for the development of comprehensive measures to combat terrorism. In light of this, Indonesia has a wide range of legislative measures in place to counter terrorism activities. Indonesia has adopted important legislative frameworks, namely the Anti-Terrorism Law No. 15/2003; the Anti-Money laundering Law No.8/2010; the Prevention and Suppression of Terrorist Financing Law No. 9/2013. Last March this year, Indonesia had ratified the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).

Indonesia also utilizes a soft power approach for preventing the spread of terrorism by initiating programs on de-radicalization and countering violent extremism. The de-radicalization program aims to de-radicalize extremist and terrorist, while countering violent extremism program raises awareness of the danger of extremist ideologies.

Mr. President, Indonesia is of the view that our strategies and measure to prevent and combat terrorism should adapt with the technological advancement of today's information and telecommunication technology. Moreover, the use of internet by terrorist groups as means of incitement for violent extremism and recruitment of terrorists, necessitate State to review their strategies and measure to suppress terrorism in all its manifestations.

Mr. President, Finally, Indonesia reaffirms our commitment on the importance of promoting cooperation on the issue of violent extremism and terrorism, bilaterally, regionally as well as at the multilateral level. I thank you.

President: Thank you, Sir. The last speaker is the distinguished delegate of Senegal. Sir, you have the floor.

The Delegate of Senegal: Thank you, Mr. President. I thank all the panelists for their enlightening comments. I would in particular express my thanks Dr. Mosafa for her comprehensive contribution especially in its aspects related to African states. It indeed

underlined a coherent African way in promoting cooperation in fighting terrorism. But we do highlight that various instruments and mechanisms created in the continent which include the Dakar Declaration on Terrorism try effectively to ensure that combating terrorism needs a deep and global cooperation between states of all continents due to the transnationalization of terrorism and violent extremism.

Thank you very much.

President: Thank you, Sir. If there are no more comments, this meeting is adjourned.

The Session was thereafter adjourned.

X. VERBATIM RECORD OF FOURTH GENERAL MEETING

**X. VERBATIM RECORD OF FOURTH GENERAL MEETING HELD ON 17
SEPTEMBER 2014 AT 12.15 PM**

AGENDA ITEM: LAW OF THE SEA

His Excellency Dr. Danesh Yazdi, President of the Fifty-Third Annual Session of AALCO in the Chair.

President: Excellencies, Distinguished delegates, we are discussing the law of the sea in this part of the meeting. We have with us Mr. Rajan who recently retired from the UN where he was the Deputy Director, Division of Ocean Affairs and the Law of the Sea. I am sure that his presentation will enrich this part of the deliberations. But firstly, we will hear the introductory remarks of Mr. Feng Qinghu, Deputy Secretary-General, AALCO.

Mr. Feng Qinghu, Deputy Secretary-General: Thank you, Mr. President. Hon'ble Ministers, Hon'ble Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen.

It is a great pleasure for me to introduce the Secretariat's Report on the agenda item, "The Law of the Sea" contained in Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 2. The Report contains *inter alia*, information relating to the Status of the United Nations Convention on the Law of the Sea (UNCLOS) and its Implementing Agreements; Thirty-Second, Thirty-third and Thirty-Fourth Sessions of the Commission on the Limits of the Continental Shelf (CLCS); Nineteenth Session of the International Seabed Authority (ISBA); Twenty-Third and Twenty-Fourth Meetings of the States Parties to the UNCLOS; Fourteenth meeting of the UN open-ended informal consultative process on oceans and law of the sea; and the consideration of the Oceans and the Law of the Sea issues at the Sixty-Eighth Session of the UN General Assembly.

On 9th June 2014 the observance of "World Oceans Day" coincided with the "20th Anniversary Year of the entry into force of the UNCLOS". Known as the "Constitution for the Oceans", UNCLOS provides a comprehensive legal regime for all ocean activities and is critical to the sustainable use of the world's seas and oceans. On the 20th Anniversary of the entry into force of the UNCLOS, the number of States Parties to UNCLOS has reached 166. The almost universal acceptance of the Convention is demonstrative of international community's efforts to benefit from a strong, widely accepted and implemented legal regime applicable to the oceans. The regime is also essential for maintaining international peace and security, sustainable use of ocean resources, and the navigation and protection of marine environment.

Mr. President, AALCO has had a long and storied history with "The Law of the Sea" in general and UNCLOS in particular. The agenda item, "The Law of the Sea" was first taken up for consideration at the initiative of the Government of Indonesia in 1970, since then, this agenda item has been considered as one of the priority items at the successive Annual Sessions of AALCO. In the negotiations of United Nations Convention on the Law of the Sea (UNCLOS), 1982, particularly, the areas relating to the Exclusive Economic Zone (EEZ), Archipelago States and Rights of Land Locked States, the AALCO's contribution is well known at the international level.

Building upon the success of the Legal Experts Meeting held in 2013, and the mandate received from the Fifty-Second Annual Session, the Secretariat of AALCO convened a Two-Day Legal Experts Meeting on the agenda item "Law of the Sea", on 24th and 25th February 2014 at AALCO Headquarters, New Delhi. The Secretariat is grateful to the Governments of Indonesia, Japan and Malaysia for deputing their experts to make presentations during this meeting as well as to the Xiamen University, China and University Terengganu Malaysia (UTM) for collaborating with AALCO for this event.

High-level officials from various ministries of the Member States of AALCO, academics from many universities from the Asian-African region, a few officials from the United Nations and students from many Indian universities participated in this Meeting. The topics under discussion at the Legal Experts Meeting included: (i) Regional Cooperation on Maritime Issues; (ii) Fragmentation of International Law: Law of the Sea; (iii) Piracy Legislation; (iv) Marine Biodiversity; and (v) Dispute Settlement: Afro-Asian Traditional Wisdom.

Stellar presentations were given by renowned scholars of the Law of the Sea such as, H.E. Mr. Gudmundur Eiriksson, Mr. H.P. Rajan, Dr. Balakrishna Pisupati, Dr. Malathi Lakshmikumar, Prof. Kening Zhang, Dr. Luther Rangreji, Mr. Takero Aoyama, Ms. Zhen Lin, Dr. M. Gandhi, Ms. Adina Kamarudin, Dr. Mohd Hazmi Rusli, Dr. Wan Izatul Asma Wan Talaat, Ms. Dyah Harini, and Prof. Dr. Rahmat Mohamad.

Mr. President, during the year 2013-2014 the International Tribunal for the Law of the Sea (ITLOS) has acted in four cases raising a number of complex issues, including: provisional measures for the release of a detained vessel and persons on board; the lawfulness of the arrest and confiscation of a vessel; the status of bunkering in support of foreign vessels fishing in the exclusive economic zone; reparation for damage; and IUU fishing. From the procedural perspective, two of these cases concerned the merits of a dispute; one was an urgent proceeding, and one an advisory opinion. It disposed of two cases in 2013 and one more in April 2014. The request for an advisory opinion remains on the docket and the hearing will take place in September this year. In the *M/V "Louisa" Case* between Saint Vincent and the Grenadines and the Kingdom of Spain, The Tribunal concluded in its judgment that no dispute concerning the interpretation or application of the Convention existed between the Parties at the time the Application was filed and that, therefore, it had no jurisdiction *ratione materiae* to entertain the case.

Mr. President, in the intervening reporting period from 2013 to 2014 the Commission on the Limits of the Continental Shelf (CLCS) held 3 sessions, namely the 32nd, 33rd and 34th Sessions from 15 July to 30 August 2013; 7 October to 22 November 2013; and 27 January to 14 March 2014 respectively, at the UN Headquarters. The increasing workload of the CLCS remains a matter that merited future consideration to expedite the submissions in a timely manner. Given the large number of submissions made by coastal States, it was important to facilitate its work for expeditious consideration of the submissions.

It is hoped that the Commission in fulfilling its responsibilities and consideration of submissions by coastal States would both meet international expectations and stand the tests of

science, law and time. There was a need to adopt a balanced approach that ensured the speed and quality of its consideration of submissions, and the need to expedite consideration should not be allowed to compromise the serious, scientific and professional nature of the Commission's work.

However, questions remained with regard to the amount of resources required, their source and ways to effectively apply them so as to achieve results. In this regard, suggestion by the United Republic of Tanzania at the Twentieth Meeting of States Parties to consult with neighbouring countries before submitting disputes to the Commission, as a way to minimize disputes and reduce costs merits consideration.

In light of the fact that there are around 20 pending submissions from Asian and African States²³ and preliminary information from about 30 Asian/African States regarding upcoming submissions to the CLCS, a possible Sub-committee Meeting of the Member States of AALCO may be held to take further initiatives in this regard.

Mr. President, the International Seabed Authority (ISBA) held its nineteenth session in Kingston, Jamaica from 15-26 July 2013. The highlight of the meeting was the adoption of a draft decision concerning overhead charges for administration and supervision of exploration contracts. It approved amendments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and appointed KPMG as independent auditor for 2013 and 2014. AALCO member states may consider renewing their efforts to control and restrict damage from seabed mining in keeping with these new regulations. The Session also discussed "*Programmes to mark the 20th Anniversary of entry into force of UNCLOS*". It also stressed the importance of capacity building for developing countries, including the African group, particularly in marine scientific research, noting that this would allow States to acquire the means to reap the benefits from the oceans while also preserving its resources for future generations.

Mr. President, among the many critical issues that have faced the UNCLOS over the past several years are pirate attacks and armed robbery against ships, which have raised a serious threat to international commerce and maritime navigation. The problem with curbing this menace is not necessarily a matter of a lack of sufficient laws, but often a lack of domestic law enforcement capability and a lack of institutional capacity to bring pirates to justice. In order to counter the menace of piracy, AALCO Member States should, among other measures, consider enacting adequate national legislation to criminalize acts of piracy and armed robbery at sea, and associated crimes, as well as modern procedural laws, which are indispensable for the effective suppression of piracy.

Mr. President, for the sustainable development of oceans, it is important to take necessary measures to protect the marine environment from the impact of ocean acidification, halt pollution at sea and preserve all marine species. Globalization has shrunk the world, including

²³ Following Member States of AALCO either individually or jointly have made submissions to the CLCS pursuant to article 76, para 8 of UNCLOS namely: Indonesia, Japan, Mauritius, Yemen, Ghana, Pakistan, South Africa, Malaysia, Kenya, Mauritius, Nigeria, Sri Lanka, India, Bangladesh, United Republic of Tanzania, People's Republic of China, and Republic of Korea. Ref Submissions to CLCS http://www.un.org/depts/los/clcs_new/commission_submissions.html assessed on 6/12/2013 at 12.39 PM

its oceans, and as resources available in the oceans remain scarce, it is vital that the international community work together to manage these resources. A growing area of concern is the conservation and sustainable use of marine biodiversity in “The Area” beyond national jurisdiction. Marine Protected Areas (MPAs) are seen to be an important marine ecosystem management tool for securing protection from threats to marine biological diversity. A universally accepted legal framework has yet to be established and AALCO Member States could endeavour to formulate guidelines with the objective to conserve as well as maintain sustainable use of marine biodiversity in areas beyond national jurisdiction.

These are some of the issues on which the Member States may deliberate upon during the course of this Meeting today.

I thank you, Mr. President.

President: Thank you, Mr. Feng. Now let me invite Mr. H.P. Rajan for his presentation.

H.P. Rajan, Legal Advisor to AALCO on Matters Related to the Law of the Sea : Excellency Mr. President, Distinguished Delegates, It is a matter of great honour and privilege for me to have this opportunity of presenting some views on the subject of Law of the Sea, and to be in this beautiful city of Tehran enjoying such wonderful hospitality from the host government.

A copy of my full paper is available in the room. I would therefore take this opportunity to introduce it and invite your attention to some of the salient features.

This year marks twentieth anniversary of the coming into force of the United Nations Convention on the Law of the Sea. Two years back, on the occasion of the thirtieth anniversary of the adoption of the Convention, the Secretary General of AALCO took the initiative of convening Legal Experts Workshop on the Law of the Sea. The Workshops held in 2013 and 2014 both reiterated that Law of the Sea is a subject of vital importance to the Member States of AALCO as well as other countries of the Asian and African region.

The participants also recalled that Member States of AALCO individually, as well as through AALCO and its predecessor Asian African Legal Consultative Committee (AALCC) have made extremely significant contributions in the development and codification of the law of the sea. It was strongly felt that AALCO has a continuing role to play in the development of future policies and law governing the oceans especially on developments that have taken place since the entry into force of the Convention.

My attempt is to revisit some of the important contributions made by this Organization and identify issues that may be of immediate priority and concern to Member States.

During the course of negotiations in the Convention in the Third United Nations Conference on the Law of the Sea, several new concepts emerged and some of them in the forum of AALCO (then AALCC). In my paper I have traced the role of the Organization in the emergence of these concepts especially in the context of the prevailing circumstances at that time which was

somewhat chaotic in the light of varying claims for sovereignty and jurisdiction over maritime areas.

Three important concepts emerged in this Organization and the details are explained in my paper. First and foremost, was the concept of exclusive economic zone. The Asian African approach was a novel one and advocated different maritime zones, namely, territorial sea, contiguous zone, exclusive economic zone, and continental shelf with uniform limits for each type of jurisdiction. This approach also received support from LAC who had earlier advocated limits of sovereignty and jurisdiction with “reasonable criteria”. The Convention has adopted the Asian African approach. Sovereignty, sovereign rights, and jurisdiction are different in different zones. It is in this context that the proposed Secretary General’s Handbook on entitlements of States as contained in the Convention, as was mentioned in the Secretary General’s report yesterday becomes important.

The second important concept that emerged from the deliberations in AALCC was the archipelago concept. In this context, the Judgement of the ICJ in the Anglo Norwegian Fisheries in 1951 and Jens Evensen’s paper in the preparatory work of the International Law Commission is of importance as they formed the basis of the four-powered draft by Fiji, Indonesia, Mauritius and the Philippines and the compromise provision that evolved for archipelagic States only as against applying the principle to continental States with archipelagos also.

The third important contribution was regarding the rights of landlocked and geographically disadvantaged States to participate on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zone of coastal States of the same region or sub-region.

The most significant role of the Organization was during the deadlock that the Conference faced on the issue of the regime for exploration and exploitation of seabed resources beyond national jurisdictions. In this context I have recalled the developments that followed Pardo’s statement in the General Assembly of the United Nations in 1967. Three important resolutions of the General Assembly of the United Nations that followed, namely the “moratorium” resolution of December 1969, the Common Heritage of Mankind Resolution of December 1970, and the decision to convene the third United Nations Conference on the Law of the Sea.

It is important to view these resolutions together as well as consider the CHM resolution in its entirety rather than as merely declaring the resources beyond the limits of national jurisdiction as the common heritage of mankind. It would then be clear how and why the item on the Law of the Sea was included in the agenda of this Organization and its continuing importance to Member States for over forty years now.

Serious difficulties were encountered between the position of developing and developed countries. In that scenario, the role of AALCC became not only most significant, but indeed vital as it was the only platform to bring together for negotiations, some diametrically opposite views, which I have explained in the paper. This was where the so called “package deal” and

the principle of “consensus” emerged. In my paper I have highlighted the most significant elements of the package from the perspective of Member States.

Over the last three decades, following the adoption of the Convention, several developments have taken place. In the process, several of the important elements of the package have either been compromised or are lost. Some of the elements of the package, such as transit passage through straits, as well as the very consideration of certain straits as straits used for international navigation, that indeed had a strong bearing on the system of deep seabed exploration and exploitation negotiations have now withered away.

The Agreement Relating to the Implementation of Part XI of the Convention, purportedly agreed to facilitate participation by industrialised States by ratification/ accession to the Convention, has indeed been a complete give away of the essential elements of the compromise agreed at the Conference with respect to the system of exploration and exploitation of resources as well as sharing of revenues from such activities in the Area. I have highlighted the implications in my paper.

The Convention has set up three important institutions, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. I have briefly touched upon the work of these institutions in my paper and invite your attention to part on contemporary priority issues.

To mention very briefly, in the context of the work of the International Seabed Authority, it may be recalled that at the time the Convention was adopted more than 30 years ago, there was much expectation of huge economic benefits through exploration and exploitation of seabed resources. The Authority has so far entered into 16 contracts for exploration covering approximately 900,000 square kilometres of the seafloor in the Atlantic Ocean, in the Indian Ocean and in the Pacific Ocean. The only tangible benefit that has accrued to the developing countries over the last 30 years is through training obligations completed by the Pioneer Investors and the Endowment Fund set up by the Authority with an initial funding that was almost entirely from the interest accrued on the surplus of the registration fee of US\$ 250000 paid by each of the seven Registered Pioneer Investors. It may be noted that the major share of the fund came from the four RPIs: China, India, Japan, and Republic of Korea, all Member States of AALCO. While commercial exploitation still remains a distant future, there are two aspects in the work of the Authority that may be of immediate interest to member States of AALCO. The first relates to the modalities for implementation of Article 82 of the Convention and the second concerns the administration of the large amounts of application fees received from the contractors and the interest that is accrued on the surplus after deduction of the costs of processing of the applications.

Member States of AALCO are well represented in the Council and the Legal and Technical Commission (LTC), as well as the Finance Committee of the Authority. Following the elections to the Council held in July 2014, the Council comprises of 16 current Member States of AALCO until December 2018. These include two in the group of major importers, two amongst the 8 largest investors group, and one among the major exporters group. In any decision relating to substantive matters, a majority in these groups is also required. In Legal

and Technical Commission, 8 out of 25 experts and in the Finance Committee 5 out of 15 members are from Member States of AALCO. Given such representation, Member States may wish to review the work of the Authority in the light of the developments in the past 20 years, and how far their own aspirations have been fulfilled against the backdrop of hard and difficult compromises that were made as a package deal at the Conference.

As regards the work of the International Tribunal for the Law of the Sea, in view of the far reaching implications of the judgments, Advisory opinions as well as some of the Arbitral awards, it may be of interest to Member States to bring out a comprehensive study on the subject.

The work of the Commission on the Limits of the Continental Shelf is of vital importance to Member States of AALCO. The Commission has so far received 74 submissions and has provided 20 recommendations. Of the remaining pending submissions, twenty nine submissions are from Asian and African States. Of these, as of today, 17 submissions are from Member States of AALCO. A number of submissions (many of them in the Asian region) have been deferred for consideration by the Commission on account of existence of disputes. The workload of the Commission and the delay in the consideration of submissions has been a subject of major concern to coastal States. However, the increased workload of the Commission is its own creation for several reasons. The Rules of Procedure of the Commission far exceeds the mandate provided in the Convention. Given the importance of the work of the Commission, Member States of AALCO may wish to convene a two day meeting of the Subcommittee of the Whole on the Law of the Sea of Member States early next year to critically examine and evaluate the scope and the current working methods of the Commission, including issues that touch upon conflict of interests of some members of the Commission.

Lastly, I have touched upon a subject that has not been discussed in AALCO so far. This relates to the question of the legal regime in the Arctic arising out of global warming and the melting of the Arctic Ocean. In May 2013, five Member States of AALCO, namely, China, India, Japan, Republic of Korea and Singapore were admitted to the Arctic Council as Observer States. Of these, China, India, Japan and Republic of Korea have several years of Antarctic experience in conducting scientific expeditions, management of pristine environment as well as in dealing with specially protected areas and sites of special scientific interest. The active involvement of these countries with the law of the sea negotiations for over fifty years as well as experience in deep sea exploration (four of them are former pioneer investors), makes the expertise available in the AALCO unique. The question today is not about the need for a new legal regime for the Arctic, but how to govern the Arctic in view of its melting and opening up of new possibilities under the existing legal framework.

In conclusion, my paper sums up the proposals contained therein for your consideration. Thank you, Excellency, Mr. President.

President: Thank you, Mr. Rajan for your very lucid presentation. I now invite the distinguish delegate of Thailand for her comments.

The Delegate of Thailand: Mr. President, at the outset, the delegation of Thailand would like to express its appreciation to the AALCO Secretariat for a comprehensive report on the topic. Our delegation would like to celebrate the twentieth anniversary of the entry into force of UNCLOS, which is a comprehensive legal framework governing the use of oceans. We strongly encourage States to join the Convention and support the full implementation of the Convention with the view to fulfill its objectives and to benefit from the sustainable development of the oceans.

Currently, Thailand has progressively adapted our domestic law for better implementation of UNCLOS to the Committee on the Law of the Sea and Maritime Boundary of Thailand. A new Bill on mineral and marine resources is awaiting consideration of the national legislative assembly.

Mr. President, We believe that marine biological resources beyond areas of national jurisdiction shall be treated as Common Heritage of Mankind which ensures that immense benefits of the oceans are equitably shared by our nations and people. Last June, at the 24th of the Parties to the United Nations Convention on the Law of the Sea, the Thai delegation actively participated in the deliberation of the Ad Hoc Open and Informal Working Group to study issue relating to conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction in order to avoid so called “tragedy of commons” for marine biological diversity. In this context, Thailand is an unwavering supporter of the new legal instrument to govern this issue. We therefore strongly urge like-minded states to work together towards this endeavor.

Mr. President, Regarding the IUU fishing, Thailand stands ready to fight against IUU fishing activities. Two weeks ago, among other states and organizations, Ambassador Kriangsak Kittichaisaree, currently a member of ILC from Thailand gave an oral statement at the International Tribunal for the Law of the Sea regarding Case 21 of IUU related question posed by the Sub regional Fisheries Commission reiterating Thailand’s commitment to contribute to this area.

Mr. President, The IUU fishing activities are not the only threat to marine biodiversity but also to endangered species across the oceans. At regional level, Thailand is a member of ASEAN Working Group on Coastal and Marine Environment. We have been working on ASEAN Member States 173 km off coast from more than ten years to attain sustainable use of marine and coastal resources. To carefully balancing between conservation of marine species, management of ecosystem and livelihood of people, ASEAN Member States have made remarkable success in working together for a cleaner and healthier marine environment with a particular focus on transboundary migratory species in Southeast ASEAN region.

Mr. President, on the issue of maritime security, Thailand reaffirms its strong condemnation of piracy and armed robbery as it has caused enormous loss of many lives and damage to maritime trade and transport. At domestic level, the National Security Council of Thailand is currently preparing a three-year maritime security strategy and is considering possible establishment of a Thai Coast Guard unit to enhance prevention and protection of this transnational crime. We understand that a state cannot fight this crime alone. Hence we welcome the efforts of our allies in different fora.

At the regional front, Thailand is actively participating in ASEAN Maritime Forum and a regional cooperation agreement on combating piracy and armed robbery. Thailand has participated in coordinated patrolling in Malacca Straits since September 2008 and has joined the patrol known as “eye in the sky” since January 2009. Both operations have contributed significantly to the improvement of the overall maritime safety and security in the area.

At international level, not only Thailand is part of Contact Group against Piracy off the Coast of Somalia but the Royal Thai Navy has also dispatched its counter piracy unit to join the combined maritime forces for many consecutive years. The combined task forces are performing their mission as we speak. The Royal Thai government has established subcommittees to make our efforts consistent with national legal authority and relevant international legal framework including the UN Security Council.

Mr. President, Thailand has played an active role in international commerce particularly international shipping and has been elected to the Council of International Maritime Organization (IMO) for five consecutive terms. Thailand has supported several activities of IMO including the voluntary IMO Member States Audit Scheme Technical Cooperation Programme aiming at improving Member States’ capacity in implementing IMO standards. Thailand strongly hope to be elected to IMO Council for the period of 2015-16 once again and in this connection Thailand would be very much happy to seek the support of the endorsing states gathering here in order to continue in this field.

I thank you, Mr. President.

President: Thank you, Madam. May I now invite Sri Lanka.

The Delegate of Democratic Socialist Republic of Sri Lanka: Mr. President, Distinguished Delegates, At the very outset, I wish to place on record the appreciation of my delegation of the decision to include the law of the sea as an agenda item of the 53rd Annual Session of the Asian-African Legal Consultative Organization.

Let me also take this opportunity to congratulate, Dr. Rahmat Mohomad, Secretary General of AALCO, who, as his predecessors in office, for the kind during his tenure of office, significant measures to, advance the implementation of the law of the sea, which has profound impact upon the Member States of AALCO.

Sri Lanka has always had the law of the sea prominently featured in its international affairs. On this occasion, it would be pertinent to recall with gratitude the both significant and commendable role played by Dr. Shirley Amarsinghe, a respected Sri Lankan diplomat, in regulating the law of the sea regime.

The advancement and implementation of the rights of geographically disadvantaged and land locked state, is of paramount importance to all of us, in the view of its tremendous impact upon the Member States of AALCO. Equally important would be the rights of archipelagic states.

In view of the amazing advancement of science and technology and the resultant increase in the capacity to exploit resources of the sea and the landmass under it, the ever-growing interest of the international community in the legal regime of the sea has expanded to unprecedented proportions. Therefore, the necessity to regulate state activities in the sea areas has assumed even greater significance.

With the acceptance of the deep seabed as Common Heritage of Mankind, a greater demand for the regulation of state activities by legal provisions, could be observed globally. The prominent role played by AALCO in this exercise should be acknowledged with deep appreciation.

Ever since the famous Truman Declaration, by President Truman of the USA, claiming exclusive economic rights over the continental shelf, on the basis that it constitutes a natural prolongation of the landmass of a state, the issue of demarcating the outer limits of the continental shelf has occupied a prominent place in the agenda of many states, to which provisions apply in view of the unique geological features of their locality.

Exploitation of the resources of the continental shelf of those states which have to establish the outer limits of their continental shelves present the authorities with difficulties until such limits are finally settled. The administrative and other difficulties associated with the demarcation process, which has resulted in inordinate delay and has caused a justifiable concern to states within these categories. Sri Lanka is one among the large number of AALCO Member States facing this difficulty. Sri Lanka presented its submission to the Delimitation Commission, for the demarcation of the outer limits of its continental shelf on the 8th of May 2009. Sri Lanka's submission is due to be taken up before the commission in the year 2020.

Sri Lanka's submission has been listed 43rd in the list of many states which are similarly placed. The invariable result in the procedural delay is the deprivation of the right to legitimate exploitation of its natural resources embedded in the natural prolongation of its landmass.

Sri Lanka is an island state which depends to a great extent on its sea area for its economic and social development. A large population in the coastal area depends on the fisheries industry for their sustenance. The sea area to which Sri Lanka is entitled to for economic exploitation exceeds its landmass. The sea area around the state is of great importance for its security as it is for economic development.

Mr. President, Sri Lanka has over the years committed itself to all the efforts of the international community to regulate the provisions that govern the law of the sea.

May I therefore, express the wishes of my delegation that AALCO take all the steps possible to expedite the process of delimitation of the outer limits of the continental shelf which affects many AALCO States. Thank you.

President: Thank you, Sir. I now invite the distinguished representative of Islamic Republic of Iran for his comments.

The Delegate of the Islamic Republic of Iran: Mr. President, Distinguished Delegates, I

would like to extend my gratitude for the hard work done by the secretariat in preparing the comprehensive report on the theme of law of the sea. My delegation attaches great importance to the historical contribution of AALCO to the Law of the Sea issues and supports more active role by AALCO in the process of norm-making in this field of international law.

Mr. President, Piracy continues to be an issue of serious concern to the international community and especially to AALCO Member States as many of them is active in key maritime trade routes. The Islamic Republic of Iran is also among the countries whose vessels have frequently been targeted by pirates.

Since the emergence of piracy in the recent years as one of the most serious challenges for the maritime safety and security, the Islamic Republic of Iran has always played an outstanding role in countering maritime piracy. Iran has also been active in exchange of information and reports on piracy with other relevant international bodies and countries. We are pleased that the contributions made by countries like Iran to fight piracy off foe coast of Somalia have been well-recognized and commended by the international community and relevant UN bodies; Security Council Resolutions 1950 and 2020 are evidence thereof.

The Islamic Republic of Iran attaches great importance for combating impunity of offenders of piracy and armed robbery at seas and prosecution of these persons through criminalization of such acts in national legislation as well as providing for effective and modem procedural laws that are indispensable for the suppression of piracy.

Mr. President, Distinguished Delegates, It goes without saying that protection of marine «environment is vitally crucial in safeguarding the health and well being of human beings. Unfortunately, pollution at seas and oceans has reached an alarming level and the international community cannot afford to pay very high prices for the consequences.

Another important issue, among others, is the problems caused by land reclamation activities. My delegation would like to draw the attention of distinguished delegations to the United Nations' expression of "deep concern at the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment" (preambular paragraph 14 of A Res 67/78). In this regard the United Nations General Assembly has repeatedly "call[ed] on all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities !operative paragraph 164, A/Res/67/78). We call upon the Secretariat to include this important issue in its next report on the agenda item.

The Islamic Republic, of Iran invites the AALCO Member States to cooperate with Non-member States and relevant international organizations to collect information regarding the consequences of urban and coastal projects and related land reclamation activities on marine environment as well as share information and experience on the consequences of such activities.

Mr. President, In recent years, the international community has become increasingly aware of the range of services provided by marine ecosystems and of the rich biodiversity of pelagic and benthic ecosystems beyond the limits of national jurisdiction. My delegation recognizes that Marine Biodiversity in Areas beyond the Limits of National Jurisdiction has a notable environmental, economic and social importance and it can contribute to the development of science, to better life and food security. We have followed the proceedings of the sixth meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, which took place in New York, 1 to 4 April and 16 to 19 June 2014. My delegation is of the view that the implementation of the provisions of the UN Convention on the Law of the Sea relating to the transfer of technology in the conservation, exploitation and sustainable use of the marine biodiversity in areas beyond limits of national jurisdiction should be observed by international community. I would also like to emphasize the fair and equitable sharing of the benefit arising from the use of marine biodiversity in areas beyond the national jurisdiction and recall that exclusive exploitation by a few States has serious global and social implications.

We hope that all States cooperate, in a spirit of common responsibility, to reach an agreement on the legal regime applicable to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

I thank you, Mr. President.

President: Thank you, Sir. I now invite the distinguished delegate of Japan. You have the floor, Sir.

The Delegate of Japan: Mr. President, At the outset, my delegation would like to express our heartfelt congratulations on the 20th anniversary year of the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS). The “open and stable seas” governed by the rule of law is a common good for all people. It is in the common interest of the international community to maintain the oceans and seas as such. UNCLOS, the “constitution for the oceans”, forms the very foundation of the rule of law at sea, by providing the legal framework within which all activities in the oceans and seas to be carried out. Its importance cannot be overemphasized.

It goes without saying that, in order to enhance the rule of law in the oceans, it is of crucial importance that the States make their claims based on international law, refrain from using force or coercion, and settle their disputes by peaceful means. In this regard, Japan appreciates that the Arbitral Tribunal in the case concerning the maritime delimitation between Bangladesh and India rendered a judgment in July 7 this year, which has been welcomed by both parties. We also commend the efforts of Indonesia and the Philippines, who have peacefully reached agreement on the delimitation of their EEZs on May 23 this year. Japan is paying attention to the advisory opinion case brought before ITLOS by Sub Regional Fisheries Commission consisting of 7 West African States. These all are excellent examples of the efforts of States of the Asian and African regions to pursue reinforcement of the rule of law at sea.

Japan takes note of the increasing activities of ITLOS in recent years. Japan highly appreciates such a development as a testimony to deepening confidence by the international community in ITLOS as a dispute settlement organization. Since the very establishment of ITLOS. Japan has actively contributed to it by providing competent judges, and financially supporting it as the biggest contributor. Japan also would like to mention here the longstanding contributions made by the Nippon Foundation, a private philanthropic organization in Japan. It has been in close cooperation with ITLOS in the capacity building and training programmes on dispute settlement under UNCLOS.

Mr. President, In June this year, at the 24th Meeting of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) held at the Headquarters of the United Nations in New York, the Japanese Delegation announced that the Government of Japan would contribute approximately 50,000 US dollars to the Trust Fund for the purpose of defraying the costs of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission.

The Commission assumes the important role of considering and qualifying the submission regarding the outer limits of the continental shelf beyond 200 nautical miles, made by States Parties pursuant to UNCLOS, and making recommendations. The said trust fund was established to support the members of the Commission from developing States who are facing financial difficulties to participate in the meetings of the Commission held in New York.

Through this contribution, it is expected that the participation of the members from developing States in the meetings of the Commission will be encouraged, which in turn will facilitate the smooth and speedy consideration of the submission regarding the outer limits of the continental shelf made by the States Parties.

Mr. President, in July 2014, at the 20th session of the Assembly of the International Seabed Authority in Kingston, Jamaica, the Japanese delegation announced that the Government of Japan would contribute 21.660 US dollars to the Voluntary Trust Fund of the Authority.

The fund was established for the purpose of defraying the cost of participation of the members of the Legal and Technical Commission from developing countries and the members of the Finance Committee from developing countries in the meetings of the Commission and of the Committee held in Jamaica. Through this contribution, it is expected that the participation of the members from developing countries in the meetings of the Commission and of the Committee will be encouraged, which in turn will accelerate their work and achieve a smoother functioning of the Authority, and thereby further promote rule of law for the oceans based on the United Nations Convention on the Law of the Sea.

Mr. President, The issue of BBNJ, or the conservation and the sustainable use of marine biodiversity beyond national jurisdiction, has been discussed at the Ad hoc Open-ended Informal Working Group relating to that question under the General Assembly, My delegation expects that exhaustive discussions will continue to be held at the Working Group

Japan is of the view that the conservation and sustainable use of marine biodiversity both within and beyond areas of national jurisdiction is of paramount importance for our future development and prosperity. We are determined to further contribute to the discussion at the Working Group.

Thank you.

President: Thank you, Sir. I now invite the distinguished delegate of China. You have the floor, Sir.

The Delegate of People's Republic of China: Mr. President, The Chinese side thanks the Secretariat for the hard work in preparing the report on the law of the sea. The report is comprehensive and informative and reflects the important developments and trend of current international ocean affairs and the law of the sea.

This year marks the 20th anniversary of the entry into force of United Nations Convention of the Law of the Sea (UNCLOS'), which was commemorated in June at the special session of the 24th meeting of UNCLOS states parties. Over the past 20 years, UNCLOS has been widely accepted in the world with 166 ratifications, establishing the basic legal framework for building contemporary maritime order and managing international ocean affairs. The three institutions, namely the International Seabed Authority (ISA), the International Tribunal for the Law of the Sea (ITLOS) and the Commission on the Limits of the Continental Shelf (CLCS), established by UNCLOS, are well functioning, with rising international prestige and influence, and provide important guarantee for safeguarding a fair and rational international maritime order.

Over the past 20 years, the principle of the Common Heritage of Mankind has been translated from concept to reality. ISA has adopted three regulations on prospecting and exploration for polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, approved 26 plans of work for exploration and started work on the exploitation code of the resources in the Area. We are glad to see that developing countries are more deeply and widely involved in international seabed affairs, which has injected vitality into international seabed affairs and promoted the orderly development of international seabed system. The Chinese side actively supports effective participation by developing countries in international seabed affairs and, to this end, has made several contributions to the ISA Voluntary Trust Fund on a number of occasions.

In recent years, the number of cases entertained and judged by International Tribunal for the Law of the Sea has been increasing, covering more fields and gaining greater influence. The Chinese side holds a positive view of the important role the Tribunal has played in peaceful settlement of maritime disputes and safeguarding international maritime order. We would also like to stress that the work of the Tribunal should be carried out in strict accordance with UNCLOS and the Statute of the Tribunal. The Chinese side is of the view that there is no legal basis for the advisory jurisdiction of the full bench of the Tribunal.

The Commission on the Limits of the Continental Shelf shoulders an important duty on

delimitating the outer limits of the continental shelf of coastal states beyond 200 nautical miles. With increasing delimitating cases submitted by states, the issue of the workload of the Commission has raised a lot of attention. To defray the costs of the Commission members from developing countries to attend the Commission meetings, China have made contributions to the Commission Voluntary Trust Fund several times to promote the Commission's work. The Chinese side supports the effort of the international community to optimize the Commission's working methods and enhance its effectiveness. We are of the view that the solution to the issue of the Commission's workload should not prejudice the quality of the Commission's case deliberation and should ensure that the Commission carries out its work in strict accordance with UNCLOS and its Rules of Procedure and fulfills its responsibility under UNCLOS, so as to uphold the sanctity and authority of the Commission's deliberation and make sure that the deliberation is science-based.

New problems and new challenges arising from the implementation and development of the law of the sea are closely interrelated with science and technology, resources and environment. The Chinese side agrees that an integrated, interdisciplinary and inter-sectoral approach should be adopted to address the relevant problems. On that basis, cooperation and coordination should be strengthened at the national, regional and global levels to promote comprehensive management and sustainable development of the oceans and seas and safeguard the maritime legal order.

China welcomes the progress made by the Ad Hoc Open-ended Informal Working Group to study issues related to the conservation and sustainable use of biodiversity beyond areas of national jurisdiction (BBNJ), and looks forward to more consensus to be reached at the Working Group meeting next January. China supports the negotiation on the BBNJ implementation instrument in general and supports discussions and formulation of provisions on benefit-sharing of marine genetic resources, capacity building and technology transfer. The provisions on marine protected areas in the new instrument should not prejudice the established rights and freedom of the states in related marine areas, and should be compatible with the functions of the International Seabed Authority, regional fisheries management organizations, the International Maritime Organization and other relevant bodies.

Mr. President, China is a staunch defender and promoter of the international rule of law and consistently advocates peaceful settlement of maritime disputes based on international law including UNCLOS. The Chinese side believes that the most effective way to peacefully settle maritime disputes is friendly negotiation and consultation between the parties directly involved in the dispute on the basis of respect for historical facts and international law. This is also what the majority of countries did in successfully settling their maritime disputes. China is ready to work with other countries in a spirit of inclusiveness and cooperation to safeguard a fair and rational international maritime order and build harmonious oceans of perpetual peace and common prosperity.

Mr. President, Oceans are common property of mankind and directly bear on human development. China stands ready to cooperate with all states to tackle major challenges confronting oceans within the framework of UNCLOS, achieve sustainable development of oceans and enable oceans to bring benefits to all mankind.

Thank you, Mr. President.

President: Thank you, Sir. I now invite the distinguished delegate of Kenya. You have the floor, Sir.

The Delegate of Kenya: Mr. President, Kenya wishes to make the following comments on the topic:

Kenya is a state party of the UN Convention on Law of the Sea and has been closely participating in matters related to the Law of the Sea. During the 24th Meeting of State Parties held in June 2014 in New York, which include discussions on the Limits of Continental Shelf, Kenya made her submissions for consideration of the application for establishment of the outer limits of the continental shelf beyond 200 nautical miles.

On 3rd September, 2014 the Government of Kenya, upon request to the Commission on the Limits of the Continental Shelf, was granted an opportunity to make a repeat oral presentation of her submission to Commission during the Thirty-fifth (35th) session of the Commission at the United Nations Headquarters. The main purpose of the exercise was to apprise the new Commission that was elected in 2012 on the contents of the submission. It also served to appraise the Commission on the developments regarding maritime boundary status between Kenya and her adjacent neighbours.

Kenya also used this opportunity to inform the Commission of her interpretation of the relevant provisions of the Convention regarding consideration of submissions, vis-a-vis the Commission's Rules of Procedure, and in particular Rule 46 and Annex I to the Rules, touching on submissions with disputes between States with opposite or adjacent coasts.

Kenya addressed in detail the inconsistencies between the Convention and the Rules of Procedure of the Commission, and in particular, paragraph 5 (a) of Annex I of the Rules. It noted that the Commission's mandate was limited to making recommendations on the outer limits of the Continental Shelf and not the maritime boundary and that the spirit and the letter of the Convention is to enable the Commission consider the Outer Limits of the Continental shelf notwithstanding conclusion of maritime boundaries between opposite or adjacent States.

To this end, Kenya argued that the Rules of Procedure should not stop the Commission from considering Kenya's submission and therefore urged the Commission to establish a sub-commission to consider Kenya's submission expeditiously. The Commission received Kenya's submission and retired to deliberate on the issues raised with a view of providing a response thereto. Kenya will therefore await appropriate guidance from the Commission on the issues raised. It is expected that positive consideration of the matter will facilitate the consideration of Kenya's submission.

Mr. President, Distinguished Delegates, In our opening statement, we indicated that the Federal Republic of Somalia has instituted proceedings against the Republic of Kenya before the International Court of Justice (ICJ), with regard to a dispute concerning maritime delimitation in the Indian Ocean. You will appreciate that as this matter is now before the Court, Kenya will not discuss the matter at this stage. However, I will highlight some of the application as has

been captured in the unofficial press release of the ICJ No. 2014/27 of 28th August 2014.

In its Application, Somalia contends that the Republic of Kenya and Federal Republic of Somalia “disagree about the location of the maritime boundary in the area where their maritime entitlements overlap”, and asserts that “[diplomatic negotiations, in which their respective views have been fully exchanged, have failed to resolve this disagreement.

Somalia is requesting the court to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 nautical miles. Somalia further asks the Court to determine the precise geographical co-ordinates of the single maritime boundary in the Indian Ocean. The ICJ has indicated that it will shortly make available the full text of Somalia's Application instituting proceedings on the Court's website (www.ici-cii.org).

Mr. President, Distinguished delegates, In conclusion, allow me to apprise the distinguished delegates on some of the international meetings and workshops that Kenya has recently hosted. An international conference on the Law of the Sea was held on 7th August 2014, which was co-hosted by the Government of Kenya and the Korea Maritime Institute. The topics discussed included among others:

1. Sustainable development of marine living resources
2. Marine living resources and new directions in European law with respect to Agreements with African countries.
3. Recent developments in areas beyond national jurisdiction
4. Maritime jurisdiction and co-operation between states- maritime limitation and delineation.
5. Piracy new challenges for ship owners and Port States
6. Maritime Delimitation

The International Tribunal on Law of the Sea (ITLOS) also held its 10th regional workshop in Kenya on 8th August 2014 with participation of countries within the South West Indian Ocean region. This workshop enabled participants to have a practical experience on the decision making process of the Tribunal. The presentations were made by Judges from the Tribunal and covered several aspects including:

1. Introduction and case law proceedings before the tribunal.
2. Jurisdiction of the court.
3. Advisory proceedings before the tribunal and how to make an application for such opinions.
4. A summary of cases adjudicated before the tribunal

Kenya welcomes such meetings as they are very informative, and we would welcome similar joint training programmes in the field of the law of the sea, organized under the auspices of AALCO.

I thank you, Mr. President.

President: Thank you, Sir. I now invite the distinguished delegate of Indonesia. You have the floor, Sir.

The Delegate of the Republic of Indonesia: Mr. President, Distinguished Delegates, Indonesia would like to thank the AALCO Secretariat for preparing the report and documents for this important agenda item. Indonesia has carefully read through the report, and is of the view that further study and discussion on the issue of the law of the sea is a pertinent endeavour. In this regard, Indonesia continues to emphasize the importance of the full and effective implementation of UNCLOS (1982).

Mr. President, Distinguished Delegates, Indonesia attaches importance to the issues related to the Law of the Sea bearing in mind Indonesia's unique characteristic as an archipelagic state. Being an archipelagic state benefits Indonesia's position to manage its natural resources, whilst at the same time, matters in relation to threats and challenges at sea governs the need to enhance cooperation among states, particular those of adjacent states.

To date, Indonesia has participated in many of the Conferences and Meetings related to the issue related to the Law of the Sea. This year alone, Indonesia has participated in the 24th Session Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea; the 20th Session of International Seabed Authority.

Mr. President, Distinguished Delegates, In the 24th Session Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea. Indonesia is of the view that the International Tribunal for the Law of the Sea (ITLOS) is an important juridical body to solve the legal dispute arising from the application and interpretation of UNCLOS. Furthermore, Indonesia emphasizes the need to strengthen the role of ISA on the protection of the environment at sea from the negative impact caused by exploration and exploitation in the region.

Related to the issue of the work to do of the Commission on the Limits of the Continental Shelf Indonesia has expressed its support to continue to take further steps and measures to ensure that the Commission would function effectively with the necessary support and facilities rendered by States Parties.

Mr. President, Distinguished Delegates, On May this year, Indonesia has successfully hosted the World Coral Reef Conference. This event has brought together various perspectives and knowledge in the management of coral reefs, including by overcoming current and future global challenges on the protection of coral reefs.

Mr. President, Distinguished Delegates, Finally, as the sea is vast and has not been fully explored for its potential use, therefore, Indonesia calls upon States that such efforts should be in accordance with the applicable international law and the principle of environment protection for our future generation.

I thank you.

President: Thank you, Sir. I now invite the distinguished delegate of South Africa. You have the floor, Madam.

The Delegate of Republic of South Africa: Mr. President, We would like to thank the Secretariat for the very comprehensive report on this topic. This year 2014 marks a significant event in the life of the UNCLOS. November 2014 marks 20 years since the entry into force of the UNCLOS. UNCLOS is an impressive, monumental achievement of law making. It is, therefore, not surprising that it has been hailed as the “Constitution for the Oceans” and the legal framework within which all activities in seas and oceans must be carried out.

Mr. President, When UNCLOS entered into force 20 years ago, it created a new global order for the world’s oceans and seas as it established the principles that underpin the actions for all uses of oceans and seas. These principles created a framework of rights and duties which enabled a balance to be achieved between the various competing uses of the oceans and seas while striving to ensure the protection of the marine environment. UNCLOS remains the overarching framework for governing the oceans and it is for this reason that the goal of universal participation is so crucial.

Although the Convention is the cornerstone of the currently existing international legal framework, important gaps still exists in the regulation of conservation and sustainable use of biodiversity and marine areas beyond national jurisdiction. It is against this background that we maintain that there are gaps in the high seas governance including in relation to conservation as well as in the legal regime applicable to marine genetic resources in the deep seabed. With respect to the former, the conservation of marine biodiversity in areas beyond national jurisdiction is left to the individual states resulting in widespread destruction. With respect to the latter, while a few states argue that the freedom of high seas is applicable to marine genetic resources, an overwhelming majority of international community takes the view that the principle of “Common Heritage of Mankind” is applicable to the marine genetic resources of the deep seabed and consequently, that provision should be made for benefit sharing.

Mr. President, South Africa is of the view that with political will, it is feasible to elaborate an international instrument under UNCLOS to address the existing gaps. We have arrived at a point where there are no other options—elaborate an instrument that is true to the constitutional nature of UNCLOS or face the risk that other institutions or forums will fill the gaps in a manner that undermine the importance of UNCLOS as the constitution for the world’s oceans. An implementing agreement negotiated in the General Assembly not only entrenches the importance of UNCLOS but protects the centrality of the UN General Assembly in oceans matters.

We wish to therefore encourage AALCO States to participate strongly in upcoming discussions on matters pertaining to high sea governance.

Thank you, Mr. President.

President: Thank you, Madam. I now invite the distinguished delegate of India. You have the floor, Sir.

The Delegate of India: On behalf of the delegation of India, let me thank the Deputy Secretary General for his introductory remarks on the topic. Let me also commend the AALCO Secretariat for the report on the agenda item, "The Law of the Sea". The report is very informative and useful for Member States.

Mr. President, The Law of the Sea Convention, 1982 is the key international instrument governing the ocean affairs. It sets out the legal framework for activities in oceans and seas and is of strategic importance as the basis for national, regional and global action in the marine sector. India is a party to the Convention, the Implementing Agreement, and the Fish Stocks Agreement.

India, given its geography as a country with a vast coastline and numerous islands, has a traditional and abiding interest in the maritime and ocean affairs. It takes keen interest in all matters pertaining to the ocean affairs. We believe that it is in the Interest of the international community as a whole to continue to extend full cooperation in efforts towards ensuring the proper management and sustainable use of the oceans and seas.

Mr. President, Oceans play a vital role in supporting life on earth. The outcome document of the United Nations Conference on Sustainable Development held Rio de Janeiro, Brazil in June 2012 entitled "The Future We Want" recognized oceans and seas as an integrated and essential component of the Earth's ecosystem that are critical to sustaining it. This however, is possible only through the proper management and use of ocean resources and the preservation and protection of marine. The oceans are facing a number of challenges including from

illegal, unreported and unregulated fishing, deterioration of marine environment, biodiversity loss, climate change and those relating to the maritime safety and security including the acts of piracy.

Mr. President, We would like to express our serious concern over piracy and armed robbery at sea, wherever it may happen. Piracy is a grave threat to the freedom of the seas, maritime trade and the security of maritime shipping. India is actively cooperating in international efforts to combat piracy and armed robbery at sea. We support the joint and concerted efforts by the international community to tackle this menace. In this regard, we express appreciations for the Contact Group on Piracy off the coast of Somalia (CGPCS), which since its establishment in January 2009 is serving as an excellent forum for international cooperation and coordination in light against piracy.

India is among the countries which have been seriously affected by the problem of maritime piracy. Our Navy and Coast Guard, during the course of conducting anti-piracy operations off our western coast, have apprehended several suspected pirates the increasing incidence of piracy within India's EEZ (Exclusive Economic Zone), the Government of India felt that a comprehensive domestic legislation on piracy should be in place. India is actively working for

such a domestic anti-piracy legislation to provide necessary legal framework within the country for prosecution of persons for piracy related crimes.

Mr. President, Oceans have significant potential to contribute to energy needs to improve economic well-being and to reduce greenhouse gas emissions. However, while the marine renewable energies offer opportunities, it also poses environmental and economic challenges, especially to developing countries, including with regard to undertaking scientific research and acquiring technological knowledge, which could only be met through effective international cooperation and coordination. Hence capacity building and technology transfer are required in this regard.

Mr. President, The effective and unhindered functioning of the institutions established under the Convention namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf are the key in achieving the goal of fair and equitable uses of oceans and their resources through the effective implementation of the provisions of the Convention. We note with satisfaction the progress made by these institutions in their respective areas and support all efforts towards ensuring their smooth functioning.

The fisheries sector occupies an important place in the socio-economic development of a great number of countries including India. We support the concerted efforts of international community towards achieving sustainable fisheries *inter alia* by adopting measures to prevent and combat the illegal, unreported and unregulated (IUU) fishing by effectively implementing the Fish Stocks Agreement and the relevant instruments at the regional level, and by preventing over-fishing. We consider the role of Food and Agriculture Organization (FAO) of the United Nations as crucial in the conservation of fisheries resources and the management and development of fisheries.

The Area, which comprises the seabed and ocean floor and subsoil thereof beyond the limits of national Jurisdiction and its resources are the common heritage of mankind. The International Seabed Authority organizes and control activities in the Area with a view to administering the resources of the Area for the benefit of mankind. India has always shown keen interest in activities related to deep sea mining. We are happy to inform that at the recently concluded 20th Session of the International Sea Bed Authority (ISBA), the Council has approved the plan of work for exploration for polymetallic sulphides submitted by the Government of India in the Central Indian Ocean.

I would also like to bring to the attention of this august audience, another milestone in the peaceful settlement of disputes in the field of maritime boundaries, that Arbitral proceedings concerning the delimitation of the maritime boundary between Bangladesh and the Republic of India under the United Nations Convention on the Law of the Sea (UNCLOS) have been concluded and the Arbitral Tribunal has rendered its Award on 7* July 2014 at The Hague.

Thank you, Mr. President.

President: Thank you so much, India. The last speaker in this session is the distinguished delegate of Malaysia. You have the floor, Sir.

The Delegate of Malaysia: Thank you, Mr. President. Firstly, I wish to thank Mr. Rajan for his extremely excellent paper. I wish to propose that the Secretariat include Mr. Rajan's proposals as contained in page 14 of his paper particularly on aspects of the delay in the working of the CLCS. My delegation also requests that the Secretariat keeps alive the other very important issue raised in his paper—the effect of the melting of the Arctic. Thank you, Sir

President: Thank you, Sir. I do not see any other delegate wishing to make any other comment. So I declare that this meeting is adjourned.

AGENDA ITEM: EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES

His Excellency Dr. Danesh Yazdi, President of the Fifty-third Annual Session of AALCO in the Chair.

President: The item that we are going to discuss in this session is the “Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties.” We start this issue with a statement of the Secretary General. You have the floor, Sir.

Prof. Dr. Rahmat Mohamad, Secretary General: His Excellency Mr. President; Excellencies; Distinguished Delegates, Ladies and Gentlemen;

The topic “Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties” has been an important agenda item of AALCO. This topic was added as an agenda item of AALCO at its Thirty-Sixth Annual Session in 1997 upon referral by the Islamic Republic of Iran.

The topic of Sanctions and the Extraterritorial Application of National Legislation continues to be a topic of particular pertinence to developing countries, particularly in Asia and Africa, due the fact that the vast majority of countries which have faced these measures over the years have been developing countries in Asia and Africa. This is particularly important to AALCO as certain AALCO Member States such as the Syrian Arab Republic and the Islamic Republic of Iran currently find themselves the target of sanctions as detailed in the Secretariat's Report.

In compliance with the mandate received from the AALCO Member States, at the Fifty-First Annual Session in Abuja, Nigeria, the Secretariat brought out the study entitled “*Unilateral and Secondary Sanctions: An International Law Perspective*”, on February 24th 2014. The focus of the study is on the effects of the implementation of sanctions which comprise of both Unilateral Sanctions, which are directed against a certain targeted state and its nationals, as well as Secondary Sanctions, which are directed against third Parties, be they States or private entities.

While the concept of Unilateral Sanctions is fairly well-known, the concept of Secondary Sanctions, which are directed against third Parties who maintain trade relations with a particular sanctioned State, is somewhat less well-known in international law and international relations, thus meriting its place as the focus of this study. These Secondary Sanctions are, in fact, the direct result of the application by one State of its own national legislations against another State, or private entity, which lies outside its jurisdiction.

The study focuses on several major relevant areas relating to the unilateral imposition of sanctions and the extraterritorial application of national legislation including, established general principles of Public International Law; laws governing Financial Institutions; International Trade Law; Human Rights Law and, responses of certain international organizations. Each of these major topics are discussed in specific Chapters which will also deal with the specific laws, formulated through bilateral as well as multilateral Treaties or through Customary International Law. The intersections between sanctions and these legal regimes are examined in order to determine the legality of unilateral and secondary sanctions.

I wish to place on record, my thanks and deep appreciation for the highly qualified research team whose relentless effort and inspiring teamwork have made this publication possible. I thank Dr. Hassan Soleimani, former Deputy Secretary-General of AALCO for his contribution and diligent supervision in bringing out this book. I sincerely appreciate Ms. Shannu Narayan and Mr. Parthan S. Vishvanathan, former Legal Officers, in the AALCO Secretariat, for their efficiency in completing and contributing to this study. I hope that this study would be a valuable reference to the existing literature on the subject and a useful reference book not only to Member States of AALCO, but also for all those who are concerned with the study and research on legal consequences of unilateral and secondary sanctions.

The Report prepared by the Secretariat for the current Session focuses on the deliberations at the Fifty-Second Annual Session of AALCO held in New Delhi in 2013, and will highlight the recent developments in this area including: the Ministerial Declaration adopted at the Thirty-Seventh Annual Meeting of the Ministers for Foreign Affairs of the Member States of the G77 and China, held at the UN Headquarters in New York on 26 October 2013; and the debates on the agenda item “Necessity of Ending the Economic, Commercial and Financial Embargo imposed by the United States of America against Cuba”, at the Sixty-Eight Session of the UNGA held on 29 October 2013.

A Half-Day Special Meeting on the topic “Extraterritorial Application of National Legislation” was held in conjunction with the Fifty-Second Annual Session of AALCO at New Delhi in 2013. The distinguished panelists for the meeting were Dr. Rohan Perera, Former Member of the International Law Commission, from Sri Lanka; Prof. Vera Gowlland-Debbas, professor International Law, Geneva Institute of International Studies; Prof. M. Gandhi, Professor and Executive Director, Center for International Legal Studies, Jindal Global Law School; and Dr. R. Rajesh Babu, Associate Professor, Indian Institute of Management, Calcutta.

The theme of the meeting explored the interaction of unilateral and secondary sanctions with various areas of international law and international relations. Dr. Perera’s presentation dealt

with the violation of fundamental principles of international law, such as the sovereign equality of states, principle of non-use of force, the principle of self-determination of people, and so on. Prof. Gowlland-Debbas addressed State Responsibility and focused on the differences between sanctions and countermeasures while stressed the importance of placing constraints on sanctions. Prof. Gandhi's presentation made the effects of sanctions on international trade and commerce the focus of his presentation, while Dr. Rajesh Babu explored the dissonance of WTO principles and sanctions.

Vide the Ministerial Declaration adopted by the Thirty-Seventh Annual Meeting of the Ministers of Foreign Affairs of the Group of 77 and China, held in New York on 26 October 2013, the imposition of laws and regulations with extraterritorial impact, as well as other forms of coercive economic measures, including sanctions, was firmly rejected by the Ministers. Emphasis was placed on the fact that such actions undermine principles enshrined in the Charter of the United Nations and threaten freedom of trade and investment.

On 29 October 2013, the UN General Assembly also voted overwhelmingly in favour of ending the United States of America's economic, commercial and financial embargo against Cuba while citing the crippling of Cuba's development by the embargo and the morally indefensible nature of the embargo. To this effect, a resolution was passed for the twenty-second consecutive year calling for an end to the embargo.

Your Excellencies, despite the almost universal opposition of the imposition of extraterritorial measures and unilateral sanctions, such measures remain in force in various parts of the world, and continue to have devastating far-reaching effects for the economic development of various States and the social development of the citizens of those States. It is the Secretariat's hope that this Meeting will provide a forum for States to voice their opinions on these measures and contribute to the eventual complete cessation of the extraterritorial application of national legislation and the use of unilateral sanctions.

I thank you Mr. President.

President: Thank you, Dr. Rahmat Mohamad. Now I invite the distinguished delegate of Syria. You have the floor, Sir.

The Delegate of Syria²⁴: Thank you, Mr. President, I support and would like to thank Secretary General on what he stated in his detailed report, especially on the impact of sanctions on developing countries. The system of bilateral sanctions which are imposed mainly by the US is rejected by the General Assembly and by the international community with as overwhelming majority. But, lately the EU has joined the US in imposing similar sanctions.

Mr. President, This item consists of two violations of international law: First: these sanctions or what is called unilateral economic coercive measures against the countries, which are imposed on the number of developing countries including my own country. Second: impacts of these sanctions which extend to the third party dealing with the countries that are subjected to these sanctions.

²⁴ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

This is indeed the right occasion to encourage the solidarity of our group with this perception to realize the sensitivity of the danger of these practices and also adoption of this kind of resolution from AALCO. These sanctions violate the Charter of UN and the Declaration of Friendly Relationship among Nations, This declaration has become part of the customary international law and therefore, can be used to interpret the Charter, and therefore these sanctions violate of this. His Excellency Dr. Mohamad referred to a number of legal approaches which makes unilateral sanctions violative of international law. In brief, these sanctions and measures violate the Charter and contradict the general principles of international law. In addition, they constitute interference in the internal affairs of States and violate equal sovereignty principle and the right of development. Further, they violate the freedom of trade and rules for peaceful settlement of conflicts. We all hope that the Secretariat will continue with the same enthusiasm to prepare its future reports according to the directives of the Member States. I thank the countries which supported my delegation and my country in the condemnation of these sanctions.

Thank you Mr. President.

President: Thank you, Sir. The next speaker is the distinguished delegate of China. You have the floor.

The Delegate of the People's Republic of China: Mr. President, the Chinese delegation appreciates the publication of the research study "Unilateral and Secondary Sanctions: An International Law Perspective" by the Secretariat and its comprehensive and professional report on item "Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties" for this Session.

In the past decades, some individual country, motivated by differences in values and ideology, frequently used its domestic law to impose unilateral sanctions against other countries, and even imposed decades of economic blockade, in order to overthrow the regime of the targeted country and change its social system and development model. Those acts have met universal condemnation from the international community. In 2013, the UN General Assembly, for the 22nd year, overwhelmingly adopted resolution 68/8, requiring the United States of America to end the economic, commercial and financial embargo imposed against Cuba. This again demonstrates the illegality and unacceptability of the aforementioned unilateral sanctions.

China holds that arbitrary unilateral sanctions, motivated by differences in values and ideology are inconsistent with fundamental principles of international law such as equality of states, sovereignty, non-interference in other's internal matters; violate international law with regard to freedom of trade and navigation ; and infringe upon fundamental human rights such as right to survive and right to development. Those unilateral sanctions severely undermine the authority of international law, and are manifestations of hegemonism and power politics. They have met and will continue to meet universal objection by the international community.

Some individual country promulgates domestic laws which not only impose unilateral sanctions against the targeted country, but also sanctioned against third panics having normal economic and trade relations with the targeted country. This is the so called "secondary

sanctions”. China contends that those secondary sanctions seriously violate the international law.

First, secondary sanctions aim to coerce third parties to join the embargo imposed by the sanctioning state, in order to realize de facto multilateral sanctions. This violates the sovereign rights of third states in making independent decisions on their external economic and political relations, and seriously breaches the principle of equality of States and state sovereignty.

Second, some country's domestic laws on secondary sanctions, prima facie, only claim jurisdiction over so-called its own national persons or entities, prohibiting them from entering economic or trade relations with any person or entity of a third party in violation of the secondary sanctions. But in essence, those laws directly disturb or limit activities of persons or entities of third countries, and indirectly force them to comply with the domestic laws of the sanctioning country. Thus, the sanctioning country, in effect, through the so called secondary sanctions, obtains extra-territorial applicability for its domestic laws. It not only violates the territorial jurisdiction and nationality jurisdiction of third countries, but also infringes upon the legitimate rights and interests of persons and entities of third countries.

Third, secondary sanctions directly breach the principle of free trade of the WTO, and constitute illegally impediment to international trade. Some individual country uses the WTO national security exemption clause as a pretext for its illegal sanctions. But China holds that secondary sanctions imposed by some individual country motivated by differences in values and ideology, have nothing, to do with national security. It is a misinterpretation and misuse of the national security exemption clause of the WTO.

China always holds that every country has the right to choose to own social system and development model in light of its national conditions, and any other country has no right to intervene. Countries should strive to solve disputes and conflicts through dialogue and consultation, and oppose an individual country that abuses its dominant position and advantages in international financial, economic and trade fields, to arbitrarily impose illegal unilateral sanctions on others. China hopes that the AALCO will continue to pay close attention to the issue of “Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties”, and calls upon the AALCO Member States, with the research study by the Secretariat as a good basis, to speak their minds more actively.

President: Thank you, Sir. The next speaker is the distinguished delegate of South Africa. You have the floor.

The Delegate of Republic of South Africa: Mr. President, The imposition of sanctions is not a new phenomenon. What is new, however, is the evolving nature and application of the unilateral sanctions which increasingly take the form of having secondary impact on third states. We meet at a time when many countries that are part of AALCO are grappling with imposition of unilateral sanctions and the implications on third countries. We welcome that this matter is on the AALCO agenda and that a special study on the legal implications of application of unilateral sanctions on third parties was done and a book released on the topic.

Under Chapter VII of the UN Charter, the UN can impose sanctions in the event of any threat to peace, breach of peace or act of aggression. I would like to recall a statement made by Oliver

Tambo at the International Conference on Sanctions against South Africa in 1981. He was appealing to the international community to impose comprehensive and mandatory sanctions against South Africa and said “actions under Chapter VII is the ultimate peaceful sanction provided for in the UN Charter. If sanctions are not imposed on so blatant an offender and so persistent a violator, then the efforts of the international community to a peaceful resolution of international problems would have proved an exercise in futility.”

Mr. President, The imposition of sanctions should be in accordance with the UN Charter and even the imposition of UN sanction measures must be exercised with caution. Targeted sanctions still raise fundamental questions in connection with basic principles of due process and we welcome improvements such as Resolution 1904 which created the Office of the Ombudsman and Annex II of the Resolution which lays out the functions of the Ombudsman. We continue to hope that that office shall further be strengthened and ensure greater protective mandate. We further encourage that the Security Council took account of the recommendations in document “Introduction and Implementation of Sanctions by the UN” (Annexed to GA Resolution 64/115) when imposing and implementing sanctions.

Mr. President, The extraterritorial application of unilateral sanctions impacts on the sovereignty of states and has detrimental social, economic and political consequences. South Africa’s Minister of International Relations has indicated that South Africa does not subscribe to the notion of unilateral sanctions as an instrument of international relations. The consequence of these sanctions on the sanctioned states and third states has serious economic consequences on trade and economic relations between states are consequently curtailed. Various states have strong objections to sanctions especially unilateral application and on the 15th of March 2012, the UN Human Rights Council Resolution provided that unilateral coercive measures in the form of economic sanctions can have far reaching implications for the human rights of the general population of the targeted states disproportionately affecting the poor and the most vulnerable classes. Long term unilateral coercive measures may result in social problems and raise humanitarian concerns in states targeted. AALCO states must continue to work together in finding solutions to the issue of extraterritorial application of sanctions and we wish to thank you for introducing this on the agenda.

Thank you, Mr. President.

President: Thank you, Madam. The next speaker is the distinguished delegate of Japan. You have the floor.

The Delegate of Japan: Mr. President, First of all, let me share our appreciation to the AALCO Secretariat for preparing a very detailed study on this agenda item. As stated in the previous day by our delegation, we consider that the question of whether a certain sanction measure imposed by states, including those involving extraterritorial application of domestic legislation can be justified or not under international law, must be dealt on a case by case basis, taking into account various facts and circumstances pertaining to the case concerned. Hence it could not be appropriate to maintain that all cases of economic sanctions or extraterritorial application of domestic legislation are not permissible under current international law.

It should be borne in mind that the sanctions could include those applied by states in accordance with the UN Security Council resolutions under Chapter VII of the UN Charter and also those which are taken by injured states as countermeasures against internationally wrongful acts in conformity with requirements which are stipulated in the provisions of Responsibility of States for Internationally Wrongful Acts of 2001. However, Japan share the concerns of the AALCO Member States that sometimes unilateral sanctions imposed against third parties include cases of extraterritorial application of domestic legislation which are not compatible with the established general rules of international law.

Japan agrees that extraterritorial application of domestic legislation must be in conformity with the basic principles of international law such as respect for state sovereignty and non intervention in the domestic affairs of another state.

Thank you.

President: Thank you, Sir. The next speaker is the distinguished delegate of DPR Korea. You have the floor.

The Delegate of DPR Korea: Mr. President, The question of Extraterritorial Application of National Legislation over other countries for the purpose of sanction has been raised by Islamic Republic of Iran for the first time in the history of AALCO during its 36th session held in Tehran in 1997 and since then the deliberation on this item has made due contribution to promoting the interests of sovereign states by legal means.

I would like to highlight the point that the history of the international relationship in the past tells us that the sanction could not resolve effectively the disputes between states but rather has served as the main cause of deterioration of situations bringing about growing sufferings amongst innocent people.

The sanctions unilaterally enforced by some states against other states or a third party based on their domestic legislation is the flagrant violation of the principles of respect to sovereignty and the peaceful solution of disputes reflected in the UN Charter and the general principles of international law. These acts retard the socio-economic development of the target state and - greatly impede the establishment of a fair international economic order and trading regime.

Typically, my country together with Iran, Syria, Sudan and some other member states which do not follow the US are the victims of such sanction. My county in particular is the only state which has been suffering from foe comprehensive sanctions enforced by the US for a long period of nearly 70 years.

The US included my country in the list of enemy states in 1950 and since then has imposed sanctions over the last 70 years under the pretext of preventing so-called proliferation of WMD and missiles, violation of human rights, sponsorship of terrorism and so on, by invoking tens of national legislations including ‘Trading with the Enemy Act’, ‘Export Administration Act’,

“Foreign Assistance Act”, “Export and Import Bank Act”. Presently, the US senate is engaged in enacting another sanction-related legislation targeting my country.

The US is enforcing comprehensive sanction on the foreign trade bank which administers foreign currency in my country by restricting not only the import but also the export in the name of restriction of export of goods and technologies of dual purposes and on the other hand imposing sanction in the name of financial sanction, thus seriously impeding the economic development and betterment of people's life.

What is problematic is that the US rest itself on the UN Security Council resolutions in enacting national legislations targeting other states.

If you touch upon the resolutions of sanction issued by the Security Council of the UN against my country, they are none other than illegal ones fabricated from start to end by the US by abusing the power of the Security Council.

Abusing the UN Security Council the US has fabricated a number of illegal resolutions against my country, taking an issue with our self-defensive acquirement of nuclear weapons, and satellite launch which is the legal right of all states. Such resolutions recently adopted at the Security Council include resolution 1718 on 14th October 2006, resolution 1874 on 12th December 2009, resolution 2087 on 22nd January 2013 and resolution 2094 on 7th March 2013.

By including even the humanitarian aid activities as a target of sanction, the United States has not allowed the regular remittances to the humanitarian aid organizations stationing in the DPR Korea and made it impossible for us to import ski cable ways and equipments which were to be used for the cultural and emotional life of our people branding them as luxury articles.

At present, the world society expresses its anxiety and concern over the fact that the UN Security Council is deprived of impartiality to the prejudice of the noble mission and principle of the UN which is stipulated in its Charter thus being reduced to a political plaything of certain states. It has now been turned to be a political tool to legitimize their arbitrary acts and high-handedness.

Judging from the above-mentioned, the sanctions against the DPR Korea imposed by the United States are the anti-DPRK criminal acts aimed at overthrowing our socialist system by isolating and stifling the DPR Korea checking her economic development: these sanctions mean a flagrant violation of the UN Charter which stipulate the respect for the state sovereignty, the principles of non-interference in internal affairs and the peaceful settlement of disputes and etc, and inhumane massacre threatening our people's right to existence.

If the acts imposing such unreasonable sanctions and the acts of individual states including the United States imposing their unilateral sanctions upon other states by invoking national legislation with a political purpose go overlooked, more and more states especially Asian and African states will fall their victims and the development of developing states shall be seriously retarded.

Condemning all kinds of imposition of national legislations which infringe upon the state sovereignty by individual states like the US abusing international law and international organizations, the Government of the DPR of Korea opposes and flatly rejects them.

Appreciating once again that the extraterritorial application of the national legislation and the sanctions is being discussed at the AALCO sessions as the agenda item, we hope that the AALCO will continue its study to establish the international legal regime to criminalize the unjust extraterritorial application of national legislation and hold the perpetrators liable.

Our delegation supports to include the extraterritorial application of the national legislation and the sanctions as the agenda item of the 54th session.

Thank you.

President: Thank you, Sir. The next speaker is the distinguished delegate of the Islamic Republic of Iran. Sir, you have the floor.

The Delegate of the Islamic Republic of Iran: Mr. President, My delegation would like to express its appreciation to the Secretariat of the AALCO for preparing the informative description on “Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties”, as contained in document AALCO/53/TEHRAN/2014/SD/S 6. Iran's delegation would also like to appreciate the initiative of the Secretariat for undertaking the special study entitled “Unilateral and Secondary Sanctions: An International Law Perspective”. The study holds special significance to the AALCO and developing countries. It comprehensively analyses the legality of unilateral and secondary sanctions under international law. My delegation is also thankful to the Secretariat for holding The Half-Day Special Meeting on “Extraterritorial Application of National Legislation Sanctions Imposed against Third Parties”, on 11th September, 2013 in New Delhi, India.

Mr. President, My delegation would like to reiterate the critical importance of this agenda item as 'extraterritorial application of national legislation', especially those manifested by unilateral economic restrictions against some developing countries which continues to unfold in various new forms. This matter is the most important since an alarming trend seems to be emerging by certain countries to all international norms.

The concept of unilateral and secondary sanctions violates certain core principles of international law. These include the principle of sovereign equality of States and territorial integrity and its duty to cooperate, the principles of respect for and dignity of national sovereignty, the principle of self-determination of people, principle of non-use of force, the principle of nonintervention into the internal and external affairs of States, the principle of peaceful settlement of international disputes, the principle of cooperation among States, and the principle of fulfilling in good faith obligations assumed under international law. These fundamental principles that regulate and govern international relations are stated in the Charter of the United Nations and the 1970 Declaration of Friendly Relations and Cooperation among States.

Mr. President, The recent endeavor to establish a relationship between the condemnation of economic or political coercion and prohibition of the threat or use of force in the context of the 1970 Declaration on Principles of Friendly Relations, and the resolution on the Definition of Aggression, indicates that many countries and international jurists are supportive of the prohibition of economic sanctions. Such sanctions threaten the territorial and political independence of the State and violate the principles of sovereignty and territorial integrity as enshrined in Article 2, paragraph 4 of the UN Charter. In this regard, it is important to mention that the United States' sanctions against Iran are unprecedented. They target all the sections of the Iranian society, especially economy and trade inter alia oil and gas, financial institutions and transportation. These sanctions violate the principles of sovereignty and territorial integrity.

Mr. President, The role of financial institutions, particularly the central banks is crucial for all countries in terms of trade and ensuring financial stability Central banks have significant roles in promoting economic development and maintaining a strong domestic financial system Therefore, in order for central banks to work efficiently and to conduct government activities unhindered, the law of sovereign immunity was evolved, especially by granting them immunity from being sued in domestic jurisdictions of other countries The customary international law on sovereign immunity, reinforced by the 2012 ICJ judgment on Jurisdictional Immunities of the State, opposing Germany to Italy, reiterates / that central banks shall not be sued before a national court.

In this regard, the EU General Court and the Supreme Court of the UK have annulled the financial sanctions imposed on some Iranian financial institutions on the basis of sovereign immunity and the distinction between commercial and non-commercial governmental activities.

Therefore, the financial sanctions against Iranian financial institutions are unjustifiable and violate sovereign immunity regime and need to be condemned. Such practices of imposing unilateral and secondary financial sanctions would amount to economic strangulation and defeat the purpose of the law of sovereign immunity granted to the Central Bank.

Mr. President, the GATT/ WTO system is based on the principle of free trade. The system aims at establishing an international trade order that is based on the principles of 'non-discrimination' and equal access to all parties'. Nevertheless, the intent of the United States to attain its foreign policy goals through unilateral and secondary sanctions contradicts the objectives of GATT/WTO. The secondary sanction on business establishments and financial institutions of WTO members who are trade partners of Iran is a trade restriction and also in violation of Article XI of the GATT. The restrictions and sanctions against any WTO member in relation to trade in services are also in violation of its obligations under the Schedule, and violation of Article XVI of the GATS. The unilateral actions which impose secondary sanctions on other WTO members are also in violation of Article 25 of the WTO-DSU (WTO- Dispute Settlement Understanding).

Furthermore, extraterritorial application of national legislation poses potential danger to the progressive development of international treaty law and the rule of law. Unilateral and secondary sanctions violate many bilateral treaties, such as the Algiers Accord and the Amity and Economic Relations Treaty concluded between the United States and other countries.

Therefore, secondary sanctions have affected many countries' interests and should not be recognized.

Mr. President, International trade plays an important role in the development of human societies which is a basic necessity for the full realization of human rights. Therefore, any sanctions which disrupt the international trade may lead to the large-scale violation of human rights by interfering with the access of those societies to the essential commodities. It will also affect fundamental rights of the citizens of not only the targeted State but also of third States.

The imposition of unilateral and secondary sanctions deprives the people of the targeted country of basic human rights and also affects their right to development and self-determination.

It is also worth mentioning that secondary sanctions pose challenges to the banking sector in conducting economic transactions, which restricts the legitimate trade of medicines in Iran because of the difficulty in the transfer of funds. The drug shortage caused by unilateral and secondary sanctions is affecting an estimated six million people. The greatest effect has been felt by persons suffering from cancer and HIV/AIDS who have limited access to life saving drugs. Thus, unilateral and secondary sanctions have direct and indirect effects on the lives of the peoples and violate the human rights of the citizens of the targeted country.

Mr. President, The fact that the item "Extraterritorial Application of National legislation: Sanctions Imposed Against Third Parties" has been on the agenda of annual sessions of the Asian African Legal Consultative Organization from 1997 indicates the high importance the States members of this Organization attach to the issue at hand. This issue deserves to be considered in a more serious manner since extraterritorial application of national legislations continues to affect all countries as well as the international trade system.

We firmly believe that this item should remain on the agenda of the Organization and call AALCO Secretariat to continue its deliberation on the item.

Thank you, Mr. President.

President: Thank you, Sir. The next speaker is the distinguished delegate of Republic of Korea. You have the floor.

The Delegate of Republic of Korea: Mr. President, My delegation extends its gratitude to the Secretariat for its works on this Agenda item. Unilateral application of national laws entailing any encroachment upon the sovereignty of other States cannot be justified. However, unilateral application of national laws affecting the sovereign States should be distinguished from the national measures taken as a means implementing the resolutions of the United Nations.

Concerning the question of the conformity of the UN resolutions, my delegation is of the opinion that, when a resolution is adopted by the United Nations in accordance with the decision-making procedures of the UN system, its conformity must be recognized by all Member States.

Thank you, Mr. President.

President: Thank you, Sir. The last speaker is the distinguished delegate of Sudan. Sir, You have the floor.

The Delegate of Sudan: Thank you, Mr. President, Sudan appreciates the report of the Secretariat regarding unilateral economical sanctions. Sudan as a nation also suffers from unilateral economical sanctions This practice calls for the continued attention of AALCO and adoption of a unified legal vision regarding the unilateral economical sanctions as it violate provisions of international law and the UN Charter and also charters of regional organizations. Sudan also urges that this adoption should be by presented before the international and regional organizations as unilateral sanctions violate the principle of rule of law and also rules of international trade and rules of international banking transactions and have direct impact on the people of the many countries.

Thank you, Mr. President.

President: Thank you, Sir. If there are no more comments from any other delegations, this session is declared as adjourned.

AGENDA ITEM: WTO AS A FRAMEWORK AGREEMENT AND CODE OF CONDUCT FOR THE WORLD TRADE

His Excellency Dr. Danesh Yazdi, President of the Fifty-third Annual Session of AALCO in the Chair.

President: Excellencies, Distinguished delegates, This session is dedicated to discussing WTO as a Framework Agreement and Code of Conduct for the World Trade.” I first invite Mr. Feng, Deputy Secretary-General of AALCO for his opening remarks.

Mr. Feng Qinghu, Deputy Secretary-General: Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen,

It is my pleasure to welcome you all to this important meeting on the topic “WTO as a Framework Agreement and Code of Conduct for the World Trade” held as part of the deliberations of the Fifty-Third Annual Session of AALCO here at Tehran.

The Report of the Secretariat on this subject, which is contained in *AALCO /53/TEHRAN/2014/SD/S 13*, focuses on the Ninth WTO Ministerial Conference that took place at Bali in December 2013 which adopted few landmark decisions in certain critical areas of concern to the developing world such as food security, trade facilitation agreement and others.

Excellencies, The WTO as an institution has always had immense significance for the welfare of the people of the developing countries since it came into being in 1995. It regulates areas that are very critical for the domestic policies of its Member States such as agricultural trade, intellectual property rights, trade in goods and services, trade-related investment measures, etc.

Since the Doha Round was first launched in 2001, the international trading system has experienced significant geo- economic changes spurred by the increasing rate of technological innovation particularly in large emerging economies and the financial crisis in the developed world. Given these changing conditions, after the Eighth Ministerial in 2011, WTO Members decided to pursue a smaller package of select issues as the full package of the Doha Development Agenda was not making much progress.

In 2013, these issues became known as the Bali Package and included some aspects of agriculture negotiations such as public stockholding for food security purposes; further liberalization in the administration of tariff rate quotas; trade facilitation; and a number of issues important for trade-related development and further integration of least developed countries into the global trading system.

In recent times the issue of agricultural trade (i.e., food security for developing countries) has been the main bone of contention between the developed and developing countries in the WTO Bali Meeting. I am sure that we are all deeply conscious of the difficult and challenging times developing countries are passing through in the multilateral trading system.

A major and glaring loophole created in the Uruguay Round's Agreement on Agriculture to the benefit of the developed countries was the 'Green Box' (or Annex 2 of the Agreement on Agriculture). The Green Box allows countries to provide a range of support programmes in agriculture, and these supports can be provided without limits. However, the programmes elaborated upon under the Green Box (Annex 2) are those provided by developed countries. They include direct payments to producers, decoupled income support (supports given to landowners whether or not they produce as these subsidies are not tied to production); insurance payments of various forms and structural adjustment assistance to retiring producers or resource retirement programmes. The programmes that developing countries provide – government purchases from producers at administered prices-- though included in the Green Box, has to be 'counted' under a country's AMS (Aggregate Measurement of Support), if the administered price is more than the external reference price, determined on the basis of 1986-88 prices.

This situation has created a curious paradox: the Developing Countries are claiming the right to do what the U.S. and European Union have been doing all along—protecting some parts of their domestic production while simultaneously promoting the interests of their multinational commodity traders and agri-business firms. The anomalies in the rules that they dispute are real. Their claim to be fighting for the right to support small-scale producers and domestic food systems is an ambition shared by many developing countries, as evidenced in the proposals of the group of developing countries called the G-33 (which has been the most vocal group for developing countries in the agriculture negotiations), the LDCs, the African Group and some of the other configurations of developing countries at the WTO.

Herein lies the crux of the issue – are the major powers of the North prepared to go along with a global trading system that puts the interests of the majority of the world’s people before their own interests?

There are other issues that deserve our attention as well. These include: Trade Facilitation Agreement, integration of LDCs into global trading system, duty- free quota- free market access (DFQF) for LDC goods and others. The developing and poor countries want credible and balanced multilateral trading rules that would take into account their developmental concerns.

It is my firm belief that the deliberations today offer the Member States of AALCO an important opportunity to discuss these issues at length. I am equally hopeful that our Distinguished Delegates will rise to the occasion and use this opportunity to discuss threadbare all the problems/issues involved in solving the complex problems that are emanating from the issues identified above. With these initial remarks, I wish you all an excellent and productive deliberation.

Thank you.

The Delegate of Thailand: Mr. President, Allow me, on behalf of Thai delegation, to take this opportunity to express our thanks to the Secretary-General of AALCO and his team for an excellent work which is reflected in the report on “WTO as a Framework Agreement and Code of Conduct for World Trade”. The Report provides a useful basis for our deliberation under this item.

Thailand is pleased to see this item on our agenda once again after it was introduced for the first time in 1995 at the same time when Uruguay Round was successfully concluded.

Mr. President, Thailand welcomes the achievements of the Ninth World Trade Organization (WTO) Ministerial Conference which was held in Bali, Indonesia, in December 2013. Therefore, it is indeed a good timing for us to deliberate on those landmarks decisions of the Bali Ministerial Conference at this forum.

Mr. President, Multinational trading system is an essential framework for the world trade and world economy. Therefore, the active participation of all WTO Members, in particular the AALCO Members, is vital in bringing about a truly free and fair trading system, taking into due account also of the interests of developing and least developed countries.

Mr. President, The completion of the Doha Round negotiation has been prolonged, with many WTO members having sought other alternatives in particular the bilateral Free Trade Agreements; nonetheless, Thailand still maintains its firm belief in the rule-based multilateral trading system through the WTO.

Thailand believes that the outcomes of the Bali Ministerial Conference are significant steps in bringing back the charm of multilateral trading negotiation. The Bali Conference has brought all Members with different levels of development together for the greater cause of the Doha Development Agenda (DDA).

After the meaningful works have begun, it is important that such momentum has to be maintained and translated into an action.

Mr. President, Thailand vies that the Agreement on trade Facilitation is a very important agreement which would make tremendous contributions to the flows of world trade. The Agreement also gained wide support from both business sectors and academic communities.

However, the Protocol relating to the Agreements on Trade Facilitation has resulted in a deadlock due to different views of the WTO Members. This has caused delay in commencing the ratification process.

Thailand is very hopeful that WTO Members will be able to find a way out from this impasse at the earliest.

Mr. President, Thailand is committed to the WTO's multilateral trading system and has already notified in its Category "A" commitment to the Agreement on trade facilitation. The cut of red tape in international trade would help reduce trading costs and add a boost to the world economy, most of which would accrue in developing and least developed countries. In this regard, Thailand wishes to see the agreed upon approach and timelines of the Agreement on Trade facilitation as well as other meaningful outcomes in Bali, be implemented.

Mr. President, Once again, Thailand very much hopes that WTO Members as well as AALCO members will work together with the spirit of cooperation and trust towards the achievement of DDA conclusion.

I Thank You, Mr. President.

President: Thank you, Deputy Secretary General. I now invite the distinguished representative of Japan. Sir, you have the floor.

The Delegate of Japan: Mr. President, The multilateral trading system centered on the WTO forms a basis of global trade and a pillar of Japan's trade policy. Japan has been committed to steadily implementing the 'Bali Package' and formulating a work program of DDA since 9th WTO Ministerial Conference which took place in Bali last December. Among other things, we placed particular importance on the Trade Facilitation Agreement as it would have been the first multilateral agreement to be achieved since the establishment of WTO. We were of the view that the early entry into force of the agreement and its steady implementation should be prioritized so as to keep momentum towards the conclusion of DDA.

Therefore, it has been most regrettable that the consensus was not attained for the adoption and the Trade Facilitation Agreement by the Deadline agreed by the ministers in Bali due to the objection by such a small number of members. The agreement would have added \$1 trillion per year to global GDP and would have been beneficial for both developed and developing countries.

As we missed the deadline for the adoption of the agreement, now it is difficult to see a way forward on the prospect of the DDA including the other decisions taken in Bali.

It is important for developing countries to attain capacity needed to promote their trades with a view to accomplishing the economic growth by obtaining benefits from the multilateral trading system. In this regard, Japan will actively engage itself in promoting 'Aid for Trade'.

The EPA/FTA's and plurilateral negotiations such as ITA expansion, TiSA, and environmental goods liberalization are contributing to strengthening the multilateral trading system centered in the WTO. We should pursue the possibility of reflecting the outcomes of these initiatives in the future multilateral trading system.

Thank You.

President: Thank you, Sir. I now invite the distinguished representative of Indonesia. Sir, you have the floor.

The Delegate of the Republic of Indonesia: Mr. President, Distinguished Delegates, First of all, this delegation would like to thank you for the opportunity to take the floor on the agenda item WTO as a "Framework Agreement and Code of Conduct for the World Trade". Indonesia would like to draw our attention to the outcomes of the Ninth WTO Ministerial Conference in Bali, Indonesia, on 3-7 December 2013.

Mr. President, Distinguished Delegates, Indonesia welcomes the outcomes of Bali conference which reaffirmed the WTO's role as the pre-eminent forum for multilateral trade negotiations. The Bali conference has succeeded to conclude Bali Package that will bring food security to billions of the world's economy, and help the Least Developed Countries to benefit more from the multilateral trading system. Indonesia would like to underline the importance of the implementation of "Bali Package" according to its time frame, while taking into account each country's level of development, capacity and capability, in the process. In this respect, we encourage AALCO Member States to the expeditious implementation of this multilateral agreement which also provides capacity building support to developing countries and LDCs to help them implement the agreement.

Mr. President, Distinguished Delegates, Whereas Bali Package is a historic achievement in itself, it is just the beginning towards the conclusion of Doha Development Agenda. Therefore, Indonesia reaffirms its commitment, and also encourages members of AALCO, to be even more involved in the process to produce the Post-Bali work program, along with many other pending issues in the negotiation.

I Thank You.

President: Thank you, Sir. I now invite the distinguished representative of Qatar. Sir, you have the floor.

The Delegate of the State of Qatar: Excellencies, Distinguished delegates, the delegation of Qatar wishes to make the following comments:

INTRODUCTION

The WTO Trade Facilitation Agreement, (“TFA”), was concluded in December last year by the Bali Ministerial Declaration (MC9), which will enter into force and become binding if two-third of the WTO members agree to ratify it.²⁵

The TFA was intended to be a part of Doha Development package to clarify and review some aspects of the GATT 1994 (Articles V, VIII, and X thereof), and the global governance of international trade. The TFA was established on the basis of freedom of transit (Article V), fess and formalities (Article VIII), and publication and administration of trade regulations, (Article X).²⁶

The MC9 has adopted such the FTA, which include international standards to assist the developing countries’ and LDCs’ capabilities in building up an effective regulatory governance policy for their own customs regulatory bodies.²⁷ Such international practices, which are modeled from developed countries, are often viewed as better suited than domestic regulations of developing countries and least developed countries (LDCs), particularly when it comes to the regulation of international trade.²⁸ They have drawn upon alternative solutions to existing legal rules of the former countries as a way to improve the weak governance regimes of their administrative authorities.²⁹

However, a closer review of the provisions of the FTA reveals that some governance issues are still persisting. States may have divergent interests and still disagree as having different economies with conflicting goals.³⁰ Even if they agree with the FTA and align their interests with them, some difficulties in practice and ambiguity in legal interpretation persist.³¹

²⁵ (AALCO/53/TEHRAN/2014/SD/S 13)

²⁶ J. Michael Finger, “Trade Facilitation: The Role of WTO Agreement”, ECIP Paper Working, at 3.

²⁷ JP Allegret and B Courbis, ‘Financial Liberalization and Stability of the Financial System in Emerging Markets: The Institutional Dimension of Financial Crisis’ (2003) 10:1 *Review of International Political Economy* 73-92, at 72

²⁸ D Kerwer, ‘Rules that Many Use: Standards and Global Regulation’ (2005) *International Journal of Policy, Administration, and Institutions*, 18:4 611-632, at 615

²⁹ *Ibid.*

³⁰ Scott Sinclair, “The GATS, Democratic Governance, and Public Interest Regulation”, Canada Watch, September 2002, V 9 No 1-2. At 316.

³¹ Katharina Pistor, ‘The Standardization of Law and Its effect on Developing Economies’ (2002), United Nations Conference on Trade and Development, (Research papers for the Intergovernmental Group of Twenty-Four on International Monetary Affairs, G-24 discussion Paper Series, June 2002), at 13 <<http://web.idrc.ca/uploads/user-S/10322067830pogdsmdpbg24d4.en.pdf>> accessed 21 July 2011., at 4-5 and at 11-12.

REGULATORY GOVERNANCE CHALLENGE:

The Regulatory governance challenge in the FTA stems mainly from its provisions themselves. It does not provide flexibility attaining its legitimate policy goals and diversity to meet the domestic regulatory activities of a small state, which can be at risk from the future liberalized rules.

The FTA rules are intended to improve institutional and regulatory changes at the expense of domestic customs authorities of small members. Such changes, while benefiting to large economies-members in global trade may inappropriately constrain domestic regulatory prerogatives of the small states. Article 4; for instance, provides an absolute right for an applicant or any person, to an administrative appeal or judicial review without providing any safeguards relating to local conditions or public economic policies of small members.

EFFICIENCY APPROACH: LARGE ECONOMIES VS. SMALL ECONOMIES

Countries with small economies are commonly characterized by highly concentrated markets with high entry barriers and below minimum efficient scale (MES) levels of production.³² The highly concentrated market structure couples with high barriers in small economies are necessary to achieve productive efficiency.³³ These features are interconnected and provide small economies with a selective form of protectionism.³⁴

Article 10 of the FTA relating formalities connected with importations and exportation, are based on international standards with excessive requirements, which are highly designed to serve the trade policies of nations with large economies.³⁵ However, many of these standardized rules are based on one-size-fits-all, which may be not necessarily relevant to members with small economies. This is surely true when it comes to the regulation of competition policy, thus making a number of large economy principles hard to apply in small economies.³⁶ Plus, applying them would incur high costs at the institutional and market structure levels in the small economies.

³² EAG Robinson, (ed.), *Economic consequences of the Size of Nations* (London, Macmillan & co., 1960); GAL, (n 57), at 15 The principal studies in small economies started in the late 1970s by some economic industrial commissioners, including the International Economic Association 3 and studies commissioned by Canadian Royal Committee.

³³ MS Gal, *Competition Policy for Small Market Economies* (Boston, Harvard University Press, 2003), at 45.

Thomas David and Andre Mach, 'The Specificity of Corporate Governance in Small States: Institutionalization and Questioning of Ownership restrictions in Switzerland and Sweden' (Paper presented at the SASE annual conference in Aix-en-Provence, 26-28 June 2003.) 1 <<http://www.docin.com/p-95805362.html>> accessed 22 July 2011; Thomas David and Andre Mach, 'The Specificity of Corporate Governance in Small States: Institutionalization and Questioning of Ownership Restrictions in Switzerland and Sweden' in Michal Fedorowicz and Ruth V. Aguilera (eds.), *Corporate Governance in a Changing Economic and Political Environment* (New York, Macmillan, 2003) At 18

³⁴ David and Mach, (n 17).

³⁵ Pistor, at 6-8; David and Mach, (n 17)

³⁶ Gal, at 8

One important reason for inapplicability of some provisions in the FTA to small economies members relates to what so called associative- dissociative strategy, which combined with a form of protectionism-for its local conditions.³⁷ On one hand, the associative policy of small economies depends on the international markets for exports and imports; on the other hand, the dissociative strategy relies on the use of many protective measures (e.g., import-substitution policies, state intervention, subtle forms of protectionism, public subsidies for specific sectors), which run counter against some predetermined provisions laid out under the FTA.³⁸

RETALIATORY MEASURES OF THE WTO DSD

Once entering into force, the FTA would become an extension of this GATT- based system, which can restrict, or seek to subject violating members to the retaliatory measures of the WTO dispute settlement body by controlling countries. On the other hand, the FTA imposes no obligations on donor countries to undertake technical assistance to those of LDCs countries. One of the significant concern developing countries believe is that the FTA's setters have established rules in a manner that may ensure the governments' convenience of the developed countries rather than meet local conditions and regulatory needs of developing countries and LDCs.³⁹

IN SUMMATION

In this brief paper, we hope it clarified some governance challenges facing small states. While there might be some governance issues that remain to be addressed and relate to reforms in some WTO developed countries, the FT agreement can be useful if the comments and specificity of small economies, presented in this paper, are given more attention to support the reform and capacity-building of the developing countries and the LDCs. The next negotiation of the WTO members shall aim at enhancing technical assistance and support for their capacity-building, in the way forward.

President: Thank you, Sir. I now invite the distinguished representative of Malaysia. Sir, you have the floor.

The Delegate of Malaysia: Mr. President, Mr. Vice President, His Excellency the secretary General, Excellencies, Distinguished Delegates, Ladies and Gentlemen,

On behalf of the Malaysian delegation, I would like to thank the AALCO Secretariat for their annual Report on the latest development in WTO negotiations in the continued efforts of the AALCO Secretariat to keep the Member States informed. Additionally, Malaysia would like to congratulate and applaud the progress and developments which have taken place since the ninth Ministerial Conference in Bali. Indeed this marks a new step in reinvigorating multilateral trade among Members of the WTO.

³⁷ Andrzej Rapaczynski, 'The Roles of the state and the Market in Establishing Property Rights' (1996) 10:2 The Journal of Economic Perspectives, 87-103 at 88.

³⁸ David and Mach, (n 17).

³⁹ H Overbeek, B van Apeldoorn and A Nolke (eds.), *The Transnational Politics of Corporate Governance Regulation* (New York, Routledge, 2007), at 38.

Mr. President, Malaysia is strongly committed to the expeditious implementation of all the Bali 2013 decisions; in particular each of the agreed timelines for Agriculture, the Trade Facilitation Agreement and LDC- related decisions.

Pursuant to the interim peace clause that would exempt public stockholding programmes for food security purposes that exceed de *minimus* levels from legal action at the WTO for four years, Malaysia is of the view that this will only be a short term resolution. The fact that food security is an important issue for a lot of developing countries, including those who are AALCO Members, means it is essential for there to be a long term solution which would protect and safeguard the interests of both developing and also the developed countries.

Therefore, Malaysia proposes for the AALCO Secretariat to conduct a study on the issue of food security and public stockholding which may serve to assist AALCO Members in their deliberations at the WTO front.

Additionally, Malaysia is concerned about the current state of work on the Protocol of amendment for the trade Facilitation Agreement (TFA) and is aware that works to implement the TFA have come to a standstill which has led to the failure to adhere to the 31 July 2014 deadline. It is noted that this failure is due to the inability of Member States to bridge the gaps in opinion to come to an agreement with regards to the TFA Protocol.

The failure to implement the TFA as agreed by our Ministers at the ninth Ministerial conference will have grave consequences for the credibility of the WTO as a body for negotiating multilateral trade agreements as well as the entire post-Bali work programme.

In this regard, Malaysia is of the view that if steps are not taken to implement the decisions agreed upon during the Ninth Ministerial Conference, Member States may just choose to focus on Free trade Agreements in which they have committed to be a party to.

Malaysia would like to point out that separate timelines for different Decisions coming out of Bali 2013 is not synonymous to the thought that certain decisions may give more of a priority above others. On the contrary, adhering to the purported timeline would demonstrate that we are serious about not just the TFA but also concluding the Doha Development Agenda (DDA).

Therefore, as a developing nation, Malaysia holds an affirmative viewing of the fundamental importance of the TFA for reducing trade costs, increasing transparency, attracting investors and facilitating our integration into the global economy. In this regard, Malaysia extends its deepest appreciation to the Director General, Mr. Roberto Azevedo, for his initiative on the successful establishment of WTO Trade Facilitation Agreement Facility, which Malaysia believes will be extremely useful for Member States with concerns on accessing technical and financial assistance. In this regard also, Malaysia would like to provide the assurance that measures and steps to ensure the implementation of the TFA will be in sync with trade practices and law in Malaysia are still on-going and will be in place when the TFA comes into force.

Mr. President, To that end, Malaysia would like to call on all members to work expeditiously together in good faith to implement the Trade Facilitation Agreement in order to achieve the goals set during Bali 2013. Additionally, Malaysia is hopeful that in the aftermath of Bali 2013, the progress of the Doha Round of negotiations would not be hindered and there will be continuous improvements to the trading prospects of LDCs and developing countries of the WTO.

Thank you.

President: Thank you, Sir. I see that there are no more comments from any other delegation. This session is adjourned.

**VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTD.),
THURSDAY, 18 SEPTEMBER 2014, 9.30 A.M.**

AGENDA ITEM: DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES, AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS IN ALL OCCUPIED TERRITORIES IN VIOLATION OF INTERNATIONAL LAW PARTICULARLY THE FOURTH GENEVA CONVENTION OF 1949

His Excellency Dr. Danesh Yazdi, President of the Fifty-Third Annual Session of AALCO in the Chair.

President: Distinguished delegates for this morning's session we have two items, the first one on the agenda regards the situation of Palestine and then after deliberating that agenda item we will have a short break and we will be reconvening the meeting by discussing Cyberspace in International Law the new item proposed by China. We will adjourn the meeting at 12 O'clock as all of you are invited by the Mayor of Tehran to visit the Millad Tower. Now I invite the Secretary-General to introduce the first item.

Prof. Dr. Rahmat Mohamad, Secretary-General: Hon'ble President, Hon'ble Ministers, Excellencies, Distinguished Delegates, Ladies and Gentlemen. I Have the honour to introduce the topic, "**Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law Particularly the Fourth Geneva Convention of 1949**". This issue was included in the agenda of the organization in the year 1988 upon the initiative of the Islamic Republic of Iran. Since that year, the secretariat has closely monitored the legal developments pertaining to this issue.

The long history of the Israeli-Palestinian conflict and the inability to resolve it peacefully, in spite of the numerous bilateral and multilateral attempts may imply that this conflict is vicious, stubborn, and seems to be resistant to such efforts. This conflict has lasted over a hundred years and has turned out to be one of the longest and most violent of conflicts in the world. It has

gone through various stages and developments during these hundred years, and still it remains unresolved and intractable.

Precisely, forty-seven years have elapsed since Israel first illegally occupied the Palestinian Territories in 1967. The renewed vigour with which Israel is targeting Palestinian civilians, especially women and children cannot be justified on any account. *With their economy suffocated by the illegal Israeli blockade, Palestinians in Gaza suffer from massive unemployment, lack of access to essential resources and commodities that makes life possible. This, we must remember is in tandem with ongoing Israeli attacks from air, land and sea. Economic strangulation is as deadly for Gaza as the renewed Israeli bombings,* however, despite all legal efforts exerted by the international community to persuade Israel to stop its illegal expansionist settlement activities and declare Palestine as an Independent State, occupation continues till date, without an early solution in site. The people of Gaza, as some describe, are now living in the “world’s largest open jail”.

The last round of escalation of violence which we witnessed a few months ago, what is termed as the “the Gaza War” is the third since 2008. Termed as “Operation Protective Edge” by Israel, an escalation of violence followed the abduction and killing of 3 Israeli youth by unidentified persons and the retaliatory measures taken by Israel rolled into yet another period of escalated violence, and devastation which has left more than 2,200 people dead, caused widespread destruction in the densely populated coastal territory, including destruction of its power plant, hospitals, infrastructure and even UN schools that housed Palestinian civilian victims of violence. Needless to say that this physical devastation has resulted in profound human suffering. According to UN estimates 70% of those killed in this conflict were civilians. These events which unfolded in the region over a period of 50 days have shocked the conscience of the world and left all of us numbed. Subsequently, the UN has constituted an “International Commission of Inquiry” into possible human rights violations and war crimes committed during Israel’s military offensive in the Gaza Strip.

Excellencies, Ladies and Gentlemen, the illegal military occupation of Palestinian territories & the human rights abuses perpetrated on the people of Palestine has now been continuing for more than 4 decades. Despite international consensus expressed through the binding resolutions of the Security Council and the General Assembly of the United Nations, the occupying power continues to defy international law and the will of the international community. Even as the latest ceasefire has been announced the occupying power is continuing with its expansionist policies.

Time and again the international community has asserted the application of the Fourth Geneva Convention relative to the Protection of Civilian Persons in the Time of War to this conflict. The illegal annexation of Palestinian Land, the creation of Jewish Colonial Settlements and the massive deportation of Palestinians are all actions in violation of international humanitarian law and human rights law. The denial of water and other essential services to Palestinians and the continuing blockade of Gaza that prevents the Palestinians from exercising their right to seek refuge in other territories are acts in the nature of “collective punishment”, imposed on the people of Palestine, in violation of the Geneva Conventions and customary International Humanitarian Laws

Excellencies, Ladies and Gentlemen, 10 years have now elapsed since the historic judgment of the International Court of Justice, where the court reaffirmed the illegal nature of these practices and in particular the construction and maintenance of “the Wall” that separates and isolates a group of Palestinians.⁴⁰ Unfortunately, the judgment appears to have fallen on deaf ears and every single activity that the Court described as illegal has been continuing unaffected. We, the members of the international community must reflect on how such blatant disregard for the views of a prominent institution that supports the international order strikes at the roots of an international society that we seek to build, based on the foundations of rule of law, justice and equity.

As the numerous reports that were discussed in the AALCO Secretariat document before you demonstrate, the continuing occupation of Palestinian lands and the blockade of Gaza lies at the root of all the human rights violations faced by the Palestinian peoples. An occupation regime that refuses to earnestly contribute to efforts to reach a peaceful solution should be considered as an illegal one. The occupant has a duty under international law to conduct negotiations in good faith for a peaceful solution.⁴¹ It would seem that an occupant who proposes unreasonable conditions, or otherwise obstructs negotiations for peace for the purpose of retaining control over the occupied territory, could be considered a violator of international law.

Excellencies, Ladies and Gentlemen, the situation in Palestine is grave and the principal tool to redress this is ensuring compliance with international law. AALCO has time and again asserted the illegal nature of Israeli practices in the Occupied Palestinian Territories and called for the resolution of the conflict in accordance with the principles of international law including the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions, in particular the Fourth Geneva Convention regarding the Protection of Civilian Persons in Time of War. It is also relevant here to recall the widely supported United Nations Security Council and UN General Assembly resolutions 242, 338 and 1515 which affirm the legal obligation of Israel to withdraw from Palestinian territories obtained in the year 1967.

Israel is obliged to respect and be bound by the relevant principles of international law contained in the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August, 1949, in particular those provisions of the Convention that require an occupying power to protect the status quo, human rights and prospects for self-determination of the occupied people. Since 1967, Israel has refused to accept this framework of legal obligations. Not only has Israel failed to withdraw from the occupied territories, it has in fact created heavily armed settlements, bypass roads and security zones in the midst of a future Palestinian state that seriously compromises the basic human rights of the Palestinian peoples, including the right of self-determination.

The issue concerning the Statehood of Palestine has been debated by the various United Nations Organs since 1947. However, no amicable solution of the issue has been found yet.

⁴⁰ The Advisory opinion of the International Court of Justice, dt. 9 July 2004 in *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.

⁴¹ Eyal Benvenisti, *The International Law of Occupation* (2nd Edition), Oxford University Press (2012), p. 245.

The Legal Status of Palestine, both in the United Nations and as an independent State recognized as such by other Members of the international community is a vexed question that has evoked different reactions from both the groups of States – that has aligned in favour and not in favour of Palestine’s Statehood. The recognition of Palestine as a full member of the United Nations and as an independent State throws up several issues in International Law.

Until all the rights accorded to the Palestinian people by virtue of the principles enshrined in international law, are respected by Israel, the Palestinian right of resistance to the occupation, established by a consensus within the UN would continue. The UN consensus is particularly persuasive because the Palestinian right of self-determination is recognized by a majority of States and the UN has made clear the legal rights and duties in the Israeli-Palestinian conflict in a series of widely supported resolutions, as well as in the Road Map and Arab Peace Initiative.

AALCO as the only inter-governmental legal Organization in the Asian and African region would continue to reiterate the urgent need on the part of the international community to seriously address all of the above mentioned grave violations and severe breaches of international law, including international humanitarian law, being committed by the occupying power, against the Palestinian people. In the resolutions adopted at the successive Annual Sessions, AALCO has demanded that the Occupying Power “Israel”, comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in order to protect the rights of Palestinians.

Excellencies, Ladies and Gentlemen with these introductory remarks, let me draw the framework for the deliberations, which will follow. Deliberations may focus on the violations of international law, particularly international human rights law and humanitarian law committed by the Government of Israel in the Occupied Palestinian Territory (OPT); special focus on the renewed military excesses in the Occupied Palestine Territories with reference to the Fourth Geneva Convention of 1949 and UN Security Council and General Assembly Resolutions; War crimes committed in Gaza by the Israeli forces including blockade of Gaza; the role of the international community to pressurize Israel to comply with its international obligations; the role of the International Criminal Court in ensuring that the parties to the conflict maintain respect for International Humanitarian Law; and the need for establishing an independent sovereign State of Palestine as a prelude to establishing peace in the Middle East.

Thank you for a patient hearing.

President: I thank the Secretary-General for his very informative and useful statement on the topic. The floor is open for discussions. The first speaker on my list is India.

The Delegate of India: Thank you Mr. President. We thank the Secretary General for the introductory remarks on the topic. We also commend the AALCO Secretariat for the brief on the agenda item. We express our deep concern at the loss of large number of civilian lives in Gaza. We welcome the long-term ceasefire, which should bring stability and security to the region and its people. India supports a comprehensive resolution of the Palestine issue, leading

to a sovereign, independent, viable and United State of Palestine living within secure and recognized borders, side by side at peace with Israel, as endorsed in Quartet roadmap and relevant UNSC resolutions.

India has joined the international call for an end to Israeli settlements in the occupied Palestinian territories and for an early and significant easing of restrictions on the free movement of persons and goods within Palestine. India has also played a proactive role in garnering support for the Palestinian cause in multilateral *fora*. We supported Palestine's bid for full and equal membership of the UN in 2011. We also co-sponsored the UNGA resolution in November 2012 that upgraded the status of Palestine to a 'Non-Member Observer State'.

Apart from strong political support to the Palestinian cause at international, regional and bilateral levels, India has been contributing economic and developmental assistance to the Palestinian people. India has committed to assist Palestine in the fields of information and technology, vocational training and building of schools. We are also implementing a series of development projects under the IBSA Fund in Palestine. Additionally, India contributes US \$ 1 million annually to UNRWA primarily for provision of food and medicines to displaced Palestinian people in refugee camps.

Thank you, Mr. President.

President: I thank the delegate of India and now Japan has the floor.

The Delegate of Japan: Mr. President, First, my delegation wishes to state Japan's firm basic stand. That is, Japan supports a two-state solution whereby Israel and a future independent Palestinian state live side by side in peace and security.

Japan urges both Israel and the Palestinian Authority to exert further efforts to build mutual trust and to advance the direct negotiations in order to realize the two state solutions at the earliest possible date.

Japan also wishes to emphasize that the conflict between the Israeli and the Palestinian sides should be resolved only through negotiations, based on the relevant UN Security council Resolutions, the Madrid Principles, the Roadmap, the agreements previously reached by the parties and the Arab Peace Initiative, and that any violent acts must be firmly rejected.

Five months have passed since the peace negotiations were suspended last April. Japan is concerned that the momentum of resuming the negotiations is declining. Japan believes that the peace through a two state solution will be realized only by serious negotiations between Israel and Palestine. Japan urges both sides to resume negotiations soon and to refrain from any unilateral actions that might hinder direct negotiations.

Mr. President, With regard to the question in the Gaza Strip, Japan has been seriously concerned about the situation there. Japan decided to extend an emergency assistance of 5.5 million US dollars in July. Japan has been making various diplomatic efforts such as teleconference between Prime Minister Shinzo Abe and Mr. Benjamin Netanyahu, Prime Minister of Israel, and the visit of Deputy Foreign Minister Nobuo Kishi to Egypt, Israel,

Palestine and Jordan. Through such efforts, Japan has been urging the parties concerned to swiftly realize a lasting ceasefire. Japan will continue to make such efforts in coordination with the international community.

Upon the announcement of the recent ceasefire agreement between Israel and the Palestinian militants, Foreign Minister of Japan, issued a statement welcoming the ceasefire agreement between both parties and also expressing respect for mediation efforts by Egypt and reiterated the following proposal by the Japanese Government to the international community so that the ceasefire agreement will lead to a lasting ceasefire and stabilization of the Gaza Strip.

(1) The lasting ceasefire should be achieved on the basis of relevant past agreements including the Ceasefire agreement Proposed by Egypt in 2012, Palestinian National reconciliation Agreement proposed by Egypt in 2009, Chapter 2 of the Israeli-Palestinian Interim agreement on the West Bank and the Gaza Strip in 1995.

(2) All parties concerned should discuss their concrete steps without any pre-conditions.

(3) The ceasefire should lead to the resumption of the Middle East peace talks and the stabilization of the entire Middle East.

(4) The international community should render its support to the stabilization of Gaza and its people after a lasting ceasefire is achieved. The Japanese government will continue to play an active role based on the above mentioned proposal and, for the stabilization of the Gaza Strip and the entire Middle East, our support should not only be confined to temporary aid but should also reach out to long-standing, seamless efforts ranging from emergency humanitarian aid to reconstruction.

Thank you.

President: Thank you Japan, now Iran has the floor.

The Delegate of the Islamic Republic of Iran: “In the name of God, the compassionate, the Merciful”

Mr. President, I thank the Secretary General for his informative introductory statement on the topic on Palestine which continues to deserve particular attention by AALCO member States.

Mr. President, The world has witnessed the blatant disregard for fundamental human rights of Palestinian people for more than 60 years. Few calls made by international bodies in this regard have been, sadly, hindered and blocked by double standards imposed by some countries. The denial of the inalienable right of the Palestinian people to self-determination while depriving them of the most basic necessities of life by the Zionist regime amidst the silence of the international community has almost paralyzed the legal arsenal in this regard.

In recent months, brazen commission of war crimes and crimes against humanity against the residents of Gaza has shocked the conscience of humanity. Directing indiscriminate attacks against thousands of innocent people bringing about the death of more than 2000 civilians and the injury of some 10,000, many of them women and children, coupled with the deportation of 400,000 people and the destruction of 9000 homes through a widespread and systematic attack have all occurred in 50 days.

The said atrocities along with the expansionist policies of the Israeli regime in the West Bank and the isolation of Palestinians in an exclave for several years in flagrant violation of international humanitarian law and human rights law cannot escape justice. The Islamic Republic of Iran is of the view that persistent impunity risks moving against the long-awaited goal of achieving a lasting peace in Middle East.

Mr. President, The Advisory Opinion delivered by the International Court of Justice (ICJ) in the case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory described the construction of the wall in the Occupied Palestinian Territory including in and around Jerusalem and its associated regime “contrary to international law”. ICJ’s opinion must be endorsed by the international community in that the existence of a Palestinian people is no longer an issue and they do have a right of self-determination.

Also, numerous calls have been made by the Human Rights Council regarding gross violations of international human rights law and grave breaches of international humanitarian law during the Israeli occupation and military operations in Gaza and evidence thereof;

Thus, the Islamic Republic of Iran calls for the formal recognition of the right of the Palestinians to self-determination and full respect for the principles of international law including the provisions and the principles of the Charter of the UN, Universal declaration of Human Rights, the regulations annexed to The Hague Convention of 1907 and the Geneva Conventions in particular the fourth Geneva Convention regarding the protection of civilian persons in time of war.

I would like to end my remarks by emphasizing the necessity of bringing into play all the existing legal arsenal to bring to justice the perpetrators of the most serious crimes of grave concern to the international community, specifically by engaging the International Criminal Court in order to put an end to impunity of those responsible for the crimes committed against the residents of Gaza.

Thank you, Mr. President.

President: Thank you and the next speaker on the list is Pakistan.

The Delegate of Pakistan: Thank you Mr. President. Expressing utter respect to the observations made by the Secretary-General I would try my best to confine my observations to the topic and its related matters only. At the outset I express my gratitude to the Secretary-General for a very elaborative statement and introduction of the topic. Mr. President the item itself indicates two important parts, the first part relates to the IVth Geneva Convention, in this Convention there are two Chapters which are related to the present discussion. The first being “Belligerent Occupation” and the second one is the “Treatment of Civilians on both sides of the belligerents”.

Let’s take up the “Belligerent Occupation”, if it is a belligerent occupation then I would suggest that I am not very happy with the title of the topic which starts with the word “Deportation”. As

we understand the word deportation, it denotes that somebody illegally enters into another's territory or is allowed to illegally enter into the territory but overstays. Is it really the case in case of Palestinians? They are not being deported they are being expelled from their own territory, so I am not very sure whether we are right in using the word deportation here, particularly, in view of the conditions in the State of Palestine.

The second point relates to the "Belligerent Population", a belligerent population is a temporary phenomenon it is not permanent, those days are gone when the occupier or conqueror used to integrate the occupied or conquered territory. Belligerent population itself means that it is for the time being and once the war ends the territory returns to the original owner. So the fundamental duty of the belligerent occupation is not to change the character of the occupied territory. Therefore, bringing in the Jews, settling them in the occupied territories is a fundamental violation of the law under the IVth Geneva Convention that is changing the demographic character of the area.

Third, as far as the protection of the communities is concerned the latest situation in Gaza indicates that the "rule of proportionality" has been violently and gravely disregarded in this case. So there has to be a general condemnation of this disregard to the rule of law which is a disregard of the IVth Geneva Convention in regard to the retaliation which has to be proportional to the crime and I recall a saying of Dr. Charis, who was the Defense Counsel in the Nuremberg Trials at the end of his arguments on behalf of the major German war criminals he concluded his argument by saying "to fail is an abominable crime to succeed is a sanctified action", therefore let us and the world resolve that the rule of law succeeds, prevails and to the disdain of the rule of law utterly fails. Thank you.

President: Thank you, I am sure that your valuable points will be noted duly by the Secretariat. The next speaker on the list is Syria.

The Delegate of Syria: Mr. President can I yield the floor to the distinguished Minister of Palestine, I will talk after him.

President: The distinguished Minister of Palestine has the floor.

The Minister of Justice of Palestine⁴²: I thank the Government of the Islamic republic of Iran for inscribing this item on the agenda of AALCO and that it is being discussed even today. I reiterate the views expressed by the delegate of Pakistan that the use of the term "Deportation" is inaccurate because the reality is that the Palestinians are being forcefully expelled from their homeland since 1948. Unfortunately, this contentious issue has not been resolved despite numerous Security Council and General Assembly resolutions. In fact Israel is the only country which has been created by a UN resolution. Since the beginning it has been Israel's policy to evacuate Palestinians from their homeland and lands in utter disregard and violation of the Geneva Conventions and the UN Charter.

⁴² This statement was delivered in Arabic. As the translation of the same is not available, this portion has been prepared from the notes taken by the Secretariat personnel.

The latest aggression on Gaza has targeted the life and property of innocent civilians which has left scores dead, thousands homeless, without either food or shelter. Israel has targeted agricultural fields, killed animals and destroyed the only power station in Gaza. Despite calls from the international community and the Security Council Israel continues with its illegal violations of international law. The need of the hour is to draw lessons from the Report of the UN Secretary-General and devise a mechanism to punish the war criminals either through the International Criminal Court or other international forums and get justice for the people of Palestine, who have been treated unfairly since the time of the League of Nations, when the process of settling Jews commenced in the land of Palestine. We have to acknowledge that the demographic character of the Palestinian State has undergone tremendous change due to the policies of settlement adopted by the Israeli Government.

The recent grant of Non-Member State status to the State of Palestine by the General Assembly and the subsequent recognition of Palestine as a State by UNESCO has given a new legal status to Palestine by the International community and the time is opportune for Palestinian people to demand their rights for fair compensation being granted to them for the sufferings inflicted on them by the war crimes perpetrated by Israel. We request the AALCO Secretariat to study this proposal as to how can the Palestinians be compensated for the many wrongs committed on them by Israel. Thank you.

President: I thank the Minister of the State of Palestine for his very informative and enlightening statement. Now I give the floor to the distinguished representative of Syria.

The Delegate of Syria⁴³: Thank you Mr. President. First and foremost I thank the Secretary-General for his elaborate report on the subject. I also thank the Minister of Palestine for his very informative statement and for the proposal put forward by him. The Palestinian issue is one of the top most priorities on the agenda of the United Nations for the reason that Israel continues to violate the UN Charter, the Geneva Conventions and international law by continuing to deport Palestinian people from their homeland and denying them their right to self-determination. We have to understand that at the heart of the problem lies a continued occupation and deportation of Palestinian people which is in violation of international law and the judgment of the International Court of Justice which categorizes these elements as war crimes which need to be brought to justice. The Israeli side has violated all the agreements it entered with Palestine to peacefully settle the issues between them and continues with its settlement policy in addition to stealing Palestinian land and its aggression on Gaza. All these actions of Israel are in contravention of International Humanitarian Law and Human Rights law. Therefore, we request the AALCO Secretariat to provide a legal framework so that the war criminals could be taken either to the International Criminal Court or the International Court of Justice. In addition the Palestinians should be allowed to their right to self-determination and to have an independent, sovereign state of their own. In the end I once again thank the AALCO and the Asian-African States for their continued support to this issue. Thank you.

President: Thank you. The next speaker on the list is Egypt.

⁴³ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

The Delegate of the Arab Republic of Egypt⁴⁴: Thank you Mr. President. The Palestinian issue is the reason for tension in the Middle East region currently it is the biggest challenge that has to be addressed for peace to prevail in the region. The continued settlement policy of Israel and the occupation of the Palestinian territory defy the principles of international law and International Humanitarian Law. These actions of Israel do not provide a sustainable environment for peace. The ICJ in its judgment has clearly stated that the illegal settlement policy violates the IVth Geneva Convention. On several occasions this position has also been reiterated by the United Nations Security Council, but unfortunately Israel has continued with its expansionist policy in Palestine which has changed the character of the Palestinian land. The actions that it has done towards Palestine since 1967 have no legal sanctity and are clearly in violation of the IVth Geneva Convention and have severely obstructed a peaceful settlement of the issue. Israel has refused to comply with all the UNSC and GA resolutions calling it to abide by the well established principles of international law, stop the settlement activities, abide by the ICJ judgment and resolve the long standing refugee problem that has been caused due to its actions. However, it has failed to do any of this. Therefore, we call upon Israel to give the refugees the right to return to their homeland and compensate them monetarily as well. In conclusion the delegate recalled some of the measures that the Arab republic of Egypt had taken towards bringing about a ceasefire in the recent Gaza war, and its efforts towards rebuilding the devastated Gaza territory.

President: I thank the delegate of Egypt and now give the floor to China.

The Delegate of People's Republic of China: Mr. President, China follows closely to the Palestinian-Israeli Situation. It is deeply concerned by the safety of the Palestinian people, saddened by the injuries and deaths of the Palestine people caused by the conflict in Gaza since July, and strongly condemn any abuse of force which causes heavy casualties of innocent civilians.

Mr. President, China is a firm supporter and sincere mediator for peace between Palestine and Israel. Since the outbreak of the conflict, China has been using various ways to promote peace and cessation of violence, including putting forward a five point proposal for peacefully resolving the Palestine-Israel conflict. Chinese government and Red Cross Society of China have respectively provided two tranches of emergency humanitarian assistance to people in Gaza. China welcomes the recent ceasefire agreement reached between Palestine and Israel, and commends the efforts made by the relevant parties to make this happen. China hopes both Palestine and Israel would put peace above everything else, uphold the ceasefire, take it as an opportunity to resume peace talks as soon as possible, and push for an early, just and reasonable resolution of the Palestinian issue and achieve lasting peace and mutual security.

Mr. President, The root cause of incessant Palestine-Israel conflict is that the Palestinian issue has not been resolved in a just and reasonable way for a long time. Without justice, there will be no lasting peace.

⁴⁴ *Ibid.*

Mr. President, China has always supported the legitimate demand and the lawful right of the Palestinian people to establish an independent State of Palestine with full sovereignty on the 1967 borders with East Jerusalem as its capital. China supports Palestine's membership in the United Nations and other international organizations.

Mr. President, China is opposed to the construction of settlements on the occupied Palestinian territories. China calls on Israel to respect the legitimate aspirations of the Palestinian people, and stop expelling Palestinians and demolishing their homes. Meanwhile, China calls on Israel to immediately and fully lift the blockade of Gaza Strip to earnestly ease the humanitarian situation there.

Thank you.

President: Thank you. South Africa has the floor.

The Delegate of Republic of South Africa: Thank you Mr. President. We thank you Mr. Secretary-General for your very comprehensive remarks this morning. We hold this meeting at the background of the on-going conflict in Gaza in which thousands of civilians have lost their lives, thousands more have been displaced and critical humanitarian infrastructure and property were demolished, a tragic and unnecessary conflict with grave humanitarian implications on the population of Gaza. We are pleased that Palestine and Israel have completed an open ended ceasefire agreement immediately which was intermediated by Egypt. We are calling on the protagonist to the conflict to observe a ceasefire by resolving all outstanding issues, a process that will form the basis for negotiations on the core issues and finding a permanent solution to the conflict. As part of the international efforts to resolve the conflict South Africa sent two official convoys to Israel-Palestine and various countries in the Middle East. South Africa's efforts to assist in this regard will continue as the countries of the region have requested South Africa to remain engaged. South Africa is calling for the resumption of negotiations towards a permanent resolution of this conflict with a two-state solution with a viable Palestine existing side by side and with peace with Israel mutually agreed and internationally recognized borders based on the 4th June 1967 line with East Jerusalem as the capital of Palestine. A mutually constructive coexistence among two viable States can guarantee a lasting and just peace. South Africa is therefore deeply concerned with the latest Israeli plans to further expand in the West Bank and cause Israel to ban this decision and all other settlement activities. Mr. President, South Africa stands firmly opposed to the blockade on Gaza which is one of the key outstanding issues in the negotiations. We call on Israel to uplift the blockade permanently and allow Palestinians free movement.

Mr. President it is well known that South Africa has always strongly supported the Palestinian cause in the international fora in 2004 in its oral arguments before the ICJ, where the court found that the construction of the wall was in contravention of the IVth Geneva Convention which is applicable in the occupied Palestinian territories and that international human rights law is equally applicable. Furthermore, the construction of the wall was an unacceptable act on the territory of Palestine contrary to international law as it is a violation of the law to acquire territory by use of force consequently inferring interference with the Palestinian right to self-determination. Specifically the establishment of settlements in Palestinian occupied territory is

contrary to the IVth Geneva Convention. South Africa also supported the application by the Palestinian State for full membership at the 67th session of the United Nations General Assembly session and also its membership at UNESCO. South Africa maintains warm diplomatic relations with the State of Palestine. Thank you.

President: Thank you and now Malaysia has the floor.

The Delegate of Malaysia: Thank you Mr. President. Malaysia extends our gratitude to the AALCO Secretariat for preparing a very comprehensive report on this important topic. Malaysia wishes to highlight that this item has remained on our agenda since its introduction in the 27th Session held in 1988, on a reference made by the Islamic Republic of Iran. Malaysia believes that we must not stop to discuss this important matter for as long as the Israeli violation continues. The ground incursion on the Gaza strip in 2014 is one of the latest incidents on how Israel persistently fails to comply with law and no tangible action has been taken against Israel, who continues to commit war crimes against the Palestinian people. Malaysia observes that many rules of international law continue to be violated daily due to the lack of strong and effective mechanisms for monitoring and promoting compliance. In relation to this Malaysia is of the view that there is a pressing need for the international community to explore ways or methods in strengthening the compliance mechanisms for the purpose of creating better legal protection for the victims in the State of Palestine. Malaysia believes that AALCO could play its role as a legal consultative body with direct access to the legal committee of the United Nations General Assembly to submit our legal views relating to the State of Palestine as had been consistently done by the Secretary-General. The scholarly works published by AALCO on the issue of the State of Palestine including the most recent special study on “The Statehood of Palestine under International Law” and “Unilateral and Secondary Sanctions: An International Law Perspective”, should be continued. Malaysia calls upon the Secretariat to be provided by this session with a mandate to conduct further special studies including on “The Issues of Compensation and Obligations Transferred to the League of Nations”, as just recently propounded by His Excellency the Minister of the State of Palestine in his intervention. Mr. President, Malaysia believes that AALCO in our limitation could not send security troops to help the people of Palestine, but we definitely could utilize our available troops of legal scholars. Thank you.

President: Thank you Malaysia. Now the delegate of the Democratic People’s Republic of Korea has the floor.

The Delegate of the Democratic People’s Republic of Korea: Thank you Mr. President, I will really be short, the Government of the DPR Korea expresses its consistent support and solidarity to the Palestinian people in their struggle to recover their national rights including the right to return and self determination. Thank you Mr. President.

President: Thank you, now Turkey has the floor.

The Delegate of Turkey: Mr. President about paragraph 112 of the background paper I wish to inform you that this paragraph does not reflect the views of my country completely. Therefore,

we think that we don't need to question Palestinian State's authority over territories in certain circumstances. Thank you.

President: Thank you your point will be taken note of by the Secretariat. Is there any request for the floor? Indonesia has the floor.

The Delegate of the Republic of Indonesia: Mr. President Indonesia attaches importance on this agenda item and strongly supports the independence and statehood of Palestine. Therefore, Indonesia compliments countries in these two regions for supporting the independence of Palestine. In the same vein Indonesia would like to draw our attention to the United Nations General Assembly resolution A/68/12 of 26 November 2013 which designated 2014 as the International Year of Solidarity with the Palestinian People, this particular resolution was aimed at boosting international support for the right of Palestinian people to self-determination. However, this year we were taken aback after the events that were marked by extreme violence against the Palestinian people. Mr. President, as long as the violence continues the prospect of just and lasting peace between Israel and Palestinian will always be a distant horizon. Through an open letter the President of the Republic of Indonesia has reaffirmed Indonesia's position in supporting the right of the Palestinian to independence and statehood. The President is an ardent supporter of the two-state solution in creation of a peaceful region as a realistic concept. In order to attain such goals the President invites the world community to work together to secure an independent Palestinian state whereby two states can peace fully stay side by side with Israel and other neighboring countries. It is our view that AALCO's members must continue to assist Palestine in the necessary preparation for their eventual statehood; in this regard Indonesia could chair the second conference on the Cooperation among East Asian countries for Palestinian development. This conference was a consultative framework for Asian countries to consider effective assistance to the Palestinians by mobilizing their own knowledge and resource. Mr. President, Indonesia would also like to share that our former Ambassador to the United Nations was elected as the Special Rapporteur on the Human Rights Situation in the Israeli Occupied Palestinian Territories by the United Nations Human Rights Council. Indonesia would like to express once again unwavering support of Palestinian people and their legitimate struggle for self-determination. Thank you.

President: Thank you. I recognize the representative of Iraq.

The Delegate of the Republic of Iraq⁴⁵: Thank you Mr. President. Unfortunately I could not take the floor yesterday on the topic of terrorism. May I say a few words about that? Iraq is facing terrorism that has crossed all limits and has acquired a war like dimension, it has crossed boundaries, because the terrorists have very advanced dangerous weapons and possess advanced technology by which they are spreading the ideology of violent extremism, they are using faith and religion to propagate this ideology and we have to take concerted efforts to deter such ideology from spreading. Thank you Mr. President.

President: If there are no other speakers, I consider this agenda item to be closed. Ladies and Gentlemen, we were supposed to have a break but due to constraints of time I suggest that we

⁴⁵ The Statement was delivered in Arabic. As the recorded version is not available, this is the version from the Secretariat notes.

continue with the next agenda item proposed by the People's Republic of China, "**International Law in Cyberspace**". Then hopefully we will adjourn the meeting by 11.30 and go for break and by 12.00 noon depart from here to the Millad Tower. If agreed I will continue to do so. Japan has the floor.

AGENDA ITEM: INTERNATIONAL LAW IN CYBERSPACE

His Excellency Dr. Danesh Yazdi, President of the Fifty-Third Annual Session of AALCO in the Chair.

President: Excellencies, Ladies and gentlemen, in view of the time constraint, let us begin our next agenda item proposed by China—International law in cyberspace. First, let me invite the distinguished delegate of China. Sir, you have the floor.

The Delegation of People's Republic of China: Mr. President, the Chinese delegation welcomes the inclusion of the item "International Law in Cyberspace" proposed by China in the Agenda of this Session. The 21st Century is the century of Internet/cyberspace. After land, sea air and outer space, cyberspace has become the fifth domain for human activities, and it has penetrated into every aspect of human life, bringing profound and unprecedented changes to our societies. It is the common interest of the international community to make the best use of the opportunities brought by cyberspace and at the same time minimize the associated problems and risks.

Cyberspace per se is virtual space, but its participants come from the real world, and cyberspace exerts real effect on the real world. Cyberspace also needs rules. In recent years, the issue of international law in cyberspace has drawn great attention from all sides. The international community has already conducted extensive discussions on issues such as State Sovereignty in Cyberspace, Combating Cybercrime, Peaceful Use of Cyberspace and Application of International Law in Cyberspace, etc. Multilateral and regional forums such as the 1st Committee of the United Nations General Assembly, 3rd Committee of the United Nations General Assembly, the United Nations Commission on Crime Prevention and Criminal Justice, International Telecommunication Union, and Shanghai Cooperation Organization, have carried out various dialogues and discussions in this regard. In 2013, the United Nations Group of Governmental Experts on Information Security, established by the UN General Assembly resolution 66/24, reached general consensus on the applicability of the charter of the United Nations to cyberspace. The UN Group of Governmental Experts on Cybercrime, mandated by the UNGA resolution 65/230, has held two meetings to examine options to strengthen the existing and to propose new national and international legal or other responses to cybercrime. In 2011, China, together with Russia, Tajikistan and Uzbekistan, submitted to the UNGA the draft "International Code of conduct for Information Security". The four countries are updating and improving the document, which aims at expounding on norms of conduct in cyberspace through a voluntarily political document. However, clear and consistent international rules have yet to be set for cyberspace.

In recent years, we have witnessed the rapid advancement of informatization in Asia and Africa. Statistics of Internet World Stats show that, by the end of 2013, 57% of the world's Internet users are from Asia and Africa. Yet developing countries make up the majority of the two continents, and more than 90% of the non-Internet users are from the developing world. Therefore, the Asian-African region has even greater potential in the promotion of Internet application and informatization. On the other hand, Asian-African countries still lag far behind the developed countries in such fields as Internet technology and governance, and are more vulnerable to cyber security risks. This region's participation and representation in international processes on cyberspace is far from sufficient, and its influence and impact on global Internet governance and formulation of international rules for cyberspace is still regrettably limited. It is high time for Asian-African countries to attach great importance to international legal issues in cyberspace, and actively participate in cyber-related international processes, voicing their legitimate concerns and demands, so as to improve their status and influence in global Internet governance.

As the only inter-governmental legal consultative organization in the Asian-African region, it is of great importance for AALCO to add the issue of international law in cyberspace on its agenda. First, it facilitates ongoing and in-depth exchanges among Asian-African countries on international legal issues in cyberspace, which will help to promote regional and trans-regional cooperation, and safeguard the common interests. Second, it helps build consensus among Asian-African countries on international legal issues in cyberspace, and contribute wisdom and solutions to international rule of law in cyberspace, thus improving the participation and representation of Asian-African countries in relevant international processes.

Under this item, China kindly suggests that the AACLO places its emphasis on discussions of state sovereignty and Internet freedom, peaceful use of cyberspace and prevention of cyberspace militarization, international cooperation in combating cybercrimes, and development and application of international rules for cyberspace. Those issues are most important legal issues related to the formulation of applicable international law norms and international order in cyberspace. China is looking forward to views from distinguished delegations, and here I would like to share our views on the four issues listed in the explanatory note attached to this new agenda item:

First, on cyber sovereignty and cyber freedom. The *Geneva Declaration of Principles* adopted at the World Summit on the Information Society in 2003 clearly states that "policy authority for Internet-related public policy issues is the sovereign rights of states"(para.49a). The UN Group of Governmental Experts on Information Security in its 2013 report declares that "States sovereignty and international norms and principles that flow from sovereignty apply to State conduct of ICT-related activities, and to their jurisdiction over ICT infrastructure within their territory" (para.20). We fully agree that cyberspace is not global commons, the principle of state sovereignty and non-interference in other's internal affairs enshrined in the UN Charter applies in cyberspace. Every country is entitled to manage cyber infrastructure and regulate cyber activities within its territory according to law, taking into account its national conditions, and take necessary measures to prevent threats, disturbance, and take necessary measures to prevent threats, disturbance, attacks and sabotage to its critical infrastructure and information resources. China firmly objects and act that violates the principle of state sovereignty and non-

interference in others' internal affairs by using cyberspace to disturb or sabotage the fundamental systems of other countries, instigate social unrest or push regime change in other countries, etc. Meanwhile, every country should fully respect and safeguard freedom of expression and other freedoms exercised on-line by its citizens in accordance with its domestic law, and strive to strike a balance between cyber security on the one hand and free flow of information and protection of individual rights on the other.

Second, on peaceful use of cyberspace and prevention cyberspace militarization. In cyberspace, countries are connected with each other, their interests converge and they share weal and woe. Mankind does not need a new battlefield in cyberspace, and a peaceful cyberspace is in the common interest of all countries. Countries should comply with non-use of force, peaceful resolution of disputes and other principles, enshrined in the UN Charter, and prevent the ICTs from being used for purposes inconsistent with peaceful development. Countries should firmly oppose such acts as using cyberspace to carry out hostile activities or acts of aggression, or pose threats to international peace and security. In terms of international law, the principle of non-use of force, as the core principle of the UN collective security system enshrined in the UN Charter, is *jus cogens* of international law, while self-defence but an exception to this principle. However, in recent years, there has been too much talk of making exceptions for cyber space warfare or cyber self-defence and the non-use of force principle has been to some extent marginalised. The risk of sliding towards the militarisation of cyberspace deserves high attention of the international community.

Third, on rules for International cooperation in combating cybercrime. China has taken note of the *Convention on cybercrime* formulated in 2001 by the Council of Europe, which provides to some extent a valuable reference to international legislation on cybercrime. But the Convention is not suitable for a global legal cooperation framework due to its limits in both substantive and procedural rules, and its obvious deficiency in representation and inclusiveness as far as its regional drafting process and high threshold for accession as concerned. China agrees to formulate international rules on cybercrime under aegis of the UN to promote international cooperation, and supports the UN Group Governmental Experts on Cybercrime in furthering its work mandated by relative resolutions.

Fourth, on the development and application of rules of international legal rules for cyberspace. The international community has reached general consensus on the application of existing international law principles in cyberspace, but many detailed issues are yet to be clarified, such as Internet global governance, cultural diversity in cyberspace, and human rights and development. China holds that every country is the stakeholder of international governance in cyberspace, and is entitled to equal participation in formulation of international rules for cyberspace. The UN, as the most representative and authoritative international organization, is the best forum for discussing and setting norms and rules for cyberspace. We maintain that consistent application of international rules is vital, and oppose double standards and selective application of international law in any form. It is not acceptable that a country uses domestic rules on cyberspace as "international rules" and imposes them on other countries.

China is looking forward to strengthening communication and promoting mutual trust and cooperation with other AALCO Member States on international legal issues in cyberspace, and

is committed to join efforts to establish a peaceful, safe, open and cooperative cyberspace. We wish to promote the AALCO's role in this regard. Given the long-term nature and complexity of the issue of 'international law in cyberspace', we would like to suggest the AALCO keep the item on its regular agenda, so as to promote continued and in-depth studies and discussions on its important item by its Member States.

President: Thank you, Sir. I invite the distinguished representative of Japan. Sir, you have the floor.

The Delegation of Japan: Mr. President, This is the first time for the question of Cyberspace to be addressed as an agenda item at the AALCO annual session. But, as we are all aware, this is not a new issue internationally. On the contrary, this has been a widely discussed and debated hot issue among the intergovernmental and non-governmental for a concerned today.

Japan believes that Cyberspace serves as a basis for socioeconomic activities of humanity, and that securing free flow of information in cyberspace is one of Japan's basic policies. The international community is also striving to build a safe and reliable cyberspace by securing its openness and interoperability without states' excessive control or restriction while giving due attention to strike a balance between the protection of privacy and assurance of security.

Japan recognizes the risks against stable use of cyberspace as an urgent security issue that no single country can address by itself.

Japan has been actively participating in the discussion on the scope of application of existing international law to cyberspace in the UN Cyber Group of Governmental Experts (GGE) under the First Committee of the General Assembly and has recognized the need for further dissemination of the Budapest Convention on Cybercrime in order to address cybercrime in concert with the international community.

To touch briefly upon some of the topic proposed by China:

First, on Sovereignty and Freedom of Cyberspace, in our view, a state where cyber infrastructures or person using cyberspace are locate can exercise territorial sovereignty over such infrastructures or persons. Freedom of expression and secrecy of correspondence (confidentiality of communication) should be respected to the maximum extent possible as fundamental human rights. However, these fundamental human rights are not guaranteed without limitations; if there are higher legal interests, they can be limited for the public welfare.

Secondly, on Peaceful Use and Militarization of Cyberspace, Addressing various threats in cyberspace is an urgent issue in the international community. Application of existing international law should be further considered for the stable use of cyberspace. Moreover, States are encouraged to take confidence building measures (CBM) bilaterally and multilaterally to prevent unintended escalations that are not intended by parties.

Thirdly, on Cybercrime, Budapest Convention, Cybercrime is transnational threat which needs to be tackled jointly by the international community. The convention on Cybercrime of the

council of Europe, or the so called Budapest Convention, is at present the only effective multilateral instrument on the use of cyberspace. We believe that, if more countries harmonize their domestic legislations to the standard of the Budapest Convention, it will contribute greatly to the stable use of cyberspace.

Japan participated in the negotiation process of the Budapest Convention and finally acceded to the Convention in July 2012. We are currently the only Party from the Asian region to this Convention but gradually more and more non-European countries are adopting the standard of Budapest Convention in their domestic legislations. Other non-European Parties to the convention so far include the United States, Australia, the Dominican Republic, Panama and Mauritius. South Africa and Canada have also signed the Convention.

With respect to a proposal to develop cybercrime convention at the UN level, we should be prudent so as not to duplicate the efforts to create something very similar to the Budapest Convention. There are many countries that are in need of urgent assistance in terms of cybercrime legislations and capacity building of law enforcement agencies.

Lastly, on the question of Application of International Law, International Law has played a significant role in securing legal stability and predictability in the international community and the application of international law to the use of cyberspace has been, as a matter of principle, agreed upon in the discussion in the United Nations.

The question of how specific individual norms, rules and principles of international law should apply to the use of cyberspace needs further and most careful consideration.

Thank you.

President: Thank you, Sir. I invite the distinguished representative of Islamic Republic of Iran. Sir, you have the floor.

The Delegation of the Islamic Republic of Iran: Mr. President, My delegation would like to appreciate the timely proposal forwarded by the delegation of China to include the item “international Law and Cyberspace” on the agenda of the AALCO. The Islamic Republic of Iran attaches high importance to the issue and thus deems it commendable that AALCO keeps up with the latest challenges which appear to be real common concerns to all AALCO Member States.

According to the official statistics issued by the International Telecommunications Union in 2012, amongst more than two and half billion internet users in the world, Member States of AALCO held more than 1 billion and 240 million internet users. This figure has undergone at 7-9% growth in the year 2014; when compared with the rate of population growth, which is 1.14% in the same year, this indicates that our nations are becoming digitalized with a faster rate than population growth. The 40.40% penetration of internet in society in 2014 compared with the 37.9% in 2013 is also witness thereof.

These figures show that coming to terms with the virtual world is inevitable. So we have to face the challenge. In tandem with all the benefits it provides, the Internet is the source of unprecedented challenges to states on national and international levels. The main problem is that cyberspace is a spatial entity without defined borders where transnationalism takes a whole new definition; with locations thousands of kilometres farther being just a single click away, this almost unregulated space is always potential of turning into a full-fledged battlefield with warriors attacking States many of them impossible to locate physically.

Mr. President, The diverse legal dimensions of cyber activities span different areas of national and international law including telecommunications law, aviation law, law of space, law of the sea and international humanitarian law. Putting aside some aspects of cyberspace regulated through national legislation mainly that of cybercrimes, the complexity of the issue calls into question the applicability of existing international legal norms. This is specifically complicated by the fact that the main classical legal framework has been established in an era void of digital connections: a few examples thereof include the characterization of cyber-attacks as “force” under article 2(4) of the UN Charter, the applicability of principles of international humanitarian law such as distinction and proportionality, and whether customary international law of state responsibility apply to complex cases of infiltrations when carried out using computer services of a third party or in case of large-scale attacks by non-state actors.

Whether called “cyber-attacks”, “cyber warfare” or “cyber terrorism”, harmful cyber activities are capable of shutting down nuclear centrifuges, air defence systems, electrical grids and other vital infrastructures in violation of state sovereignty and territorial integrity.

Mr. President, In the past years, many states, including AALCO Member States have fallen victim to cyber attacks, directed in violation of their sovereignty and territorial integrity. While respect to sovereign equality of states and inviolability of their territorial integrity is a *sine quo non* to respect for international law, the permeating nature of *virtual* cyber attacks stands against some of the well-established principles of international law in the *real* world. Therefore, it seems that the legal aspects of acts carried out in cyberspace deserve to be the subject of consultations at the AALCO and the unique nature of the topic demands the preparedness of States to consider the *lex ferenda* dimensions of the phenomenon.

Thank you Mr. President.

President: Thank you, Sir. The last speaker is the distinguished representative of Nigeria. Sir, you have the floor.

The Delegate of Nigeria: Thank you, Mr. President. Mr. President, my delegation thank the People’s Republic of China for introducing this topic in our deliberations. The issue of the lawful and responsible use of cyberspace is fast gaining the attention of the global community and AALCO should therefore be active part of this movement to ensure that cyberspace does not become a new frontier for global conflict or destabilization.

Mr. President, Nigeria looks forward to elaborate discussions on this topic at future sessions of AALCO in light of our current efforts to articulate and implement a domestic regime to deal

with cyber crime which is currently under consideration of our national assembly. We are also continuing our studies on various civil aspects of the use of cyberspace such as privacy and corporate responsibility. This is especially against the backdrop of exponential growth of the telecom sector in our country and our continent over the past few years. We are also concerned about the use of internet to promote terrorist related activities. It is in this context that Nigeria continues to enthusiastically participate in international initiatives to address this topic.

Mr. President, my delegation therefore looks forward to the Fifty Forth Session of AALCO where we hope a more detailed elaboration of this topic will be undertaken.

Thank you.

President: Thank you, Sir. If there are no more requests for the floor, I consider this agenda item closed.

XI. VERBATIM RECORD OF THIRD MEETING OF THE DELEGATIONS

**XI. VERBATIM RECORD OF THIRD MEETING OF THE DELEGATIONS OF
AALCO MEMBER STATES HELD ON 18 SEPTEMBER 2014 AT 12.30 PM**

**AGENDA ITEM: REPORT ON THE WORK OF AALCO'S REGIONAL
ARBITRATION CENTRES**

**His Excellency Dr. Danesh Yazdi, President of the Fifty-third Annual Session of AALCO
in the Chair**

President: Good afternoon Ladies and Gentlemen, we are about to resume our session. The agenda item that we take up this afternoon is the Report on the Work of the AALCO Regional Arbitration Centers. But before I request Mr. Feng to introduce the report on this issue, I would like to give the floor to the Secretary-General who wants to make few remarks.

Prof. Dr. Rahmat Mohamad, Secretary-General: Thank you, Mr. President. May I seek the indulgence of the delegates of the Member States of AALCO in relation to the appointment of the Chairperson and the Special Rapporteur for the 'Working Group on Customary International Law'. There has been a suggestion by Prof. Momtaz that in view of the rule that is applicable as to the appointment of the Chairperson of the Working Group and to avoid the complication, the name of the group has been changed to 'Informal Expert Group on Customary International Law. For that there was an election of the Chairperson and Rapporteur. May I have the endorsement of the Member States as to these appointments. The Chairperson is Prof. Dr. Sufian Jusoh, Associate Professor, UKM, Malaysia, and the Special Rapporteur is Prof. Lee from People's Republic of China. They have specific tasks to ensure that the Report will be ready before submitting to the Special Rapporteur of ILC on the topic Sir Michael Wood. So if I may have your endorsement of this Plenary, it would enable them to start working on the matter of customary law. Thank you, Sir.

President: Thank you, Secretary-General for your remarks. Coming back to our morning agenda we have before us the Report on the Work of the AALCO Regional Arbitration Centers. The Directors of the Centers, who are present here, please come to the podium.

Mr. Feng Qinghu, Deputy Secretary-General, AALCO: Thank you Mr. President. Your Excellency Mr. President, H. E. Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO; Excellencies, Distinguished Delegates, Ladies and gentlemen, it is my pleasure to introduce the report of the AALCO's Regional Arbitration Centres as contained in the Secretariat Document AALCO/53/THRAN /2014/ORG 3 which consists of the Reports of the Directors of the Tehran Regional Arbitration Centre (TRAC), 2012-2013 and the Cairo Regional Centre for International Commercial Arbitration (CRCICA) - Cairo, Egypt. The Report of the Kuala Lumpur Regional Arbitration Centres had been sent very recently to the AALCO Secretariat and hence the same has been circulated in this meeting.

AALCO's association in the area of arbitration goes back to 1970's when there were hardly any permanent arbitral institutions in the Asian-African region. AALCO was prompted to realize the need to develop and improve the procedure for international commercial arbitration, the necessity for institutional support, develop necessary expertise and creative environment

conducive to conduct arbitration in the Asian and African regions. The AALCO Regional Arbitration Centres, it may be recalled, were the result of the AALCO's Scheme for the Settlement of Disputes in Economic and Commercial Transactions and the decision to establish Regional Centres for International Commercial Arbitration at the Doha Session in 1978.

In consonance with the scheme, the Regional Centres for Arbitration at Cairo, Arab Republic of Egypt for the African region and at Kuala Lumpur, Malaysia for the Asian region were established in 1978 and 1979 respectively. Later two more such Centres were established in Lagos, Nigeria in 1989 and Tehran, Islamic Republic of Iran in 2003. AALCO has also concluded an agreement with the Government of the Republic of Kenya in 2007, to establish its Fifth Regional Arbitration Centre in Nairobi to cater to the needs of the Eastern and Southern parts of the African continent. In this regard, we all expect the Government of Kenya to inform us of any new developments in the process of operationalizing the Nairobi Regional Arbitration Centre.

Excellencies, the role of Regional Arbitration Centres to mark a difference in the arbitration culture within the region is highly commendable. Their progress and efforts to fulfill their mandate and effectively function has given them reputation across borders. Infact, it is an honour for us to have these Regional Arbitration Centres under the auspices of AALCO as these Centres are one of the most successful ventures of the Organization. I would like to take this opportunity to congratulate our Directors and thank the Host Governments hosting these Centres and all other Member States for energetically supporting and assisting the Centres. AALCO holds the view that the Centres successful activities would have been impossible without the active support and cooperation of the Host Governments.

May I extend our warm welcome to the Directors of the Tehran Regional Arbitration Centre (TRAC), the Regional Centre for International Commercial Arbitration-Lagos, and the Kuala Lumpur Regional Centre for Arbitration (KLRCA) who are among us to present their respective reports to the Session.

President: Thank you, Mr. Feng for your statement. Now I invite the Director of the Tehran Regional Arbitration Centre (TRAC) to present his report on its activities. You may take the floor sir.

Judge Parviz Ansari Moein, Chairman, Tehran Regional Arbitration Centre: Mr. President, Excellencies, Distinguished delegates, It is a difficult task for me, especially after a nice sightseeing and lunch, to talk about international commercial arbitration and a report on that. But I will do my best to do so. This morning, the papers have been handed out to you. My statement in fact deals with two sections—the first one is about the report of the Tehran Regional Arbitration Centre (TRAC) and the second part concerns the international commercial arbitration and international law in general, which is a matter of concern for the arbitration centres in Iran and arbitral cases in Iran.

The first part is an overview of the TRAC which has been established almost ten years back under a MoU by the AALCO and the Islamic Republic of Iran. TRAC has made its own rules of arbitration based on the UNCITRAL arbitration rules *mutatis mutandis* to be compatible

with the Centre. Now, let me talk about our activities in the year 2013. Let me draw your attention to the table in paragraph 1 of this report. It demonstrates the bulk of our arbitral cases from the beginning till now. There has been an increase in the number of cases referred to TRAC in the last ten years. These cases involve investment cases in gas sector, oil sector, and construction sector etc. The arbitration clause of TRAC has been inserted in many contracts concluded between Iranian and foreign entities. If you look at Appendix 1 of the report, it shows the diversity of arbitrators we have on the list in our Centre. Of course, the contracting parties are free to choose their arbitrators from or outside the list.

In addition to its main activity i.e. arbitration, we have taken up two other activities—one is academic and the second, contributions we have made to the UNCITRAL. The academic part involves extensive courses on arbitration for students and professionals from industry. At the moment, courses are given at three levels and spans 160 hours. This is done in partnership with Industrial Management Organization of Iran. Second, we have participated in UNITRAL deliberations in Vienna and New York to adopt standards on transparency of treaty based arbitration.

As regards, international trade and international commercial arbitration, since last year the International Chamber of Commerce (ICC) in Paris have suspended Iranian cases submitted to them owing to sanctions on Iran despite no direct relation between the two. As a result, they have denied justice for the parties involved in these cases. After several rejections of this kind, I personally wrote a letter to the Secretary General of ICC, that these actions are quite inconsistent with the freedom of the parties to choose the forum of arbitration. Access to judicial forum is a basic right which cannot be denied. The Secretary General responded that such actions were the result of pressure from French government. Also, domestic courts are not accepting these cases because of the arbitration clause in the contract. AALCO Secretary General may do some good offices to deal with this issue.

Coming back to the Report, we had the Secretary General of AALCO visiting us last year. At the end, I would like thank my colleagues and friends for their support for the expansion the Centre. I express my gratitude for all support.

Thank you very much.

President: Thank you, Judge Parviz Ansari Moein for your report. Now I invite the Director of the Lagos Regional Arbitration Centre to present his report on its activities. You may take the floor sir.

Hon. Wilfed Danola Ikatari, Lagos Regional Arbitration Centre: Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen, Regional Centre for International Commercial Arbitration, Lagos wishes to present a report on its activities during the year 2013-14. On 19 February 2014, the former Director retired from the Federal Government Civil Service and I was consequently appointed as the Director of the RAC, Lagos on 7 July 2014. Before my appearance today, I have only served 2 months, 4 weeks and 4 days. What I am presenting to you is what I inherit.

In the period under review, four new cases were added to the existing disputes already registered at the Centre. Fresh cases are still ongoing with one already concluded. They relate to maritime, construction, technology and supply. In the same period, there was significant participation by the Centre in arbitral events, one of which is International Bar Association Conference of 2013 held in Bristol, USA. The Centre was given referral to address the African participants on arbitration and African Regional Forum. Also, the Centre participated in the 10th Annual Maritime Conference for Judges 2014. One of the current issues by the judges there is the arbitration clause in bill of lading or charter party contract which tends to undermine the jurisdiction of Nigerian courts in favour of foreign jurisdiction will be struck down.

In relation to that, there was a renewal of collaboration agreement between the Lagos Centre and the International Centre for Settlement of Investment Disputes on 6 November 2013. The morale behind the agreement is that both ICSID and the Lagos Centre are convinced that the wider use of arbitration for settlement of disputes is fair, expeditious and inexpensive procedure and will bring stability to international trade and economic transactions between contracting parties. Finally, both organizations agree to continue to promote the wider use of facilities for arbitration.

As regards the future activities of the Centre, already listed remaining segments of 2014 include arbitration course for law officers at Le Meridian Golf Resort, Training Session on ICSID in November 2014 at the Lagos Centre, African Region Forum Arbitration Conference in November 2014, and International Arbitration Moot for students of African universities in January 2015 in Ghana.

When I came on board, I discovered that a very big property donated to the Centre and I hit the ground running. I chartered quantity surveyors and have concluded the remodeling and designing of all incidental issues that follow. I am confident to make it a state-of-art facility with all modern facilities for the promotion of arbitration in Africa under AALCO. I also discovered that the Centre was held down over the years by burden of bureaucracy. A new Bill is ground to properly position the Centre in respect of the law that will properly recognize and enforce the Headquarters Agreement that will fully realize the potential and facilitate performing the mandate of the Centre. In the same manner, reorganization of the administrative structure, which is far below standard, will go along with the Bill and other issues.

I thank the Secretary General and the team for the wonderful assistance to the Centre over the years and I particularly appreciate the President and the Vice President of the Fifty Third Session for giving this opportunity to the Centre to present a report on our activities in the year under review.

Thank you so much.

President: Thank you, Mr. Wilfed Danola Ikatari for your report. Now I invite the Director of KLRCA to present his report on its activities. You may take the floor, Sir.

Prof. Datuk Sundra Rajoo, Director, KLRCA: Mr. President, Excellencies, Distinguished Delegates, Ladies and gentlemen, I have the pleasure of presenting my fourth report since I joined THE Centre in 2010 and I have circulated a detailed report of the activities. What I am going to do is to highlight some of the issues we have dealt with.

As a start, we do four types of dispute resolution at the Centre: (1) mediation; (2) arbitration; (3) statutory adjudication; and (4) domain name dispute resolution. Last year, for us, was a bumper year. We had 156 cases out of which 128 was domestic and 28, international. It is interesting that one of the drivers has been our domestic market simply because there is so much economic activity going on. One of the first things I was asked to do when appointed as Director was to bring back domestic disputes which were going out of Malaysia. I believe we have succeeded so far in doing that.

We are located in a very challenging environment. To the south, we have Singapore, a well regarded international arbitration centre; Hong Kong, further up. Lately, Korea is also very active in international arbitration. And of course, where the most number of arbitrations are done is China. So I think the movement towards Asia is there and the Malaysia Centre has taken advantage of it.

What we have is now is four revised products: (1) KLRCA Rules as revised in 2013 based on the UNCITRAL Rules; (2) Fast Track Rules; (3) Mediation Rules which was revised last year; and (4) I-Arbitration Rules to deal with Sharia issues in commercial arbitration. We won a prize for innovation in 2012 for this product. We also relooked at our fee structure and kept it 20% less compared to Singapore and Hong Kong in consonance with the purchasing power parity in Malaysia. We have brought in an expert from Australia and drafted our mediation rules. The fee structure in the old mediation rules was too low. So we made it higher in order to use international mediators.

In the newly enacted Construction Industry Payment and Adjudication Act, KLRCA was named as the adjudicating body. Further, we did many road shows across the country especially on I-Arbitration. We also organized a number of conferences on arbitration. We also have courses on how to draft and define a claim.

At present, KLRCA has been named as adjudication control authority. Our website is elaborate and self-explanatory. One of the new areas we concentrate on is sport arbitration. We have set up a working group to work on this matter. We are planning to come up with a special set of rules and train specialist arbitrators for sport arbitration. We are also looking at more mediation in medical-legal disputes. We are also setting up a body to bring all maritime specialists together.

I am happy to inform you that the Malaysian government finished the refurbished of the Suleiman building, as promised to AALCO and the Centre. It is the biggest ADR centre in the world. We organized two CIPPA conferences which were officiated by the Minister of Law, Puan Haja Nancy and approximately 1000 participants joined both the conferences. Lastly, the KLRCA Flagship Adjudication Programme has been conducted twice thus far in 2014 which were a resounding success.

Thank you very much, Mr. President.

President: Thank you, Prof. Datuk Sundra Rajoo for your elaborate report. I am sure the activities of Kuala Lumpur Centre inspire other centres. Now I invite the Deputy Director of Nairobi Regional Arbitration Centre to give an update on its activities. You may take the floor, Madam.

Mrs. Agimba Christine Anyango, Deputy Solicitor General of Kenya: Mr. President, Distinguished Delegates, Ladies and gentlemen, let me thank the Directors of the respective arbitration centres for their very informative reports. I just want to take this opportunity to give you an update on the progress made with regard to the establishment of the Nairobi Centre for International Arbitration. For the record, it is important to note that Government of Kenya enacted a law in 2013 to establish the centre and the Centre's objectives are very consistent with AALCO's objective of establishing regional arbitration centres which offer facilities for both domestic and international arbitrations. The Act that establishes the Centre also establishes an arbitral court which shall be governed by UNCITRAL Rules.

Mr. President, A Board of Directors was appointed in June 2013 to administer the Centre and the members of the Board are eminent legal practitioners and arbitrators from East African region including Uganda, which is an AALCO states and Rwanda. The Government of Kenya also provided budgetary allocations to facilitate the identification of suitable premises for the Centre and to undertake preliminary administrative measures to make the Centre functional. In addition, an interim director has been appointed. The Interim Director, together with the Board, is in the process of developing an appropriate organizational structure for the Centre and recruitment of staff as well as undertaking capacity building initiatives.

The Nairobi Centre for International Arbitration recognizes the importance of exchanging ideas and harnessing the experience of regional arbitration centres that already exist under the auspices of AALCO, and in this regard, we have been in communication with the Kuala Lumpur Regional Arbitration Centre in order to benefit from exchanges and capacity building opportunities.

Mr. President, Distinguish Delegates, I request you to note what is small but considerable progress made by Kenya in this regard. The Attorney General asked me to assure AALCO Member States of our commitment to realize our undertaking and establish the Nairobi Centre for International Arbitration as a regional centre to serve the East African region. We also welcome and support the proposed resolutions on this agenda item. We also wish to request Member States to promote and support the use of regional arbitration centres by urging their governments and their business community to use regional arbitration centres for the settlement of their disputes. We are very encouraged, particularly of the experience of the Tehran and Malaysia Centres and we hope that if Member States do come and make use of the facilities.

Thank you.

President: I thank you Mrs. Agimba for presenting an update on the Nairobi arbitration centre. I wish Nairobi Arbitration Centre more success in promoting its activity. Ladies and Gentlemen we have come to the conclusion of the item on the arbitration centres. If there is a question, suggestion or a comment the floor is opened otherwise I consider this item to be closed. I see none so the item is closed. Now let me invite Dr. Rohan Perera the Chairman of the Eminent Persons Group (EPG) to present his report. You have the floor sir.

Dr. Rohan Perera, Chairman, Eminent Persons Group (EPG): Thank you Mr. President. I will now read out the final report of the fourth meeting of Eminent Persons Group held on 14th September.

The Fourth Meeting of the AALCO Eminent Persons Group (EPG) was convened at Hotel Espinas on 14th September 2014 at 4:30 PM. The Meeting was chaired by Dr. Rohan Perera, Sri Lanka and attended by H.E. Prof. Dr. Rahmat Mohamad, Secretary General, AALCO; Dr. Neeru Chadha, Joint Secretary & Legal Advisor, Ministry of External Affairs, Government of India and the President of AALCO; Prof. Shinya Murase, Member of the International Law Commission from Japan; Prof. Dhamchid Momtaz, Former Member of the International Law Commission from the Islamic Republic of Iran; Mr Mohsen Baharvand, Deputy Director-General of Latin American Countries, Islamic Republic of Iran.

Mr. Feng Quinghu and Ms. Y. Harimoto Deputy Secretaries General of AALCO and Mr. H.P. Rajan, Legal Advisor of AALCO. Mrs. Anuradha Bakshi, Principal Legal Officer & Mr. Pandiaraj Senior Legal Officer, AALCO, assisted the EPG.

The Chairman stated that the 'points for discussion' which had been circulated, highlighted the important issues that had to be discussed with a view to advancing the work of the organization. The issues were divided into Organizational and Substantive matters to facilitate focused and structured discussions, although some of the issues were of a cross cutting nature.

The Chairman drew the attention of the EPG to the need to chart out a mechanism to implement the recommendations of the EPG. The meeting decided that the EPG should make a clear, strong and precise recommendations to the Member States, on some of the important issues that were deliberated during the meeting.

Organisational Matters: Financial Issues

The EPG took note of the secretary General's Statement that the Member States were fulfilling their financial obligations on timer and some of the Member States in arrears had started clearing their dues. With prudent financial management and the austerity measures adopted by the Organization, the Reserve Fund has increased to the extent of maintaining the Organization for as many as 8 months. However it was brought out that in order to maintain the financial sustainability of AALCO a proposal to increase the annual contributions from Member States would have to be revisited next year. In this e\regard he pointed out that one way of raising the finances of AALCO was through voluntary contributions not only in terms of money but also by sponsoring the holding of Seminars/workshops by Member States in their areas of

interest/concerns. On this he cited the example of the ILC Workshop hosted in Malaysia last year. He also states those Member States that could contribute more should do so.

EPG took note with appreciation the efforts of the Secretary General and the Secretariat in improving the financial viability of the Organization. It reiterated that need to maintain the financial stability of AALCO through inter alia measures for enhanced annual contributions with effect from next year, given the escalation cost.

EPG also recognized that an important start had been made with the hosting by Malaysia of the ILC Workshop in 2013 and amended this practice for consideration of Member States. The need to continue to solicit voluntary funding by Member States was also emphasized.

Private Sector Funding

The Secretary-General also made a reference to an informal proposal made about two years ago that funding could be arranged from private companies on project-based collaboration with AALCO. On the issue of attracting funding from private sources, it was pointed out that thus far AALCO did not have any specific proposal to go about it and that in any such endeavor caution needed to be exercised so that AALCO's independence is not jeopardized. EPG while recognizing the need for caution took the view that any such proposal for funding from the private sector need to be examined on a case by case basis.

Human Resource Situation in the AALCO Secretariat

It was noted with great concern that at the present the strength of the Professional Legal Staff was reduced to just two officials and that there was an urgent need to increase the strength to at least four or five in view of the onerous and wide-ranging responsibilities entrusted to the Secretariat by the Member States. While commending the work performed by the limited Legal Staffs, the Secretary-General requested the Member States of AALCO to explore the various ways through which local talent could be attracted and retained. In this regard he suggested that the Member States should consider giving the Professional Staffs an attractive salary package including the provision for pension and other benefits as given by the host Government of India. He also encouraged the Member States to depute/second their mid-level Officials working in various Ministries to work in AALCO as has been the case with the Shanghai Cooperation Organization even while those officials were on the pay role of their respective governments. In this regard it was also pointed out that the image and profile of AALCO had intimate linkage with the upgrading of the human resource situation in AALCO. EPG endorsed these recommendations for consideration by Member States and noted that the practice of deputing officials of Member States to work in the Organization on a short term basis while remaining on the natural pay-role was a practice resorted to the Organization in the past and took the view that it merits revival.

On attracting young talent the EPG recommended that in addition to an attractive salary package, these officials could also be given the opportunity of attending, on a selective basis, sessions of the ILC and of the Sixth (Legal) Committee of the United Nations and covering the deliberations of these bodies on select topics of interest to Member States.

Such an arrangement would serve to attract young professionals and also benefit the Organization by the enhancing the quality of the documentation, through insight given by such exposure.

Enlarging the Membership of AALCO

The Secretary-General noted with regret that despite his best efforts he has not been able to persuade any Country to join AALCO so far. He however, noted with satisfaction that Vietnam has shown keen interest in joining the Organization, and would be attending the fifty-third Session as an Observer State along with Mali. He has also encouraged Countries such as Laos and Cambodia to join AALCO perhaps first as Observers and thereafter as full members of the Organization. As far as the Central Asian States were concerned, they had not responded positively so far as he hoped that the combined efforts of the incumbent President of the Islamic Republic of Iran and the Secretariat of AALCO would ensure that at least a few of them would be joining the Organization in the near future. In this regard it was mentioned that the host Government had invited the Ambassador of Central Asian States to attend the Inaugural Session and this would provide an opportunity to have a meeting with the Secretary-General to consider the possibilities of joining the Organization. It was also suggested that more francophone Countries of Africa should be encouraged to join AALCO. It was suggested that AALCO should seek the help of Countries such as Cameroon and Senegal in the pursuit of this objective. He also pointed out that for the past many years there has not been any ASG from the African region. The EPG while taking note of the comments of the Secretary-General under lined the importance of making special efforts to attract Central Asian States. It was suggested that the Secretary-General could in cooperation with the incumbent President from Iran could visit those Countries that showed some interest in joining the Organization.

Substantive Matters

The Secretary-General pointed out the difficulty in dealing with the 16 agenda items that are on the agenda of AALCO. Hence it was agreed in the EPG that there is a dire need to prioritize the Agenda items of AALCO. In this regard it was noted that though some of the topics were on going, they were devoid of any new legal developments and hence could be placed in the category of non-deliberated agenda items. It was also agreed that the distinction between deliberated and non-deliberated agenda items should be continued as it provided a pragmatic solution to the overburdening of the agenda. It was also agreed that new topics of contemporary relevance and practical benefit to Member States needed to be given priority in the work program of AALCO. In this regard it was recalled that AALCO used to play proactive role in channelizing the common views of the Asian-African States by preparing Background Notes on the issues of contemporary relevance during negotiations in multilateral for a. even if common positions could not be arrived at, the preparation of Background Papers were still considered useful in fine-tuning the position of individual Countries. It was pointed out that topics such as current legal issues arising out of bilateral investment Treaties and problems posed to Member States by inconsistent arbitral awards in State/Investor Settlement disputes, question of piracy and current issue relating to the Law of the Sea, such issues relating to Bio-Diversity beyond national jurisdiction were topics of the contemporary relevance to the Asian and Africa Countries. On the latter, the EPG took note of the fact that the formulation of implementing

arrangements concerning biological resources beyond national jurisdiction were currently underway and that there was an imperative need to sensitize Member States of AALCO to these developments.

It was informed that one way of focusing attention on issues of great importance was by the establishment of working group on the topic concerned. In this regard it was pointed out that the Working Group on Customary International Law established for this particular session could be considered to be a test case.

New Topic Proposed by the People's Republic of China

The EPG was informed that the Government of the People's Republic of China had proposed a new agenda item "International Law in Cyberspace", which would be placed before the Heads of the Delegations for approval and subsequent adoption as an agenda item of AALCO. In this regard, the Secretary-General of AALCO informed that the Fifty-Fourth Session of AALCO would take place in People's Republic of China preferably in the first part of 2015. He also added that it would enable him to transmit the views of Member States on ILC issues to ILC in a timely manner in the line with the past practice of AALCO. EPG welcomed this development.

Proposal for Creating a Working Group on a Model Status of Forces Agreement (SOFA) for military forces engaged in disaster relief activities.

Prof. Shinya Murase placed the above mentioned proposal before the EPG. He expressed the hope that ILC draft articles on 'protection of persons in the event of disaster would work on more useful mechanism in future, he further pointed out that the Special Reporter on this topic had been informed of the developments in this regard.

President: Thank you Dr. Rohan Perera for the report. Now I invite the Secretary-General to present the report of the Interim Chairman of the Working Group on International Customary law

Secretary-General: Thank you, Mr. President. As I have already mentioned earlier that since there is a need to make an amendment to the appointment of the Working Group , as I mentioned earlier the name has been changed from Working Group on International Customary law to 'Informal Expert Group on Customary International Law'. I also mentioned that I seek the indulgence of the Member States of AALCO to endorse the appointment of the Chairperson and the Rapporteur. The Report will be submitted to the Secretariat in due course and it will be transmitted to all the Member States of AALCO for consensus before it is made use and submitted to the Special Rapporteur of ILC on the topic Sir Michael Wood. At the moment as I said they have a very limited timeline and they will have two more meeting after the initial meeting that was convened here at Tehran.

Report of the Interim Chairman on the Working Group on International Customary Law⁴⁶

1. The Working Group on Identification of the Customary International Law (“Working Group”) convened at 4:30 pm on 15 September 2014.
2. The Secretary-General of AALCO opened the meeting by outlining that the nature of the Working Group is to act as a technical expert group on identification of Customary International Law. The Secretary-General referred the participants to the Points of Discussion in a paper prepared by the Secretariat on “Identification of Customary International Law: Some points of discussions.”
3. The Working Group elected Dr. Sufian Jusoh, Senior Fellow at the Law Faculty of the National University of Malaysia as the Interim Chairman and Professor Sienho Yee of Wuhan University, China as the Interim Special Rapporteur.
4. The meeting considered the following items:
 - a. The objectives of the Working Group;
 - b. The approaches to be adopted; and
 - c. The timelines of the Working Group.
5. The general sense of the meeting is as follows:
 - a. The Working Group is to act as an open ended technical working group identification of Customary International Law.
 - b. The main objective is to formulate responses to the work of the International Law Commission, including that of Sir Michael Wood, the special Rapporteur of the ILC on Identification of Customary International Law.
 - c. The approach is to focus on some fundamental issues of particular concern to the Member states of AALCO. To implement this approach, the Working Group requests that Member States share information on (1) the problems and difficulties they have encountered in their day-to-day application of Customary International Law and (2) on the more important matters that are of particular concern to them. The Working Group will then decide on which issues to address by taking account of the information received and the views of the members of the Working Group.
 - d. The Working Group tentatively agreed on the following timelines, in light of the tight schedule of the International Law Commission:
 - i. Date for submission of information by Member States: 20 October 2014;
 - ii. First Seminar of the Working Group (venue to be decided): 8-9 December 2014 (where a final list of issues will be adopted, and tentative responses discussed);
 - iii. Second Seminar of the Working Group (venue to be decided): 16-17 February 2015 (where the responses will be finalized);
 - iv. Approval by the member States of the responses of the Working Group: 15 March 2015;
 - v. Submission to the Special Rapporteur of the ILC: 20 March 2015.
6. The meeting closed at 6:00 pm by the Interim Chair thanking the Islamic republic of Iran for their hospitality, the AALCO Secretariat and the participants.

President: I will now give the floor to the Secretary-General to read the message of thanks to the President of the Islamic Republic of Iran

⁴⁶ The Report was not presented at the floor.

Secretary-General: I will now read out the message to the President of the Islamic Republic of Iran.

“Excellency,

On behalf of all the Delegations of the Member States and Observers attending the Fifty-third (2014) Annual Session of the Asian-African Legal Consultative Organization (AALCO), I would like to extend the following message as a token of our heartfelt gratitude and respect to the Government and people of the Islamic Republic of Iran:

“We, the participants in the fifty-third annual Session of the Asian-African Legal Consultative Organization, would like to seize this opportunity to convey our profound gratitude and respect to Your Excellency, and through you to your esteemed Government and the people of the Republic of Iran, for graciously helping and assisting to host the Fifty-Third Session of AALCO in this historical city of Tehran. Excellency, I thank the Government of Iran on behalf of AALCO, and on my own behalf, for supporting in hosting this session.

Islamic Republic of Iran has always espoused the cause of the developing countries and hence taken a keen interest in the affairs of AALCO over the years. In that pursuit it has always taken an active part in deliberations during the Annual Sessions and has undertaken to strengthen the agenda and the role of the Organization among the comity of nations.

Your Excellency would be pleased to know that a spirit of constructive dialogue and cooperation amongst attending delegations marked this Session, thus enabling us to make crucial decisions on the organizational as well as substantive matters. Amongst the many factors which paved the way for the success of the Session, one of the prime ones was the excellent cooperation from the Government of Iran which contributed significantly towards the excellent achievements of our deliberations.

In this beautiful city of Tehran, famous for its picturesque juxtaposition of history and modernity, we the delegates of the Fifty-Third Annual Session of AALCO would like to place on record our sincere gratitude for the full cooperation that the Government of Iran has extended to AALCO and its Member States for hosting the Annual Session with warmth, graciousness and ability.

Please accept, Your Excellency, the assurances of our highest respect and consideration and may the Almighty bless the endeavours of your great country.”

Thank You!

President: I thank the Secretary-General and all the Distinguished Delegates for this message and this message will be duly conveyed to the H.E. the President of the Islamic Republic of Iran. The next item is the venue of AALCO’s Fifty-Fourth Annual Session. People’s Republic of China would like to take the floor. China you have the floor.

The Leader of Delegation of People's Republic of China: Thank you Mr. President. Mr. President, Esteemed delegates I thank all the delegates for giving China the opportunity to host the Fifty-Fourth Annual Session of AALCO. I look forward to welcoming all of you in Beijing next year. In April 1955 the historic Bandung Conference was held in Indonesia which for the first time in modern history strongly demonstrated to the world a spirit of cooperation and solidarity of Asian and African Countries and led to the establishment of AALCO. Bearing this in mind China plans to hold the Fifty-Fourth Annual Session in April 2015 in order to commemorate the 60th anniversary of the Bandung Conference. We are also considering the possibility of organizing certain events relating to the anniversary of Bandung Conference which will provide AALCO and its Member States an opportunity to reflect on the memorable origins of AALCO and the outstanding achievements it has made and to think about our mission in future. During the discussions in the past several days it has been agreed among all the delegations that Asian-African Countries need to make the most out of AALCO to thoroughly exchange views and gradually build consensus on important issues of international law in order to better promote and safeguard the common interests of Asian-African Countries and to make more meaningful contributions to the international rule of law. The upcoming Beijing Session will provide another opportunity to achieve this goal. China will closely coordinate with the Secretariat to ensure the Beijing Session a success. To this end China also looks forward to valuable suggestions and advices from all Members of AALCO. Last but foremost I would like to take this opportunity to express our deep appreciation and sincere thanks to the host of this Session the Islamic Republic of Iran, thanks for the heartfelt hospitality, the perfect organization and the hard work of so many people that makes this session a great success. This session has set a high bar for our job next year. We thoroughly enjoyed our stay in your country and we leave with the most enjoyable memory. Thank you and see you all in Beijing. Thank you mr. President.

President: I thank the distinguished representative of China for this gracious offer to host the next annual session of AALCO in Beijing. My understanding is that this meeting has generously accepted this offer. If that is the case we all would applaud. The next agenda item is the adoption of the Resolutions and the Summary Report of the Session. I understand that you all have a copy of the Resolutions and I read one by one and we would adopt one by one.

Organizational matters

RES/53/ORG 1 Report of the Secretary-General on Organizational, Administrative and Financial Matters

RES/53/ORG 2 AALCO's Budget for the Year 2015

RES/53/ORG 3 Report on AALCO's Regional Arbitration Centres

Substantive Matters

RES/53/S 2 Law of the Sea

- RES/53/S 3 The Status and Treatment of Refugees
- RES/53/S 4 The Deportation of Palestinians and Other Israeli Practices Among them the Massive Immigration and Settlement of Jews In All Occupied Territories in Violation of International Law Particularly The Fourth Geneva Convention of 1949
- RES/53/S 6 Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties
- RES/53/S 7 International Terrorism
- RES/53/ S 10 Environment and Sustainable Development
- RES/53/S 13 WTO as a Framework Agreement and Code of Conduct for World Trade
- RES/53/S 17 International Law in Cyberspace
- RES/53/ SP 1 Resolution on the Special Meeting on “Selected Items on the Agenda of the International Law Commission”
- RES/53/SP 2 Resolution on the Special Meeting on “Violent Extremism and Terrorism (Legal Aspects)”

Consideration of the Summary Report

The Draft Summary report of the Fifty-Third Annual Session of AALCO was placed for consideration of the Member States. The Member States adopted the Summary Report and thereafter they were requested to send in their written comments on the same to the Secretariat within one month, after which the same would be finalized.

**XII. VERBATIM RECORD OF THE FIFTH
GENERAL MEETING AND CONCLUDING
SESSION**

**XII. VERBATIM RECORD OF THE FIFTH GENERAL MEETING AND
CONCLUDING SESSION HELD ON 18TH SEPTEMBER 2014, AT 5.30 PM**

**His Excellency Dr. Danesh Yazdi, President of the Fifty-Third Annual Session of AALCO
in the Chair**

President: Now we get into the concluding session of this Fifty-Third Annual Session of AALCO. To initiate the proceedings I call upon the distinguished representative from the State of Qatar to propose the Vote of Thanks on behalf of all the Asian Member States of AALCO. You have the floor Sir.

The Leader of Delegation of the State of Qatar: Mr. President, Excellencies, and Heads of Esteemed Delegations, it is my honour to propose Vote of Thanks on behalf of Asian States. Mr. President, I just want to thank you for your humble and perfect management of the Conference. I also would like to thank the Government of the Islamic Republic of Iran for making excellent arrangements that facilitated the conference a great deal. I also thank all the delegations for their cooperation.

President: Thank you and I now invite the distinguished delegate from South Africa to propose Vote of Thanks on behalf of the African States.

The Leader of Delegation of Republic of South Africa: Thank you Mr. President. Allow me on behalf of African States to express our profound gratitude to you and the Government of Iran for hosting us in the most splendid fashion and for creating a cordial and cooperative atmosphere so that we could reach good consultations. I also thank the Secretary-General of AALCO and the staffs of the Secretariat for your efficiency and competence. We have relied on you. I also thank lastly all the delegations for their good spirit of cooperation and the cordiality in which we conducted our work. We all enjoyed our time here for then past few days and I thank you all.

The Observer Delegation of the International Committee of the Red Cross (ICRC)⁴⁷: Mr. President, the International Committee of the Red Cross would like to extend its gratitude to Professor Rahmat Mohamad, AALCO Secretary-General and AALCO Secretariat for giving us the opportunity to be present in its 53rd Annual Meeting, among the distinguished Member States. The ICRC would like to in particular thank the host country, Islamic Republic of Iran for the excellent organization of the meeting and hospitality towards us.

The ICRC is convinced that such forums will contribute to increased awareness and respect for IHL. We would be pleased to be given further opportunities to take part in the discussions within AALCO forums. We note with interest that the question of cyber warfare has been

⁴⁷ The Vote of Thanks proposed by the Delegate of ICRC was not delivered at the floor. It was given to be incorporated in the Verbatim Record.

raised during the meeting some members. Should this topic be an agenda item in the future, the ICRC would be more than happy to contribute to the discussion on this important issue.

Thank you very much for your attention.

The President: Excellencies, Honourable Ministers, Distinguished Delegates it is my turn to deliver the closing remarks. Reaching the end of the session I would like to thank you all for your constructive engagement during the four day consultations on different topics on the agenda that we have discussed at this Fifty-Third Session of AALCO. With the wealth of knowledge and experience you brought to the session, we have managed to conclude many things on a spirit of cooperation. These goes in line with the efforts to promote the role of AALCO in the process of international norm-making and secure a significant place for all the Member States to that end.

AALCO as a unique inter-governmental organization has acquired an important place in the international community as a Legal Consultative Organization since its inception in 1956. However it must gather momentum by much more effective engagement of Member States in order to be able to provide international community with valuable input from the Asian-African Countries. This will contribute to the functions and purposes of AALCO as enshrined in its Statutes.

A brief review of the discussions held during the session reveals how seriously the delegations deliberated various issues of concern to the Member States of AALCO with much cooperation and insight. This is a very positive sign going into the future. I thank the Secretary-General of AALCO Prof. Dr. Rahmat Mohamad for steering the Organization in the right direction. I also thank the Deputy Secretaries-General, Mr. Feng and Ms. Harimoto for her constant support and cooperation. I also thank the Staffs of the AALCO Secretariat for taking pains to prepare the Reports and documents in a timely and effective manner. I thank you all and with those words I declare the session closed.

The Fifty-Third Annual Session of AALCO was thereafter adjourned.

**XIII. TEXTS OF DOCUMENTS ADOPTED AT
THE FIFTY-THIRD ANNUAL SESSION**

A. SUMMARY REPORT



AALCO
Asian-African Legal Consultative Organization
Fifty-Third Annual Session
15 to 18 September 2014
Tehran, Islamic Republic of Iran

SUMMARY REPORT
OF THE FIFTY-THIRD ANNUAL SESSION
OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION*

1. Introduction

1.1 **39** Member States of the Asian-African Legal Consultative Organization (the AALCO) participated in the Fifty-Third Annual Session (hereinafter "the Session") namely, **Arab Republic of Egypt, Bahrain, Bangladesh, Brunei Darussalam, People's Republic of China, Republic of Cyprus, Ghana, Republic of India, Republic of Indonesia, Islamic Republic of Iran, Republic of Iraq, Japan, Jordan, Kenya, Democratic People's Republic of Korea, Republic of Korea, State of Kuwait, Lebanon, Libya, Malaysia, Mongolia, The Republic of the Union of Myanmar, Nepal, Federal Republic of Nigeria, Sultanate of Oman, Pakistan, State of Palestine, State of Qatar, Kingdom of Saudi Arabia, Senegal, Republic of South Africa, Democratic Socialist Republic of Sri Lanka, Sudan, Syria, Thailand, Turkey, Uganda, United Arab Emirates and Republic of Yemen.**

1.2 Representatives of the following Regional Arbitration Centres of AALCO were also present: Kuala Lumpur Regional Centre for Arbitration (KLRCA), Regional Arbitration Centre for International Commercial Arbitration, Lagos (RCICAL), and Tehran Regional Arbitration Centre (TRAC).

In accordance with Rule 18 (1) of the Statutory Rules, the following Observers were admitted to the Session:

Representatives from the following Non-Member States: Comorose, Mali, Russia, Tajikistan, Vietnam.

* This is the Final Version of the Summary Report of the Fifty-Third Annual Session of AALCO held at Tehran, Islamic Republic of Iran.

(ii) Representatives of the following International Organizations: International Law Commission (ILC); United Nations Development Programme (UNDP); United Nations Office for Drugs and Crime (UNODC); United Nations High Commission for Refugees (UNHCR) and International Committee of the Red Cross (ICRC).

2. Inaugural Session

2.1 The Session commenced on 15 September 2014 with the Master of Ceremonies welcoming all the Delegations to Tehran for the Fifty-Third Annual Session.

2.2 **His Excellency Prof. Dr. Rahmat Mohamad, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)** welcomed all the delegations to the Session and thanked the Government of the Islamic Republic of Iran for hosting the Session. He stated that the commitment of the host Government was evident from the fact that so far it had hosted two previous Annual Sessions of AALCO in 1975 and 1997. Since joining AALCO it has been taking keen interest in the activities of AALCO be it referring substantive subjects for deliberation or seconding its officials on secondment as one of the Deputy Secretaries General of AALCO Secretariat. In addition to this Iran had been taking various initiatives for fostering solidarity among Asian-African States.

2.3 While noting that the world in the 21st Century was confronted by many challenges he opined that adherence to the principles of international law and rule of law would go a long way in maintaining the peace and stability of States. Drawing attention to acts of extremism taking place in many parts of the world, he pointed out that respect for the rules of international law would determine the future of our world. He added that the Five Principles of Peaceful Coexistence held continuing relevance even in the present era.

2.4 **Her Excellency, Dr. Neeru Chadha, Joint Secretary, Ministry of External Affairs, Government of India and President of the Fifty-Second Annual Session** while highlighting the institutional growth of the Organization in terms of history stated that many factors had contributed to the growth of the Organization. In her view this included the transition from a non-permanent Committee to a formal Organization, enlarging its membership from 7 to 47 Member States, Permanent Headquarters in New Delhi and taking new and contemporary topics of international law on its agenda. Dr. Chadha brought to the attention of delegates that AALCO Secretariat had organized numerous programmes during her Presidency and hoped that it would continue to do so in the future as well.

2.5 **Her Excellency Ms. Elham Aminzadeh, the Vice-President of the Islamic Republic of Iran** stated that AALCO as the only inter-governmental Organization covering the Asian-African region could make solid contribution to the purposes and principles of the United Nations including in the field of peace and security. In this regard she also mentioned that AALCO represented respect for the rule of law in international relations at a time when lawlessness and the tendency on the part of certain powers to rely excessively on the use of force continued to escalate the vicious cycle of war, violence and instability. She was of the opinion that international law should not be monopolized by a few and that it should not be used, indeed, abused selectively to advance political interests.

2.6 Commenting on the emerging challenges faced by the international community of States in the contemporary era she stated that terrorism and violent extremism constituted one of the primary problems affecting our societies. In this regard she drew attention to the proposal of the President of the Islamic Republic of Iran on a World against Violence and Violent Extremism presented at the 68th annual session of the UNGA. In her view the Half Day Special Session on Violent Extremism and Terrorism (Legal Aspects) indicated the attentiveness of AALCO *vis a vis* global issues of common concern to humanity.

2.7 **His Excellency Mr. Abdullahi Ahmed Yola Oon, the Solicitor General of the Federal Republic of Nigeria and President of the Fifty-First Annual Session of AALCO** proposed a vote of thanks. He extended his heartfelt gratitude to the outgoing President Dr. Neeru Chadha for steering the Organization in the right path and in the process contributing to uplift the stature of the Organization.

3. First Meeting of the Delegations of AALCO Member States

3.1. **Her Excellency Dr. Neeru Chadha, Joint Secretary, Ministry of External Affairs Government of India, and President of the Fifty-Second Annual Session**, called the Meeting to order and invited the Head of Delegation of the People's Republic of China to introduce the additional agenda item i.e. International Law in Cyberspace. The delegate explained the rationale to introduce the new agenda item by referring to the problems associated with the regulation of cyberspace under international law. He also mentioned that an Explanatory Note on the proposed agenda item, in accordance with the Statutes and Statutory Rules of AALCO had been circulated to Member States before the Annual Session for their consideration. The proposal received an overwhelming support from a number of Member States including **Pakistan, India, Syria, Nigeria, Nepal, South Africa, Sudan, Republic of Korea, and the Islamic Republic of Iran**. Thereafter, the President declared that this topic would be included on the agenda of AALCO and duly deliberated in the next Annual Session. The following agenda was adopted for the Fifty-Third Annual Session.

3.2. Agenda:

I. Organizational Matters

1. Consideration and Adoption of the Agenda
2. Election of the President and the Vice-President
3. Admission of Observers
4. Report of the Secretary-General on the Work of AALCO
5. Proposed Budget for the Year 2015
6. Report on the Work of the AALCO's Regional Arbitration Centres
7. Report by the Chairman of the Working Group on Customary International Law
8. Report by the Chairman of the EPG
9. Venue of the Fifty-Fourth Annual Session

II. Matters under Article 1 (a) of the Statutes: Matters Referred to the Organization by Member States

1. Law of the Sea
2. Status and Treatment of Refugees
3. Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949
4. Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties
5. New Additional Agenda Item “International Law in Cyberspace”⁴⁸

3.3 *Admission of Observers:* The Admission of Observers to the Session, pursuant to Statutory Rule 18, was unanimously approved. The following non-member States i.e., Comoros, Mali, Russia, Tajikistan and Vietnam and the International Organizations namely, UNDP, UNODC, UNHCR and ICRC were admitted.

3.4 *Election of President and Vice President:* The President of the Fifty-Second Annual Session, Her Excellency Dr. Neeru Chadha, invited the Member States to propose candidates for the posts of President and Vice-President of the Fifty-Third Annual Session of AALCO. The Head of Delegation of the **Federal Republic of Nigeria proposed the nomination of His Excellency Mr. Danesh Yazdi**, Deputy Minister of Foreign Affairs of the Islamic Republic of Iran **as the President of the Fifty-Third Annual Session of AALCO**. The nomination was **seconded by the Heads of Delegations of Pakistan and Japan, and he was unanimously elected**. The Head of Delegation of **Democratic Socialist Republic of Sri Lanka** proposed the **nomination of Her Excellency Mrs. Agimba Christine Anyango**, the Deputy Solicitor of Kenya, **as Vice-President of the Fifty-Third Annual Session**. The proposal was **seconded** by the Head of Delegation of **Sudan** and she was unanimously elected. Thereafter, the outgoing President Dr. Neeru Chadha invited the President and Vice-President of the Fifty-Third Annual Session to assume their positions on the dais.

3.5 Thereafter the newly elected **President and Vice President** assumed their positions on the dais.

4. First General Meeting

4.1 At the Fifty-Third Annual Session of AALCO the following delegations made their general statements: **Democratic People’s Republic of Korea, State of Qatar, People’s Republic of China, Japan, Nepal, Kuwait, Republic of Indonesia, Sudan, Jordon, Malaysia, Thailand, India, Sri Lanka, South Africa, Arab Republic of Egypt, Pakistan,**

⁴⁸ This additional item has been referred to the Organization in accordance with its Statutory Rules by the Government of the People’s Republic of China, vide its Explanatory Note received along with its Note Verbal D/29/14, dated 12 August 2014. The Explanatory Note was circulated to all the Member States on 13 August 2014.

State of Palestine, Brunei Darussalam, Nigeria, Islamic Republic of Iran, Senegal, Syria, Republic of Korea and Kenya. The Observer Delegation from the ICRC also made a statement.

4.2 All the delegations congratulated H.E. Mr. Danesh Yazdi, the Deputy Minister of Foreign Affairs of the Islamic Republic of Iran on his election as President of the 53rd Annual Session of AALCO. Many delegations expressed confidence that under his able leadership and guidance and the concerted effort of delegations of various Member States, the Session would achieve complete success. Delegations also congratulated Mrs. Agimba Christine Anyango, the Deputy Solicitor General of Kenya on her election as the Vice-President of the Fifty-Third Annual Session of AALCO.

4.3 Delegations also sincerely thanked the Government and people of the Islamic Republic of Iran for the warm welcome and hospitality that was accorded to them. They also appreciated the efforts of the AALCO Secretariat for the papers on various subjects and preparation for the session. On the topics chosen to deliberate at the session, many of the delegates were of the view that they were of contemporary relevance and that they held considerable interest to the Member States.

4.4 Many delegations also appreciated the effort of AALCO in galvanizing Asian-African cooperation in the field of international law. Many delegates also appreciated the initiative of the host Government and the AALCO Secretariat for the two Half-Day Special Meetings on important items, namely Selected Items on the Agenda of the International Law Commission and Violent Extremism and Terrorism (Legal Aspects).

4.5. Many delegates expressed their grave concerns emanating from the phenomenon of terrorism that has posed challenges on many counts. They were of the considered view that the phenomenon of terrorism was not confined to any specific region and that adopting an effective domestic legal framework was critical in combating terrorism. It was also agreed that international cooperation particularly in intelligence gathering, investigation and tracking of finances available to terrorists was necessary to prevent and combat terrorism successfully. Some also pointed out that States should take all necessary measures to combat the practice of financing terrorism and in this regard they also pointed out to the need to adhere to the UN Convention for the Suppression of Financing of Terrorism. Others had also clarified that the phenomenon of terrorism should not be linked to any particular religion. It was also averred that terrorism should not be used as a pretext to launch counter-terrorism measures at the cost of disrespecting fundamental human rights law, sovereignty and territorial integrity of States.

4.6 Many delegates expressed their wholehearted support to the theme of the Special Half-Day Meeting on Violent Extremism and Terrorism (Legal Aspects) as acts of extremism were increasing in many parts of the world causing loss of life and property of innocent civilians. While pointing out the need to adhere to the principles of international law, they had pointed out that violent extremism posed a real threat to international peace and security. In the view of delegates these groups continued to commit heinous crimes against ethnic and religious minorities despite the existence of the vast body of international law existing in the area that provided for the culpability of the perpetrators of such acts. Additionally, this phenomenon had also tremendously increased the number of internally displaced persons and refugees, posing a variety of challenges to those countries that hosted them. It was also pointed out by some that real cooperation coupled with eliminating double standards of any kind was the key to changing

theory into practice. This would be feasible only after a full-fledged fight on national, regional and international levels is launched against violence and violent extremism.

4.7 On the situation of Gaza, almost all the delegates were of the opinion that the latest round of violence in the Gaza strip dubbed as 'Operation Protective Edge' had led to the death or injury of thousands of Palestinian civilians and the destruction of the schools, hospitals and infrastructure. It was pointed out that AALCO has been following legal developments related to this topic, since 1988, on a reference made by the Government of Islamic Republic of Iran, and that Member States were dismayed that the Palestinian issue continued to plague the international community despite the unity of opinion presented through numerous General Assembly and Security Council Resolutions condemning the atrocious practices of Israel all these years.

4.8 All the Member States were of the considered opinion that the Secretariat of AALCO had rightly given the necessary importance on the agenda of the ILC by arranging a Half-Day Special Meeting on selected items. It was agreed that the topics chosen to be deliberated under this agenda namely; Immunity of State Officials from Foreign Criminal Jurisdiction; Protection of Persons in the Event of Disasters and the Protection of the Atmosphere were of critical importance involving their collective and individual interests. While appreciating the participation of the Chairman and some Members of the ILC at the Session they wholeheartedly welcomed the initiative of the Secretary-General to establish a Working Group on Customary International Law, which would try to identify the practices of Asian-African States in various fields of international law.

4.9 Many Member States expressed their collective condemnation of the extra-territorial application of unilateral sanctions imposed by the powerful countries on third parties. These practices were against the well established principles of international law such as respect to sovereignty and non-interference in the internal affairs of the concerned countries and resulted in catastrophic consequences for the well being of the common people of the countries subjected to sanctions. It was also pointed out that the resolutions of the UN Security Council should not be used for invoking extraterritorial application of sanctions by a certain State against another State which has a different ideology and social system. In this regard they appreciated the Special Study prepared by the Secretariat on this issue.

4.10 Commenting on the need to uphold and promote rule of law many delegations agreed that rule of law was the foundation of friendly and equitable relations among States and the basis on which just and fair societies were built. In this regard they also welcomed the deliberations on the agenda item of the UN on the rule of law. The special need to promote rule of law in Asian-African countries was also emphasized by delegates.

4.11 Commenting on the importance of WTO in the promotion of international trade many Member States expressed the view that the Bali Package had important consequences for the domestic policies of the Member States of WTO. It was also noted that WTO should allow its Member States significant leeway in framing its policies relating to issues such as food security, trade facilitation and the like. The need to conclude the Doha Development agenda taking into account the special interests and concerns of developing countries were also expressed by many delegates.

4.12 On the issue of Environment and Sustainable Development it was stated that the phenomena of climate change resulted in rapid melting of snows, loss of biodiversity, erratic weather patterns and depletion of the source of fresh water. In this regard they emphasized that concrete measures need to be taken immediately to address the loss and damage caused by climate change. Importantly they had also pointed out that the burden of climate change should not be shifted to the least developed countries.

4.13 Commenting on the human resource shortage of AALCO Secretariat a few delegations expressed the view that AALCO Secretariat should recruit more Legal Officers and put in place a recruitment and retention policy which would guarantee an assured career growth for them in order to avoid attrition of human resources.

4.14 Regarding the overall financial situation of AALCO some Member States expressed satisfaction at its current situation regarding both annual contributions made by Member States as well as collection of arrears from some defaulting Member States, yet they cautioned that the Secretariat should continue to exert efforts in this regard to ensure the financial sustainability of AALCO on a long term basis. Some States called on Member States who were in arrears to meet their financial obligations.

4.15 Some Member States were of the view that the African member States should play a more proactive role in the Organization and encourage the sisterly Francophone States in the region to join AALCO.

Statement of Mr. Mostafa Pour Mohammadi, Minister of Justice, Islamic Republic of Iran

4.16 Outlining the historical trajectory of international law he pointed out that the Eurocentric nature of international law had imposed an inequitable international system on the developing world that was completely inimical to the interests of the latter. While stating that that international law could be used as a tool to implement justice to remove poverty, enhance security and independence, he opined that the Governments of the Asian-African States needed to cooperate to be able to face the challenges in the contemporary era. In his view, these include breaches of IHL, selective application of human rights law, imposition of extraterritorial sanctions, violation of territorial integrity and independence of States and the like. The dominant powers of the international system considered themselves to be an exception when it comes to adhering to rules of international law. Commenting on the sanctions imposed on the developing countries particularly the Islamic Republic of Iran he pointed out that the people of Iran and its companies have been subject to a new round of sanctions imposed by the dominant global power. In this regard he highlighted the need to find new methods that could be mobilized in the fight against unilateralism.

4.17 On the working of the International Criminal Court he noted that this institution was blind towards the atrocities committed against the people of some countries which resulted in complete impunity for the perpetrators of these crimes. The human rights violations committed by the Zionist regime in Gaza was cited as an example in this regard.

4.18 Commenting on the potential role that AALCO could play in future he stated that AALCO, which was founded on the idea to fight colonialism and create an equitable legal regime should act as the legal arm of Asian-African States. In his view AALCO could play a very important role in creating an independent legal regime and setting agendas taking into account the interests of its member States. In this regard he expressed the commitment of Islamic Republic of Iran to convert AALCO into a great institution in the field of international law.

5. Second General Meeting

5.1 The Secretary-General of AALCO briefly gave a background on the various publications of AALCO and their importance in the dissemination of international law knowledge in the Asian-African region. Thereafter, the following AALCO publications were released.

1. Yearbook of the Asian-African Legal Consultative Organization (2013);
2. AALCO Journal of International Law, (Volume 3, Issue 1, 2014);
3. Proceedings of the ILC Workshop on “Selected Items on the Agenda of the ILC” (2013);
and
4. Verbatim record of the “Legal Experts Meeting on the Law of the Sea”, (2014).

5.2 Second Meeting of the Delegations of AALCO Member States

At the outset the Secretary-General congratulated both the President and Vice-President of the Fifty-Third Annual Session on their elections. He also thanked the outgoing President for steering the Organization for the past one year. He also thanked the Member States for their constant support and encouragement.

5.3 He stated that like other inter-governmental organizations, AALCO too is in a dire need to reflect on its mission, vision and objectives with a view to ensure its relevance and significance. He informed that this exercise led to the adoption of the Putrajaya Declaration in 2009 on the revitalization of AALCO.

5.4 Explaining the activities undertaken since the Fifty-Second Annual Session he listed out all the presentations or meetings that he had made/attended which had been duly reflected in the Report of the Secretary-General on the Work of AALCO (AALCO/53/Tehran/2014/ORG 1). As per the recommendations given by the AALCO EPG he also established an open ended Working Group on Customary International Law with the objective of identifying the practices of States in the field of international law and then to transmit them to ILC.

5.5 As regards strengthening the human resources available in the Secretariat he stated that the Secretariat was in dire straits in terms of the number of professional staffs. In this regard he wanted to increase the number of Legal Staff and to attract local talent by giving them suitable perks in order to have a good retention policy in place. As regards the substantive matters he wanted to reactivate the AALCO Working Group which was active in the 1970's and 80's and to prioritize the work of AALCO.

5.6 While laying down the future plan of action he pointed out the need to engage in capacity-building programmes and research intensification projects on the work of AALCO and ILC and the need to give in-house training programmes to the AALCO Legal Staff. He also mentioned that there was an urgent need to strengthen the library collection and to expand the fellowship and internship programmes available in the AALCO Secretariat. Following the presentation of the Secretary-General on the Work of the Organization, and on the Current Financial Situation of the Organization and the AALCO's Budget for the Year 2015, all of them were adopted by consensus.

5.7 The presentation of SG was followed by comments made by the delegations from **India, Japan, Malaysia, Islamic Republic of Iran, Pakistan and People's Republic of China**. Some delegates' agreed with the proposal of the Secretary-general to enhance the human resources situation of the Secretariat as a measure to strengthen the Organization and to increase its profile. One delegate expressed satisfaction that the financial situation of AALCO had improved and the efforts to collect the arrears from some of the Member States yielding positive results. On the issue of few countries seeking waiver of arrears, the delegate was of the opinion that discussions on this issue should continue and that the Member States should not take decision on this issue at this stage.

5.8 Another delegate suggested that the publications/proceedings of AALCO should be made available on the web site of AALCO. He was also of the view that the publications of AALCO should be used as a reference material by international tribunals as AALCO was a legal body which should focus only on legal issues. The delegate also supported the lean budget proposed by the Secretariat for the year 2015. Yet another Member State called for strengthening the capacity building programmes for young jurists in the Asian-African region.

5.9 One delegate opined that AALCO should become the mouthpiece of its Member States at the ILC and other legal bodies and primarily concentrate its activities to the basic purposes of the Organization. He also shared the view expressed by another delegation that concrete proposals by the Secretariat on its important programmes should be shared with the Member States.

5.10 Another delegate stressed upon the important role that AALCO could play in the 21st century provided it had adequate finances to do so and in this regard encouraged Member States to not only pay their annual contributions but to voluntarily contribute AALCO whenever possible.

5. Third General Meeting

Agenda Item: Environment and Sustainable Development

6.1 The Secretary-General introduced the agenda item and stated that the law relating to the "Environment and Sustainable Development" constituted an important item on the work programme of AALCO.

6.2 He stated that at the United Nations Conference on Sustainable Development, Heads of State and Government recognized the significant contributions to sustainable development made

by the multilateral environmental agreements⁴⁹ and requested that the future sustainable development goals be built upon commitments already made.⁵⁰

6.3 He briefed the Member States about the main outcomes of 19th Conference of Parties to the UN Framework Convention on Climate Change (COP 19).

6.4 He was of the opinion that the post-2015 development agenda and the sustainable development goals must address such universal concerns with a universal ambition which recognizes that each country starts with a different baseline of challenges, needs, priorities and response capabilities. It is also important to recognize that even countries that have achieved certain goals are vulnerable to reversal of such gains from future environmental, economic and social shocks. Responses can be differentiated through choice of development pathways and according to national circumstances and priorities. Some countries are able to leapfrog the usual development trajectory by adopting a more resource efficient and less polluting pathway, which avoids future costs. Countries' pathways will depend on their reconciliation of short-term versus long-term priorities.⁵¹

6.5 The Statement of the Secretary-General was followed by presentations from the following Member States, namely **Nepal, Islamic Republic of Iran, Republic of Indonesia, Japan, Sultanate of Oman, People's Republic of China, Sudan, Pakistan, Malaysia and South Africa.**

6.6 Many delegations were of the view that the concept of sustainable development represented a holistic, equitable and far-sighted approach for preservation of environment. They all agreed that the protection and preservation of environment is vital not only for the present generation but also for the future of the human race and that any adverse impact on it could be seriously detrimental to socio-economic development.

6.7 Many delegates shared the view that the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification have played an important role in promoting the global environmental protection and sustainable development.

6.8 A few delegates expressed the opinion that the progress towards achieving technical, technological and financial commitments made in the UNFCCC and subsequently in the Kyoto Protocol by developed countries has been disappointing. They were of the view that the developed country parties to the climate change regime must respect their commitments. While expressing the need to develop a Protocol/another legal instrument/an agreed outcome with legal force, under UNFCCC which is applicable to all Parties as mandated by the Durban Platform for Enhanced Action, a delegate encouraged the Member States of AALCO to accelerate the process in the COP to have a draft negotiating text to be ready in order to conclude the negotiation by 2015.

6.9 Some of the delegates were of the view that desertification was one of the major challenges faced by countries which had a negative effect on agricultural production. In their view desertification constituted a direct threat to ecological environment, food security and poverty eradication in rural areas. Population growth and increased food demand triggered the

⁴⁹ General Assembly resolution 66/288, annex, para. 89.

⁵⁰ *Ibid.*, para. 246.

⁵¹ UNEP/EA.1/INF.18 dated 21 May 2014

demand and expansion and intensification of land cultivation on dry lands, in this regard they stated that desertification in dry lands if unchecked would threaten future developments and well being.

6.10 On the issue of receiving financial support a few delegations expressed the view that the developed countries should supply the material and technological expertise for achieving sustainable development. One delegation also mentioned that they were supported by some friendly nations in facing their challenges in the area of environment.

6.11 One Member State called on the Secretariat of AALCO to consider the possibility of preparing a special study on “The New and Emerging Challenges in the Implementation of the Concept of Sustainable Development”.

Agenda Item: The Status and Treatment of Refugees

6.12 The **Deputy Secretary-General of AALCO Ms. Harimoto**, introduced the Agenda item. While highlighting the contributions of AALCO to the cause of the protection of refugees which included the adoption of the “Principles Concerning the Treatment of Refugees” (Bangkok Principles), she mentioned that escalating violence in various parts of Asia, Africa and the Middle East continued to trigger situations of displacement and refugees flows.

6.13 She stated that dealing with refugee situations in the Asian-African region required coordinated efforts on the part of all the States in the region to promote the protection and, and eventually durable solutions for the refugees. It also required consistent region-wide efforts from all involved States to institute the kind of top-down systems that would deliver assistance to refugees in the most efficient manner possible. This may also include ratifying and implementing the refugee Convention and IDP-related guidelines. It also required for States to honour their international obligations, particularly with regard to the respect of relevant humanitarian and human rights principles. She also highlighted that it was important to revisit the Guiding Principles on Internal Displacement at this time especially considering that IDPs accounted for a greater percentage of UNHCR’s ‘Persons of concern’ statistics than refugees, and because there was no international legal instrument to handle their plight.

6.14 The delegates from the **Islamic Republic of Iran, People’s Republic of China, Japan, South Africa, Kenya, Nigeria, India, Arab Republic of Egypt and the Observer delegations from UNHCR and ICRC** presented their views on the agenda item.

6.15 Many delegations expressed concern that the largest number of refugees and internally displaced populations were in the Asian-African regions resulting from armed conflict, terrorism and increasing incidents of extremism, in addition to natural disasters which called for examining the root causes of this phenomena. As a result many countries hosted large number of refugees at the cost of their socio-economic stability. They deeply appreciated the efforts of the UNHCR and ICRC for coping with this humanitarian issue.

6.16 One delegation stated that as most of the protracted refugee situations in the world were in Asia and Africa, deliberation of this issue from the perspective of durable solutions deserved to be included on the agenda of AALCO. It was also emphasized that protection of refugees was

a responsibility to be shared by the international community under the principle of international solidarity and burden sharing. Some member States encouraged others to consider ratifying the 1951 Convention on the Status and Treatment of Refugees and its Protocol.

6.17 A few delegations illustrated how through their national legislations/policies they had tried to cope with this issue which had many internal dimensions for countries hosting refugee populations. One delegation said that even though his country was not a party to the 1951 Convention it had hosted a large refugee population which was given their due rights under its Constitution.

6.18 Half-Day Special Meeting on Selected Items on the Agenda of the International Law Commission

6.19 **Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO** delivered the introductory statement on the subject. He stated at the outset that the International Law Commission (ILC) and AALCO share a long-standing and mutually beneficial relationship and that one of the functions assigned to AALCO under its Statutes is to study the subjects which are under the consideration of the ILC and thereafter forward the views of its Member States to the Commission, he clarified.

6.20 Explaining the deliberations held at the sixty-sixth session of the Commission, he pointed out that they focused on *eight* topics, namely, Expulsion of aliens; the obligation to extradite or prosecute (*aut dedere aut judicare*); Protection of persons in the event of disasters; Immunity of State officials from foreign criminal jurisdiction; Subsequent Agreements and Subsequent Practice in relation to the interpretation of treaties; Identification of Customary International Law ; Protection of Environment in relation to armed conflicts ; Protection of Atmosphere. He also gave a very brief overview of how each of these topics was dealt with.

6.21 **Ambassador Kirill Gevorgian, Chairman of ILC** made the first statement as the Panelist. Commenting on the relationship between ILC and AALCO, Amb. Kirill pointed out that cooperation between the ILC and AALCO has a long-standing tradition having been launched in 1957 at the ninth session of the Commission. He was of the view that since that time the Commission has benefitted immensely from different forms of cooperation with AALCO and its Member States.

6.22 On the topic of “Expulsion of Aliens” he mentioned that in 2014 the Commission adopted, on second reading, a set of 31 draft articles with commentaries, and that the Commission decided to recommend that the General Assembly take note of the draft articles in a resolution, to which the articles would be annexed and encourage their widest possible dissemination. It also recommended that the Assembly consider, at a large stage, the elaboration of a convention on the basis of the draft articles.

6.23 While noting that the Commission has concluded its work on “The Obligation to Extradite or Prosecute (*Aut Dedere Aut Judicare*)” with the adoption of its report on the matter, he pointed out that in this report the Commission had sought to address the issues that were of

interest to States as expressed in the Sixth Committee, namely (a) the customary international law status of the obligation; (b) gaps in the existing conventional regime; (c) the transfer of a suspect to an international or special court or tribunal as a potential alternative to extradition or prosecution; and (d) the relationship between the obligation and *erga omnes* obligations or *jus cogens* norms. The report did not aim at resolving these highly controversial issues, but rather at stating faithfully the “state of affairs” in these areas.

6.24 On the issue of “Identification of Customary International Law”, he clarified that Sir Michael Wood has in his Second Report dealt with both constituent elements of rules of customary international law, namely, “a general practice” and “accepted as law” and suggested adopting eleven draft conclusions in this regard. The Commission also started looking into the role of international organization in the process of formation of customary international law and that next year the Special Rapporteur will address this important and complex issue, he added.

6.25 On the topic of the “Immunity of State Officials from Foreign Criminal Jurisdiction”, he pointed out that having adopted the draft articles on the immunity *ratione personae* during its past sessions, this year Commission’s attention was focused on the subjective scope of immunity *ratione materiae*. Accordingly, based on the proposal of the Special Rapporteur, the Commission adopted a draft article with commentaries on the definition of a State official, and another on the beneficiaries of immunity *ratione materiae*. On the information sought by the ILC, he mentioned that the question of what constitutes “official acts” or “acting in an official capacity” is crucial for further work on this topic and that accordingly, the Commission expects the assistance of States with providing information on their domestic law and practice elucidating these terms.

6.26 **Dr. Hussein Hassouna, Member of the International Law Commission** made a presentation on the topic “Protection of Persons in the Event of Disasters”.

6.27 Commenting on the relationship between AALCO and ILC he acknowledged the important contribution of AALCO to the codification and progressive development of international law through its continued support of the work of the Commission. AALCO has worked over the years in order to ensure adequate reflection of Asian African concerns in the Commission’s work. It has also urged its members to respond in a timely manner to the questionnaires sent to them by the Commission. He believed that a time where International law is facing tremendous challenges in today’s world, it is of paramount importance for AALCO members to be actively involved in the formation of rules of international law that reflect their interests and concerns.

6.28 On the topic “Protection of Persons in the Event of Disasters”, he informed that as a result of its consideration of the topic at the last session, the ILC adopted on first reading a set of 21 draft articles, together with commentaries thereto.

6.29 According to him, the over-all approach of the Commission has been to strike a proper balance between the need to protect the persons affected by disasters and the respect for the principle of State sovereignty and non-interference. In order to fulfill that goal, humanitarian assistance to the persons in need should always remain neutral and objective and never become politicized. In addition, it should be based on solidarity and cooperation between all different

actors. In fact, the ILC's emphasis on rights and duties is grounded on the principle of cooperation, enshrined in draft articles 5,5 *bis* and 5 *ter*. Moreover, the draft extends to the response and disaster risk reduction phases of the disaster cycle, but does not enter into the post-disaster phase in so far as it leads into development.

6.30 The view was expressed during the ILC debate that the Special Rapporteur's proposals had not adequately taken into account the concept of the "responsibility to protect". However, even if the responsibility to protect were to be recognized in the context of protection and assistance of persons in the event of disasters, its implications would be unclear. This position was subsequently separately taken by the UN Secretary General who, in his 2008 report on implementing the responsibility to protect had indicated that "the responsibility to protect applies, until Member States decide otherwise, only to the four specified crimes and violations: genocide, war crimes, ethnic cleansing and crimes against humanity. To try to extend it to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility". The Commission has subsequently endorsed this position both during its debate at its 61st session (2009) and at the 63rd session (2011).

6.31 Seen from the larger perspective of public international law to be legally and practically effective the duty to cooperate in the provision of disaster relief had to strike a balance between different aspects. First, such a duty could not intrude into the sovereignty of the affected State. Second, the duty concerning the assisting States relates to the humanitarian conduct. Third, the duty had to be relevant and limited to disaster relief assistance by encompassing the various specific elements that normally make up cooperation on the matter. It thus, covered a great diversity of technical and scientific activities.

6.32 Assisting actors are required to provide assistance in compliance with the national law of the affected State (Draft Art.15). However, the right to condition the provision of assistance on compliance with national law is not absolute. The affected State has a duty to facilitate the provision of prompt and effective assistance, under its sovereign obligations to its population. States have an obligation to examine whether the applicability of certain provisions of national law must be waived in the event of a disaster (visa and entry requirements, custom requirements, granting privileges and immunities, freedom of movement...) (Draft Art 14)

6.33 As regards Prevention, mitigation and preparedness Art 11 deals with Duty to reduce the risk of disasters. In his view, the international community has recognised during the last decades the fundamental importance of the prevention of disasters i.e. of risk reduction.

6.34 **Prof. Shinya Murase, Member of the International Law Commission** made a statement on the "Protection of the Atmosphere".

6.35 On the procedure to include a topic on the agenda of ILC, Prof. Shinya Murase clarified that every new topic of ILC needed to pass three feasibility tests, namely practical feasibility, technical feasibility and politically acceptable. He was of the considered view that the topic on the "Protection of the Atmosphere" satisfied these criteria.

6.36 The Commission discussed the topic on the basis of his First Report in May and June 2014. The majority of the members supported his liberal interpretation of the Understanding that the Special Rapporteur should be permitted to “refer to” some of the controversial principles such as the “common but differentiated responsibilities (CBDR) although he may not deal with those principles, he added.

6.37 While dealing with the Draft guideline 1 that gives a working definition of the atmosphere, he stated that the definition also refers to the functional aspect of the atmosphere that “transports” pollutant substances. On Draft guideline 2 that concerns the scope of the project, he clarified that we are concerned with only the anthropogenic activities, that is, human activities, that cause atmospheric problems and we were not concerned with those caused by natural phenomenon such as volcanic eruptions or meteorites.

6.38 Explaining the outcome of his topic at ILC, he mentioned that this will take the form of the draft guidelines based on basic principles on the protection of the atmosphere and its inter-relationship. He clarified that the content of his second report would be incorporating Draft general guidelines 1 and 2 taken from the first report. It would also make reference to the basic obligations of states to protect the atmosphere and protection of atmosphere as a common concern of mankind. In his view, the notion of common concern is to be the basis for international cooperation.

6.39 Commenting on the Third Report to be submitted in 2016, he stated that it will be devoted to the basic principles of international environmental law, namely, *sic utere tuo* principle, prevention and precaution, sustainable development, equity and special circumstances and vulnerability.

6.40 He stated furthermore that his Fourth Report to be submitted in 2017, would deal with the issue of inter relationship that includes law of the sea, international trade law and human rights among others. In the Fifth and final report to be submitted in 2018 he would be dealing with the question on compliance and dispute settlement. Finally he stressed that it was very important for member States of AALCO to make their views known at the Sixth Committee of the UNGA till next month. In conclusion he stated that both the ILC and AALCO share few common objectives including that of transforming the Eurocentric traditional international law into a system that is also fair to Asia and Africa.

6.41 Following the statements made by the Panellists a number of Member States made their statements/interventions on the subjects raised by them. These included: **Thailand, Japan, India, Islamic Republic of Iran, Malaysia, Syria, Republic of Korea and Pakistan.**

6.42 Half Day Special Meeting on “Violent Extremism and Terrorism (Legal Aspects)”

6.43. The **Deputy Secretary-General Ms. Harimoto** introduced the agenda item. While explaining the theme of the special day special meeting she mentioned that the subject of this meeting expands the scope of the Secretariat’s study on International Terrorism and hence it has been titled Violent Extremism and Terrorism.

6.44 While informing that the topic had been proposed by the Islamic Republic of Iran she mentioned that the topic has assumed increasing prominence since the adoption of the UNGA resolution A/RES/68/127 entitled “A World Against Violence and Violent Extremism”. In this regard she also made reference to the recently adopted Security Council Resolution 2170 (2014) which condemned gross and wide spread abuse of human rights committed by extremist groups in Iraq and Syria.

6.45 She was of the view that violent extremism not only posed a real threat to life of innocent civilians but also seriously endangered peace and security of States, regions and the world. The multifaceted scourge of violent extremism has become so pandemic in the last couple of years that an increasing number of AALCO Member States had been hard hit by its diverse manifestations. In the light of these factors she pointed out that this meeting was meant to address the very important question of how international law dealt with violent extremism and terrorism.

6.46 **Dr. Rohan Perera, Chairman of the UN Ad-Hoc Committee on Measures to Eliminate International Terrorism, Chairman of EPG/AALCO** and Former Member of the International Law Commission from Sri Lanka, made the next presentation. While explaining the legal regime, he stated that the overall global architecture of the existing sectoral conventions served to highlight the building blocks that exist in which legal responses to violent extremism could be founded. He was of the view that acts of violent extremism included the indiscriminate use of violence against innocent civilians, the targeting of civilian population including women and children in violation in particular international humanitarian law and human rights law.

6.47 According to him, from an international criminal law perspective violent extremism involved a range of crimes categorised as grave crimes under international law including bombing of public buildings and infrastructure, hostage taking and arbitrary executions. While explain the salient features of the sectoral conventions of the existing 16 sectoral regime he pointed out that it included the principle of extradite or prosecute, a clear obligation to either surrender an offender to a State seeking his extradition or to prosecute where the evidence so warranted.

6.48 While explaining the features of the new generation standards of international law existing in the area he noted that this included causing of death or serious bodily injury to any person, or serious damage to property, when the purpose of the conduct by its nature was to intimidate or to compel a Government or an IGO to do or to abstain from doing any act. It also included treatment of certain crimes as non-political crimes for the purpose of extradition and enhanced measures of mutual legal assistance.

6.49 **Dr. Nasrin Mosafa, Professor, Tehran University** was of the view that terrorism and resort to violent extremism attacked the values that lie at the heart of the UN Charter, respect for human rights, rule of law, rules of war that protect civilians and the peaceful resolution of conflicts.

6.50 While noting that the fight against violent extremism and terrorism is a fight for an international rule of law she stated that there was an urgent need to cooperate with other states at

the regional level. Explaining the rationale for engaging in regional cooperation she mentioned that the States of a region were better aware of the situation and having a cultural backdrop, societal context and historical background.

6.51 While outlining the efforts of the African Union in this area she brought attention to the resolution adopted on the strengthening of cooperation and coordination among African States in which the African Union pledged to fight the scourge of extremism and terrorism. In her view the AU's legal framework against terrorism and extremism is one of the oldest and most progressive of its kind among regional arrangements. At its essence the African Legal Framework can be taken as an example for regional cooperation.

6.52 In describing the situation in Asia she stated that ASEAN's relatively young campaign against terrorism and extremism is mainly known by its 2007 Convention on Counter terrorism. Though ASEAN's Treaty on Mutual Legal Assistance in Criminal Matters can be acknowledged as another legal basis for regional cooperation, she was of the view that ASEAN's legal framework is still a work in progress. In this regard she also brought reference to the Shanghai Cooperation Organization (SCO) that represented another regional arrangement which contributed towards legal basis of regional cooperation. Among Muslim States the Organization of Islamic Cooperation is the arrangement determined to promote cooperation.

6.53 Finally, she stated that a review of current legal framework of African Union, ASEAN, Shanghai Cooperation Organization and the Organization of Islamic Cooperation suggested a tradition of regional cooperation replaced by regional arrangements to combat terrorism and violent extremism among other matters.

6.54 **Mr. Khoder EL Tari, Legal Adviser, ICRC** at the outset stated that by virtue of the Geneva Conventions the ICRC has a mandate and promote International Humanitarian Law. While stating that the Geneva Conventions are a source of customary law he mentioned that the aim of IHL is to protect human life and dignity during armed conflict. In his view a crucial reason for not legally conflating armed conflict and terrorism was the fact that the legal framework governed armed conflict already prohibited the great majority of acts which would be adjudicated as terrorists if they were committed in peace time.

6.55 He was of the view that the subject of panel discussion necessitated our consideration of international human rights law and related norms. Core internationally protected human rights norms, namely the right to life, personal liberty and security, the prohibition against torture, the right to due process and to a fair trial and the right to judicial protection must be protected and ensured without discrimination.

6.56 While acknowledging the role undertaken by the Islamic Republic of Iran on promoting dialogue and consensus on a world against violence and violent extremism he highlighted various aspects of the UNGA resolution on this topic which found convergence with important IHL principles.

6.57 The following delegates made their statements pursuant to presentations made by panellists namely: **Islamic Republic of Iran; People's Republic of China; State of Qatar;**

India; Arab Republic of Egypt; Nigeria; DPR Korea; Japan; Republic of Indonesia and Senegal.⁵²

7. Fourth General Meeting

Agenda Item: Law of the Sea

7.1 The **Deputy Secretary-General Mr. Feng Qinghu** while introducing the agenda item, “The Law of the Sea” stated that it was first taken up for consideration at the initiative of the Government of Indonesia in 1970, since then, this agenda item has been considered as one of the priority items at the successive Annual Sessions of AALCO. In the negotiations of United Nations Convention on the Law of the Sea (UNCLOS), 1982, particularly, the areas relating to the Exclusive Economic Zone (EEZ), Archipelago States and Rights of Land Locked States, the AALCO’s contribution is well known at the international level.

7.2 He stated that during the year 2013-2014 the International Tribunal for the Law of the Sea (ITLOS) has acted in four cases raising a number of complex issues, including: provisional measures for the release of a detained vessel and persons on board; the lawfulness of the arrest and confiscation of a vessel; the status of bunkering in support of foreign vessels fishing in the exclusive economic zone; reparation for damage; and IUU fishing. From the procedural perspective, two of these cases concerned the merits of a dispute; one was an urgent proceeding, and the other an advisory opinion. It disposed of two cases in 2013 and one more in April 2014. The request for an advisory opinion remains on the docket and the hearing will take place in September this year. In the *M/V “Louisa” Case* between Saint Vincent and the Grenadines and the Kingdom of Spain, The Tribunal concluded in its judgment that no dispute concerning the interpretation or application of the Convention existed between the Parties at the time the Application was filed and that, therefore, it had no jurisdiction *ratione materiae* to entertain the case.

7.3 He pointed out that in the intervening reporting period from 2013 to 2014 the Commission on the Limits of the Continental Shelf (CLCS) held 3 sessions. Given the large number of submissions made by coastal States, it was important to facilitate its work for expeditious consideration of the submissions. He also asserted that there was a need to adopt a balanced approach that ensured the speed and quality of its consideration of submissions, and the need to expedite consideration should not be allowed to compromise the serious, scientific and professional nature of the Commission’s work.

7.4 However, questions remained with regard to the amount of resources required, their source and ways to effectively apply them so as to achieve results. In this regard, it was pointed out that the suggestion by the United Republic of Tanzania at the Twentieth Meeting of States Parties to consult with neighbouring countries before submitting disputes to the Commission, as a way to minimize disputes and reduce costs merits consideration.

⁵² The Delegate of the Republic of Iraq had shared his views on the issue of terrorism and violent extremism on the last day (18th September 2014) of the Session.

7.5 He suggested that in light of the fact that there were around 20⁵³ pending submissions from Asian and African States and preliminary information from about 30 Asian/African States regarding upcoming submissions to the CLCS, a possible Sub-committee Meeting of the Member States of AALCO has been called upon to take further initiatives in this regard.

7.6 He mentioned that the 2013 International Seabed Authority (ISBA) meeting adopted a draft decision concerning overhead charges for administration and supervision of exploration contracts. It approved amendments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and appointed KPMG as independent auditor for 2013 and 2014. AALCO member states may consider renewing their efforts to control and restrict damage from seabed mining in keeping with these new regulations. The Session also discussed “*Programmes to mark the 20th Anniversary of entry into force of UNCLOS*”. It also stressed the importance of capacity building for developing countries, including the African group, particularly in marine scientific research, noting that this would allow States to acquire the means to reap the benefits from the oceans while also preserving its resources for future generations.

7.7 With regard to many critical issues such as pirate attacks and armed robbery against ships, which have raised a serious threat to international commerce and maritime navigation, it was argued that lack of strong domestic law enforcement capability and a lack of institutional capacity to bring pirates to justice has exacerbated the problem for UNCLOS. In order to counter the menace of piracy, AALCO Member States should, among other measures, consider enacting adequate national legislation to criminalize acts of piracy and armed robbery at sea, and associated crimes, as well as modern procedural laws, which are indispensable for the effective suppression of piracy.

7.8 Following the introduction of the AALCO brief on the Law of the Sea, a brief presentation was made on the subject by **Mr. H.P.Rajan, Legal Adviser to AALCO on Law of the Sea Matters**. In his presentation he highlighted the role of AALCO and its predecessor AALCC in the development of the Law of the Sea and the important contributions made during the deliberations at the Third United Nations Conference on the Law of the Sea. In particular, he recalled the elements of the package deal in the drafting of the Convention and the compromises made by the Asian and African States. Thereafter, the presentation identified issues that may be of immediate priority and concern to Member States. In particular the presentation touched upon the work of the Institutions established under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. The presentation recalled that at the time of the drafting of the Convention there was much expectation of huge economic benefits through exploration and exploitation of seabed resources. However the only tangible benefit for the developing countries so far has been due to the training obligations completed by the former Registered Pioneer Investors, four of whom are the AALCO member States, namely, India, Japan, China and the Republic of Korea. The other benefit that accrued to the developing countries was through the endowment fund set

⁵³ Following Member States of AALCO either individually or jointly have made submissions to the CLCS pursuant to article 76, para 8 of UNCLOS namely: Indonesia, Japan, Mauritius, Yemen, Ghana, Pakistan, South Africa, Malaysia, Kenya, Mauritius, Nigeria, Sri Lanka, India, Bangladesh, United Republic of Tanzania, People’s Republic of China, and Republic of Korea. Ref Submissions to CLCS http://www.un.org/depts/los/clcs_new/commission_submissions.html assessed on 6/12/2013 at 12.39 PM

up by the Authority that was created almost entirely from the interest accrued on the surplus of the registration fee paid by each of the seven Registered Pioneer Investors. Once again, the major share of that fund came from the four RPIs: China, India, Japan, and Republic of Korea, all Member States of AALCO Members. While commercial exploitation still remains a distant future, there are two aspects in the work of the Authority that may be of immediate interest to Member States of AALCO. The first relates to the modalities for implementation of Article 82 of the Convention and the second concerns the administration of the large amounts of application fees received from the contractors and the interest that is accrued on the surplus after deduction of the costs of processing of the applications.

7.9 He suggested that Member States may wish to review the work of the Authority in the light of the developments in the past several years, and how far their own aspirations have been fulfilled against the backdrop of hard and difficult compromises that were made as a package deal at the Conference.

7.10 As regards the work of the International Tribunal for the Law of the Sea, in view of the far reaching implications of the judgments, Advisory opinions as well as some of the Arbitral awards, it may be of interest to Member States to bring out a comprehensive study on the subject.

7.11 The work of the Commission on the Limits of the Continental Shelf is of vital importance to Member States of AALCO. The workload of the Commission and the delay in the consideration of submissions has been a subject of major concern to coastal States. Given the importance of the work of the Commission, he suggested that Member States of AALCO may wish to convene a meeting to critically examine and evaluate the scope and the current working methods of the Commission, including issues that touch upon conflict of interests of some members of the Commission.

7.12 Lastly, he touched upon a subject that has not been discussed in AALCO so far. This relates to the question of the legal regime in the Arctic arising out of global warming and the melting of the Arctic Ocean. The question today is not about the need for a new legal regime for the Arctic, but how to govern the Arctic in view of its melting and opening up of new possibilities under the existing legal framework.

7.13 After the above mentioned statements the following Member States made their presentations namely: **Thailand, Sri Lanka, Islamic Republic of Iran, Japan, People's Republic of China, Kenya, Republic of Indonesia, South Africa, India, and Malaysia.**

7.14 One delegate pointed out that the advancement and implementation of the rights of the land locked States was of paramount importance of the rights of geographically disadvantaged States. In view of its tremendous impact upon the Member States of AALCO, equally important would be the rights of the Archipelagic States, he added. One delegate mentioned that in view of the advancement of science and technology and the resultant increase in the capacity to exploit resources of the sea and the land mass under it, the interest of the international community had expanded to unprecedented proportions necessitating to regulate state activities in the sea areas had also assumed greater significance. He noted that with the acceptance of the deep sea bed as

common heritage of mankind, a greater demand for the regulation of state activities by legal provision could be observed globally. He also stated that the issue of demarcating the outer limits of the continental shelf had occupied a prominent place in the agenda of many states.

7.15 Many Member States expressed concern that piracy continued to be an issue of serious concern to the international community and especially to AALCO Member States as many of them were active in key maritime trade routes. A few delegations pointed out to the need of protection of marine environment which was crucial in safeguarding the health and well-being of human beings. Pollution at seas and oceans had reached alarming levels and the international community could not afford to ignore it.

7.16 One delegate opined that in order to enhance the rule of law in oceans it was crucial that states make their claims based on international law, refrain from using force or coercion, and settle their disputes by peaceful means. In this regard the role of the arbitral tribunal was appreciated.

7.17 One delegate pointed out that over the past 20 years the principle of common heritage of mankind had translated from concept to reality and the international Sea-Bed Authority had adopted three regulations for prospecting and exploitation for poly-metallic nodules, poly-metallic sulphides and cobalt-rich ferrous, manganese crusts in the area, approved 26 plans of work for exploration and steered work on the exploitation code of the resources in the area. Yet new challenges were arising from the implementation and development of the law of the sea were closely interrelated with science and technology, resources in environment which required an integrated, interdisciplinary and inter sectoral approach to address the relevant problems.

7.18 A few Member States highly appreciated the presentation made by Mr. H. P. Rajan, and one delegation suggested that the AALCO Secretariat could include some of its proposals laid down on page 14 for further consideration and also requested the Secretariat to keep alive the issue affecting the Arctic of melting of ice.

Agenda Item: Extraterritorial Application of National Legislation: Sanctions Imposed against Third Parties

7.19 The **Secretary-General of AALCO Prof. Dr. Rahmat Mohamad** introduced the agenda item and said that it had been considered since 1997 when the topic was added on the agenda of AALCO upon referral by the Islamic Republic of Iran. While noting that the topic of Sanctions and the Extraterritorial Application of National Legislation is of particular pertinence to developing countries, he pointed out that certain AALCO Member States such as the Syrian Arab Republic and the Islamic Republic of Iran currently found themselves the target of sanctions. He also informed that in compliance with the mandate received from the Fifty-First Annual Session held in Abuja, Nigeria the Secretariat had brought out a study entitled "*Unilateral and Secondary Sanctions: An International Law Perspective*". The focus of the study was on the effects of the implementation of sanctions which comprise of both Unilateral Sanctions, which are directed against a certain targeted state and its nationals, as well as Secondary Sanctions, which are directed against third Parties, be they States or private entities.

7.20 He added that the Report prepared by the Secretariat for the current Session focuses on the deliberations at the Fifty-Second Annual Session of AALCO held in New Delhi in 2013, and will highlight the recent developments in this area including: the Ministerial Declaration adopted at the Thirty-Seventh Annual Meeting of the Ministers for Foreign Affairs of the Member States of the G77 and China, held at the UN Headquarters in New York on 26 October 2013; and the debates on the agenda item “Necessity of Ending the Economic, Commercial and Financial Embargo imposed by the United States of America against Cuba”, at the Sixty-Eight Session of the UNGA held on 29 October 2013.

7.21 The Secretary-General further stated that Vide the Ministerial Declaration adopted by the Thirty-Seventh Annual Meeting of the Ministers of Foreign Affairs of the Group of 77 and China, the imposition of laws and regulations with extraterritorial impact, as well as other forms of coercive economic measures, including sanctions, was firmly rejected by the Ministers. Emphasis was placed on the fact that such actions undermine principles enshrined in the Charter of the United Nations and threaten freedom of trade and investment.

7.22 On 29 October 2013, the UN General Assembly also voted overwhelmingly in favour of ending the United States of America’s economic, commercial and financial embargo against Cuba while citing the crippling of Cuba’s development by the embargo and the morally indefensible nature of the embargo. To this effect, a resolution was passed for the twenty-second consecutive year calling for an end to the embargo.

7.23 However, despite the almost universal opposition of the imposition of extraterritorial measures and unilateral sanctions, such measures remain in force in various parts of the world, and continue to have devastating far-reaching effects for the economic development of various States and the social development of the citizens of those States. It is hoped that this Meeting will provide a forum for States to voice their opinions on these measures and contribute to the eventual complete cessation of the extraterritorial application of national legislation and the use of unilateral sanctions.

7.24 After the presentation made by the Secretary-General the following Member States made presented their views namely: **Syria, People’s Republic of China, South Africa, Japan, DPR Korea, Islamic Republic of Iran, Republic of Korea, and Sudan.**

7.25 All the Member States strongly condemned the imposition of unilateral sanctions imposed on any country as they violated the international legal instruments including the UN Charter and other Conventions.

7.26 One delegate noted that in past decades, some individual country, motivated by differences in values and ideology, frequently used its domestic law to impose unilateral sanctions against other countries and even imposed decades of economic blockade, in order to overthrow the regime of the targeted country and change its social system and development model. Those acts have met universal condemnation from the international community. He held the view that unilateral sanctions were inconsistent with fundamental principles of international law such as equality of States sovereignty, non-interference in other’s internal affairs; violate

international law obligations with regard to freedom of trade and navigation; and infringe upon fundamental human rights such as right to survive, and right to development of the targeted country and its people. While noting that the phenomena of “secondary sanctions” was new, he contended that those secondary sanctions seriously violated the international law in the following ways namely: First, secondary sanctions aimed to coerce third parties to join the embargo imposed by the sanctioning state in order to realize de facto multilateral sanctions. Second, some country’s domestic laws on secondary sanctions, *prime facie*, only claim jurisdiction over so-called its own national persons or entities prohibiting them from entering economic or trade relations with any person or entity of a third party in violation of the secondary sanctions. But in essence, those laws directly disturb or limit activities of persons or entities of third countries and indirectly force them to comply with the domestic laws of the sanctioning country. Third, secondary sanctions directly breach the principle of free trade of the WTO and constitute illegal impediment to international trade. Some individual country uses the WTO national security exemption clause as a pretext for its illegal sanctions. But a delegate stated that secondary sanctions imposed by some individual country motivated by differences in values and ideology, have nothing to do with national security. It is a misinterpretation and misuse of the national security exemption clause of the WTO.

7.27 Another delegate highlighted the point that the history of the international relationship in the past had shown that sanctions could not resolve effectively the disputes between states but rather had served as the main cause of deterioration of situations bringing about growing sufferings amongst innocent people. The sanctions unilaterally enforced by some states against other states or a third party based on their domestic legislation were in flagrant violation of the principles of respect to sovereignty and the peaceful solution of disputes reflected in the UN Charter and the general principles of international law. These acts retard the socio-economic development of the target state and greatly impede the establishment of a fair international economic order and trading regime.

7.28 Yet another delegate maintained that the concept of unilateral and secondary sanctions violates certain core principles of international law. These include the principle of sovereign equality of States and territorial integrity and its duty to cooperate, the principles of respect for and dignity of national sovereignty, the principle of self-determination of people, principle of non-use of force, the principle of non-intervention into the internal and external affairs of States, the principle of peaceful settlement of international disputes, the principle of cooperation among States and the principle of fulfilling in good faith obligations assumed under international law. These fundamental principles that regulate and govern international relations are stated in the Charter of the United Nations and the 1970 Declaration of Friendly Relations and Cooperation among States.

7.29 One delegate mentioned the recent endeavour to establish a relationship between the condemnation of economic or political coercion and the prohibition of the threat or use of force in the context of the 1970 Declaration on Principles of Friendly Relations and the resolution on the Definition of Aggression, indicates that many countries and international jurists are supportive of the prohibition of extreme economic sanctions. Such sanctions threaten the territorial integrity and political independence of the State and violate the principles of

sovereignty and territorial integrity as enshrined in Article 2, paragraph 4 of the UN Charter. In this regard, he mentioned that the United States sanctions against Iran are unprecedented. They target all the sections of the Iranian society, especially economy and trade, inter alia, oil and gas, financial institutions and transportation. These sanctions violate the principles of sovereignty and territorial integrity.

7.30 One delegate noted that unilateral application of national laws entailing any encroachment upon the sovereignty of other States cannot be justified. However, unilateral application of national laws affecting the sovereign States should be distinguished from the national measures taken as a means implementing the resolutions of the United Nations. Concerning the question of the conformity of the UN resolutions, he was of the opinion that, when a resolution is adopted by an organ of the United Nations in accordance with the decision-making procedures of the UN system, its conformity must be recognised by all Member States.

7.31 Another delegate mentioned that his Country was suffering from the dire consequences of economic sanctions and called upon AALCO Member States to denounce the same as they violated the UN Charter and regional Conventions. Some delegations expressed the hope that AALCO would continue to do research in this area so as to enable its Member States to speak their minds more freely in international fora and fight and resist the hegemonic acts of some individual country.

Agenda Item: “WTO as a Framework Agreement and Code of Conduct for the World Trade”

7.32 The **Deputy-Secretary General of AALCO Mr. Feng Qinghu** introduced the agenda item. On the importance of WTO he stated that WTO as an institution has always had immense significance for the welfare of the people of the developing countries and that since the Doha Round was first launched in 2001, the international trading system has experienced significant geo- economic changes spurred by the increasing rate of technological innovation particularly in large emerging economies and the financial crisis in the developed world.

7.33 He stated that in recent times the issue of agricultural trade (i.e., food security for developing countries) has been the main bone of contention between the developed and developing countries in the WTO Bali Meeting. Commenting on the Agreement on Agriculture, he explained that a major and glaring loophole created in the Uruguay Round’s Agreement on Agriculture to the benefit of the developed countries was the ‘Green Box’ (or Annex 2 of the Agreement on Agriculture).

7.34 He was of the opinion that the situation surrounding the Green Box has created a curious paradox: the Developing Countries are claiming the right to do what the U.S. and European Union have been doing all along-protecting some parts of their domestic production while simultaneously promoting the interests of their multinational commodity traders and agribusiness firms. The anomalies in the rules that they dispute are real, he added. In his view, the crux of the issue lied in the question – are the major powers of the North prepared to go along with a global trading system that puts the interests of the majority of the world’s people before their own interests? There are other issues that deserve our attention as well. These include: Trade Facilitation Agreement, integration of LDCs into global trading system, duty- free quota-free market access (DFQF) for LDC goods and others. The developing and poor countries want

credible and balanced multilateral trading rules that would take into account their developmental concerns, he added.

7.35 After the presentation of the Deputy Secretary-General, the following States made their statements; **Thailand, Japan, Republic of Indonesia, State of Qatar, Malaysia and Sudan.**

7.36 Many delegations welcomed the achievements of the Ninth Ministerial Conference of the World Trade Organization (WTO) held in Bali, Indonesia in December 2013 and stated that they viewed the Agreement on Trade Facilitation (TFA) to be a very important agreement which would make a tremendous contributions to flows of world trade.

7.37 One delegate noted that the Ninth Ministerial Conference had adopted agreements which includes international standards to assist the developing countries and LDCs' capabilities in building up an effective regulatory governance policy for their own customs regulatory bodies. Such international practices, which are modeled from developed countries are often viewed as better suited than domestic regulations of developing countries and LDCs. particularly when it came to the regulation of international trade, he added. The delegate was of the view that the regulatory governance challenge in the FTA stemmed mainly from its provisions themselves and that it did not provide for flexibility attaining their legitimate policy goals and diversity to meet the domestic regulatory activities of a small state, which can be at risk from the future liberalized rules.

7.38 While stating that the FTA rules are intended to improve institutional and regulatory changes at the expense of domestic customs authorities of small members, he pointed out that one important reason for inapplicability of some provisions in the FTA to small economies members relates to the so called 'associative-dissociative strategy', which combined of a free trade policy combined with a form of protectionism – for its local conditions. On one hand, the associative policy of small economics depends on international markets for exports and imports; on the other hand the dissociative strategy relies in the use of many protective measures (e.g. import-substitution policies, state intervention, subtle forms of protectionism, public subsidies for some specific economic sectors), which run counter to some predetermined provisions laid out under the FTA, he added.

7.39 One delegate stated that he placed particular importance on the TFA as it would have been the first multilateral agreement to be achieved since the establishment of the WTO. He was of the opinion that the early entry into force of the agreement and its steady implementation should be prioritized so as to keep momentum towards the conclusion of DDA.

7.40 Another delegate stated that it was strongly committed to the expeditious implementation of all the Bali 2013 decisions particularly each of the agreed timelines for Agriculture, the TFA and the LDC-related decisions. Pursuant to the interim peace clause that would exempt public stockholding programmes for food security purposes that exceed de minimum levels from legal action at the WTO for four years, the delegate was of the view that this will only be a short term resolution. The fact that food security is an important issue for a lot of developing countries, including those who are AALCO Members, means it is essential for there to be a long term solution which would protect and safeguard the interests of both developing and also developed

countries. In this regard, he also proposed for the AALCO Secretariat to conduct a study on the issue of food security and public stockholding which may serve to assist AALCO Members in their deliberations at the WTO front. In conclusion he noted that the failure to implement the TFA will have grave consequences for the credibility of the WTO as a body for negotiating multilateral trade agreements as well as the entire post-Bali work programme.

7.41 Another delegation welcomed the outcomes of Bali Conference which reaffirmed the WTO's role as the pre-eminent forum for multilateral trade negotiations. The Bali Conference has succeeded in concluding the Bali Package that will bring food security to billions of the world's poorest, strengthen world's economy and help the LDCs to benefit more from the multilateral trading system. In this regard he underlined the importance of the implementation of the Bali Package according to its time frame, while taking into account each country's level of development, capacity and capability, in the process. In this respect, he also encouraged AALCO Member States to expeditiously implement this multilateral agreement, which also provides capacity building support to developing countries and LDCs to help them implement the agreement.

Agenda Item: Deportation of Palestinians and Other Israeli Practices among them the Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention

7.42 **The Secretary-General of AALCO Prof. Dr. Rahmat Mohamad** had delivered the introductory statement on the subject⁵⁴. He mentioned that even after many decades of Israeli occupation of the Palestinian Territories, all serious bilateral and multilateral attempts at conflict resolution have failed to bring justice for the people of Palestine. While stating that the recent Israeli shelling of Palestinian territories and civilians, especially women and children could not be justified on any account he pointed out that the illegal *Israeli blockade of Palestinians in Gaza* has led to the *economy of Palestine being suffocated to a great extent*. However, despite all legal efforts exerted by the international community to persuade Israel to stop its illegal expansionist settlement activities and declare Palestine as an Independent State, occupation continues till date, without an early solution in sight, he added.

7.43 Commenting on the legal principles applicable, he stated that the international community has time and again asserted the application of the Fourth Geneva Convention relative to the Protection of Civilian Persons in the Time of War to this conflict and that illegal annexation of Palestinian Land, the creation of Jewish Colonial Settlements and the massive deportation of Palestinians are all actions in violation of international humanitarian law and human rights law. He was of the considered opinion that the denial of water and other essential services to Palestinians and the continuing blockade of Gaza that prevents the Palestinians from exercising their right to seek refuge in other territories are acts in the nature of "collective punishment", imposed on the people of Palestine, in violation of the Geneva Conventions and customary International Humanitarian Laws. As the numerous reports that were discussed in the AALCO Secretariat document demonstrate, the continuing occupation of Palestinian lands and

⁵⁴ One delegation suggested that paragraph 112, on page 36 of the document pertaining to this topic (AALCO/53/TEHRAN/2014/SD/S4) should be deleted.

the blockade of Gaza lied at the root of all the human rights violations faced by the Palestinian peoples, he added.

7.44 While stating that the situation in Palestine is grave and the principal tool to redress this is ensuring compliance with international law, he called for the resolution of the conflict in accordance with the principles of international law including the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions, in particular the Fourth Geneva Convention regarding the Protection of Civilian Persons at the time of war.

7.45 On the issue concerning the Statehood of Palestine, he mentioned that this issue had been debated by the various United Nations Organs since 1947 and that no amicable solution of the issue had been found yet. Until all the rights accorded to the Palestinian people by virtue of the principles enshrined in international law, are respected by Israel, the Palestinian right of resistance to the occupation, established by a consensus within the UN would continue, he added.

7.46 In conclusion, he assured that AALCO, as the only inter-governmental legal Organization in the Asian and African region would continue to reiterate the urgent need on the part of the international community to seriously address all of the above mentioned grave violations and severe breaches of international law, including international humanitarian law, being committed by the occupying power, against the Palestinian people.

7.47 After the presentation by the Secretary-General, the following Member States presented their views, namely **India, Japan, Islamic Republic of Iran, State of Palestine, Syria, Arab Republic of Egypt, People's Republic of China, South Africa, Malaysia, DPR Korea, Turkey, and Republic of Indonesia.**

7.48 Many delegations condemned the latest onslaught of violence leashed on the people of Gaza in the first part of 2014, which has killed thousands of innocent civilians, including women, children and men. Besides, it had displaced thousands of civilians, ravaged their homes and devastated the infrastructure, including homes, hospitals, schools run by the UN and the only electricity generation plant in Gaza. All these acts were in total disregard of all the established principles of international law and agreements between the Parties, the United Nations Security Council and General Assembly Resolutions, and the IVth Geneva Convention of 1949.

7.49 Many of the delegations supported the view that a comprehensive resolution of the Palestinian issue, leading to a sovereign, independent, viable and United State of Palestine living within secure and recognized borders, side by side at peace with Israel, was the apt solution to this issue.

7.50 One delegation was of the view that the title of the agenda item "Deportation of Palestinians and Other Israeli Practices among them the Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention", required to be reconsidered. Explaining this rationale he pointed out that the concept of deportation that had been used for a long time connoted a temporary phenomena

of a temporary nature, however, over the years the nature of the problem has changed. He was of the view that what is happening in Palestine today had less to do with deportation and more to do with belligerent occupation which continued to expel Palestinians from their homeland. This view was supported by two other delegations.

7.51 One delegate was of the view that AALCO could consider the possibility of conducting a study on “how to compensate the refugees” created by the illegal policies of the Israeli regime over the years. This proposal was supported by another Member State as well.

7.52 One delegate was of the view that AALCO could consider providing a “Legal Framework on how to bring War Criminals to Justice before the ICJ/ICC”.

New Agenda Item: International Law in Cyberspace

7.53 This new agenda item was proposed by the **Government of the People’s Republic of China** and received an overwhelming support from the Member States for inclusion in the agenda of the AALCO. While giving a detailed presentation on the need to include the agenda item, the Chinese delegate stated that the 21st century is the Century of Internet/Cyberspace and that the rules governing the regulation of cyberspace are not clear and consistent. The delegate suggested that AALCO should give emphasis to discussions of State sovereignty and internet freedom, peaceful use of cyberspace and prevention of cyberspace in militarization, international cooperation in combating cyber crimes and development and application of international rules for cyberspace.

7.54 The delegate was also of the view that these issues were the most important issues related to the formulation of applicable norms of international law and international order in cyberspace. He added furthermore that Asian-African countries still lagged behind their developed countries counterparts in regard to usage and vulnerability to the cyber security risks. He went on to add that, AALCO as the only inter-governmental legal consultative organization in the Asian-African region should place this issue on its agenda. He also shared his views on the four issues listed in the explanatory note attached to the new agenda circulated during the Session and before that in New Delhi.

7.55 The following Member States namely, **Japan, Islamic Republic of Iran and Nigeria** expressed their views subsequently on this issue and shared the common and individual concerns that exist in this area.

7.56 One delegate recognized the risks to stable use of cyberspace as an urgent security issue and stated that no single country could address this issue by itself and that it had been actively participating in the discussions on the scope of application of existing international law to cyberspace in the UN Cyber Group of Governmental Experts (GGE) under the First Committee of the UN General Assembly. The delegate also noted that the Convention on Cybercrime of the Council of Europe or the so-called Budapest Convention is at present the only effective multilateral instrument on the use of cyberspace.

7.57 Another delegate was of the view that the diverse legal dimensions of cyber activities span different areas of national and international law, including telecommunications law,

aviation law, law of space, law of the sea and International Humanitarian Law. He further added that whether called “cyber attacks” “cyber warfare” or “cyber terrorism”, all these cyber activities are harmful and are capable of shutting down nuclear centrifuges, air defence systems, electrical grids, and other vital infrastructures in violation of State sovereignty and territorial integrity, and shall hence be properly regulated.

8. Third Meeting of the Delegations of AALCO Member States

Agenda Item: Report on the Work of AALCO’s Regional Arbitration Centres

8.1 **Prof. Datuk Sundra Rajoo, Director, Kuala Lumpur Regional Centre for Arbitration (KLRCA), Hon. Wilfred Danola Ikatari, Director, Regional Centre for International Commercial Arbitration-Lagos (RCICAL), Federal Republic of Nigeria and Judge Parviz Ansari Moein, Chairman, Tehran Regional Arbitration Centre** had made their presentations which outlined the activities undertaken by the respective Centres in the previous year.

8.2 A Presentation on the developments leading up to the creation of the **Nairobi Centre for International Arbitration** was given by **Mrs. Agimba Christine Anyango, the Deputy Solicitor of Kenya and the Vice-President of the Fifty-Third Annual Session of AALCO**. While providing an update on the Centre, she stated that a law had been enacted in Kenya in 2013 consistent with the AALCO objectives both for domestic and international arbitration. The Board of Directors for the Nairobi Centre had been appointed in 2013 and an Interim Director too had been appointed, she informed. While stating that small but considerable progress has been made by Kenya on this Centre, she expressed optimism that it could be used to promote and support the use of Regional Arbitration Centre for the settlement of disputes.

Report by the Chairman of the Eminent Persons Group (EPG)

8.3 The Chairman of the AALCO Eminent Persons Group (EPG) **Dr. Rohan Perera** had presented a Report on the fourth Meeting of the EPG that took place on 14th September 2014 at Tehran. He informed that the meeting focused on both the Organizational and Substantive Issues of the Organization in great details.

Report of the Interim Chairman on the Working Group on International Customary Law⁵⁵

8.4 The Secretary-General informed that the name of the Working Group on Customary International Law had been changed to, “Informal Expert Group on Customary Internal Law”. Further, he also sought endorsement from the Plenary on the appointment of Dr. Sufian Jusoh, Associate Professor UKM, as the Chairman of this Informal Group and Professor Xianhe YI, Wuhan University, People’s Republic of China as its Special Rapporteur. He further informed that this Informal Group on CIL would meet twice, to discuss the issues flowing from this agenda item of the ILC and forward the same to the Special Rapporteur of the ILC on this topic. The Plenary endorsed the appointments of the Chairman and the Special Rapporteur.

⁵⁵ This was presented by Secretary-General, Prof. Dr. Rahmat Mohamad

Adoption of Message of Thanks to the President of the Islamic Republic of Iran

8.5 The Secretary-General on behalf of the Member States of AALCO read out the Message of Thanks to the President of the Islamic Republic of Iran. The same was unanimously adopted.

“Excellency,

On behalf of all the Delegations of the Member States and Observers attending the Fifty-third (2014) Annual Session of the Asian-African Legal Consultative Organization (AALCO), I would like to extend the following message as a token of our heartfelt gratitude and respect to the Government and people of the Islamic Republic of Iran:

“We, the participants in the fifty-third annual Session of the Asian-African Legal Consultative Organization, would like to seize this opportunity to convey our profound gratitude and respect to Your Excellency, and through you to your esteemed Government and the people of the Republic of Iran, for graciously helping and assisting to host the Fifty-Third Session of AALCO in this historical city of Tehran, Iran. Excellency, I thank the Government of Iran on behalf of AALCO, and on my own behalf, for supporting in hosting this session.

Islamic Republic of Iran has always espoused the cause of the developing countries and hence taken a keen interest in the affairs of AALCO over the years. In that pursuit it has always taken an active part in deliberations during the Annual Sessions and has undertaken to strengthen the agenda and the role of the Organization among the comity of nations.

Your Excellency would be pleased to know that a spirit of constructive dialogue and cooperation amongst attending delegations marked this Session, thus enabling us to make crucial decisions on the organizational as well as substantive matters. Amongst the many factors which paved the way for the success of the Session, one of the prime ones was the excellent cooperation from the Government of Iran which contributed significantly towards the excellent achievements of our deliberations.

In this beautiful city of Tehran, famous for its picturesque juxtaposition of history and modernity, we the delegates of the Fifty-Third Annual Session of AALCO would like to place on record our sincere gratitude for the full cooperation that the Government of Iran has extended to AALCO and its Member States for hosting the Annual Session with warmth, graciousness and ability.

Please accept, Your Excellency, the assurances of our highest respect and consideration and may the Almighty bless the endeavours of your great country.”

Venue of the Fifty-Fourth Session of AALCO

8.6 The Head of the Delegation of the People’s Republic of China graciously offered to host the Fifty-Fourth Annual Session of AALCO at Beijing in the first part of the 2015. He added further that this event would also mark the commemoration of the Bandung Conference that was

held in 1955 and that it would be a great occasion to chart the future of AALCO at this historical event.

Adoption of Resolutions

8.7 The following Resolutions were adopted at the Third Meeting of the Delegations of AALCO Member States on 18 September 2014:

Organizational Matters

RES/53/ORG 1 Report of the Secretary-General on Organizational, Administrative and Financial Matters

RES/53/ORG 2 AALCO's Budget for the Year 2015

RES/53/ORG 3 Report on AALCO's Regional Arbitration Centres

Substantive Matters that were Deliberated

RES/53/S 2 Law of the Sea

RES/53/S 3 The Status and Treatment of Refugees

RES/53/S 4 The Deportation of Palestinians and Other Israeli Practices Among them the Massive Immigration and Settlement of Jews In All Occupied Territories in Violation of International Law Particularly The Fourth Geneva Convention of 1949

RES/53/S 6 Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties

RES/53/S 7 International Terrorism

RES/53/ S 10 Environment and Sustainable Development

RES/53/S 13 WTO as a Framework Agreement and Code of Conduct for World Trade

RES/53/S 17 International Law in Cyberspace

RES/53/ SP 1 Resolution on the Special Meeting on "Selected Items on the Agenda of the International Law Commission"

RES/53/SP 2 Resolution on the Special Meeting on "Violent Extremism and Terrorism (Legal Aspects)"

Consideration of the Summary Report

8.8 The Draft Summary report of the Fifty-Third Annual Session of AALCO was placed for consideration of the Member States. The Member States adopted the Summary

Report and thereafter they were requested to send in their written comments on the same to the Secretariat within one month, after which the same would be finalized.

Fifth General Meeting and Concluding Session

8.9 A vote of thanks was proposed by the Head of Delegation of State of Qatar on behalf of the Asian Member States of AALCO and South Africa on behalf of the African Member States. The Observer Delegation of the International Committee of the Red Cross (ICRC) later submitted a vote of thanks to the AALCO Secretariat for record.

8.10 **H.E. Mr. Danesh Yazdi**, the President of the Fifty-Third Session of AALCO had delivered the concluding remarks.

The Fifty-Third Annual Session of AALCO was thereafter adjourned.

B. RESOLUTIONS

**AALCO/RES/ 53/ORG 1
18 SEPTEMBER 2014**

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,
ADMINISTRATIVE AND FINANCIAL MATTERS**

The Asian-African Legal Consultative Organization at its Fifty-Third 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 Statutory Rules as contained in Document No. AALCO/53/TEHRAN/2014/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,

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-Second Annual Session held in New Delhi (HQ), Republic of India, from 9-12 September 2013,

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 (HQ), India,

Welcoming the efforts by the Secretary-General for Revitalizing and Strengthening the 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 programme 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 programme;
2. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in Asia and Africa, in particular, to increase the representation from the African States and Central Asian States;

3. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work programme of the Organization; and
4. **Further requests** the Secretary-General to report on the activities of the Organization at its Fifty-Fourth Annual Session.

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AALCO/53/RES/ORG 2
18 SEPTEMBER 2014

AALCO'S BUDGET FOR THE YEAR 2015

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

Having heard with appreciation the introductory statement of the Secretary –General on the Proposed Budget for the year 2015 as contained in Secretariat Document No. AALCO/53/TEHRAN/2014/ORG 2,

Taking note of the comments of the Member States on the Proposed Budget,

Noting further the Proposed Budget for the year 2015 was placed before the 323rd Meeting of the Liaison Officers held on 18th December 2013 and 19th February 2014, at the Headquarters, New Delhi and adopted and was submitted to the Fifty-Third Annual Session for final approval,

Considering that the Proposed Budget for the year 2015 is a realistic budget depending on the actual contributions received,

Noting with appreciation the part of arrears paid by the Government of the Republic of Cameroon and Libya on the basis of Memorandum of Understanding (MOU) and requesting other Member States in large arrears to follow suit,

Expressing deep concern over the financial difficulties faced by AALCO and the need to take appropriate measures to overcome the financial crisis including the collection of arrears,

Acknowledging the immediate 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 2015 as proposed;
2. **Requests** Member States who have not paid their annual contribution for the year 2014 to do so at the earliest in order to ensure the effective functioning of the Organization;
3. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO;
4. **Strongly urges** Member States, who are in arrears, to fulfill their financial obligation and to expeditiously clear the same in accordance with the Statutes and Statutory Rules 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 Fifty-Fourth Annual Session.

AALCO/RES/ 53/ORG 3
18 SEPTEMBER 2014

REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION
The Asian-African Legal Consultative Organization at its Fifty-Third Session

Considering the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/53/TEHRAN/2014/ORG 3,

Noting with appreciation the introductory remarks of the Deputy Secretary-General and the report of the Directors of the Regional Arbitration Centres,

Reaffirming the commitment by the Governments of 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, Arab Republic of Egypt, Federal Republic of Nigeria, the Islamic Republic of Iran, and 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 Member States to promote and support the use of the Regional Arbitration Centres,

Further reiterating its proposal that 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 Member States,

1. **Requests** that, based on the above mentioned commitments for promoting and supporting the use of Regional Arbitration Centres, the Member States to urge their esteemed Governments and private sector to use the AALCO's Regional Arbitration Centres for their disputes and in particular to consider in their contracts, the inclusion of the Arbitration Clause of AALCO's Regional Arbitration Centres;

2. **Urges** the Regional Arbitration Centres to consider, 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 Arbitration Centres to meet at every AALCO Annual Sessions to enable an exchange of ideas and to report the outcome to the Organization;
4. **Requests** the Secretary-General to take initiative to promote the Arbitration Centres among Member States and to work toward establishing another Arbitration Centre in the South Asian region; and
5. **Decides** to place this item on the provisional agenda of the Fifty-Fourth Annual Session.

18 September 2014

THE LAW OF THE SEA*

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

Considering the Secretariat Document No. AALCO/53/TEHRAN /2014/SD/S 2,

Noting with appreciation the introductory remarks of the Deputy Secretary-General,

Recalling the United Nations Convention on the Law of the Sea 1982 (UNCLOS), as well as the customary international law relating to the management of the oceans,

Noting with appreciation the commemoration of the 20th Anniversary of entry into force of the United Nations Convention on the Law of the Sea,

Also noting with appreciation the convening and outcome of the successful “AALCO Legal Experts Meeting on the Law of the Sea” organized by the AALCO Secretariat, held at the AALCO Headquarters on 24th and 25th February 2014,

Mindful of the historical contribution made by the Asian-African Legal Consultative Organization in the elaboration of the UNCLOS,

Conscious that the AALCO has been regularly following the implementation of the UNCLOS and its implementing agreements as well as other issues regarding the law of the sea,

Hopeful that in view of the importance of the law of the sea issues, AALCO would maintain its consideration on the agenda item and continue to perform its historical role on the law of the sea matters,

Taking note of the deliberations at the United Nations Open-ended Informal Consultative Process established by the United Nations General Assembly to facilitate annual review of the developments in ocean affairs,

Welcoming the active role being played by the International Tribunal for the Law of the Sea (ITLOS) in the peaceful settlement of disputes with regard to ocean related matters,

* To this resolution on the Law of the Sea, the Delegations of Japan and the Republic of Turkey made the following comments and reservations.

The **Delegation of Japan** stated that “it regrets the deletion of paragraph 4 of the original draft resolution concerning dispute settlement, as Japan attaches great importance to the ITLOS and other international tribunals and forums to peacefully resolve the disputes in accordance with UNCLOS and other applicable principles and rules of international law”.

The **Delegation of Republic of Turkey** stated that; “the Republic of Turkey dissociates itself from the references made in this Resolution to the United Nations Convention on the Law of the Sea, 1982. Approval of this Resolution cannot be construed as a change in the legal position of Turkey with regard to the said Convention”.

With these comments the resolution on this item was adopted.

1. **Reaffirms** that in accordance with the UNCLOS, the “Area” and its resources are the common heritage of mankind;
2. **Encourages** AALCO Member States not yet parties to the UNCLOS and its implementing instruments, to consider the possibility to ratify or accede thereto, in compliance with their domestic policies;
3. **Urges** the full and effective participation of its Member States which are Parties to UNCLOS in the work of the International Seabed Authority and other related bodies established by the UNCLOS, and further urges effective contribution of its Member States to the United Nations Informal Consultative Process, so as to ensure and safeguard their legitimate interests;
4. **Requests** the Secretariat of AALCO to assist the capacity building of Member States within the field of law of the sea through varied ways such as joint training programmes with States and inter-governmental organizations, and calls upon its Member States to offer all possible support and assistance; and
5. **Decides** to place this item on the provisional agenda of the Fifty-Fourth Annual Session.

**AALCO/RES/ 53/S 3
18 SEPTEMBER 2014**

THE STATUS AND TREATMENT OF REFUGEES

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

Having considered the Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 3,

Noting the 1951 Convention relating to the Status of Refugees (the 1951 Convention), together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969,

Commending the Office of the United Nations High Commissioner for Refugees (UNHCR) for the important contribution that it has made towards the protection of refugees and internally displaced persons, since the establishment of the UNHCR,

Recognizing also the landmark achievement of the coming into force of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, also known as the “Kampala Convention”,

1. **Acknowledges** the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;
2. **Encourages** Member States of AALCO that have not yet become a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto as well as other relevant international and regional instruments to consider the possibility of ratifying them or becoming party to them as per their legislations;
3. **Encourages** Member States that have not yet done so to consider the possibility to ratify /accede to the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the Kampala Convention;
4. **Directs** the Secretariat to explore, in the near future, the possibility of organizing a joint seminar or workshop in collaboration with the UNHCR; and
5. **Decides** to place this item on the provisional agenda at its Fifty-Fourth Annual Session.

**AALCO/RES/53/S 4
18 September 2013**

**THE DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES
AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS IN
ALL OCCUPIED TERRITORIES IN VIOLATION OF INTERNATIONAL LAW
PARTICULARLY THE FOURTH GENEVA CONVENTION OF 1949**

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

Having considered the Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 4,

Noting with appreciation the introductory remarks of the Secretary-General,

Recalling and reiterating the decisions taken at the consecutive Annual Sessions of the Asian-African Legal Consultative Organization since 1988, when the topic was first introduced on the agenda of the Organization, in particular the decisions adopted on 22 April 1998 and 23 April 1999,

Also recalling and reiterating the resolutions adopted on 23 February 2000, RES/40/4 of 24 June 2001, RES/41/4 of 19 July 2002, RES/42/3 of 20 June 2003, RES/43/S 4 of 25 June 2004, RES/44/S 4 of 1 July 2005, RES/45/S 4 of 8 April 2006, RESW/46/S 4 of 6 July 2007, RES/47/S 4 of 4 July 2008, RES/48/S 4 of 20 August 2009, RES/49/S 4 of 8 August 2010, RES/50/S 4 of 1 July 2011, RES/51/ S 4 of 22 June 2012 and RES/52/S 4 of 12 September 2013,

Having followed with great interest the deliberations on the item reflecting the views of Member States,

Being concerned with the serious obstacles created by the occupying power, which hinder the achievement of a just and lasting peace in the region,

Recognizing that the massive Israeli military operation in the Occupied Palestinian Territories, particularly in the occupied Gaza strip, has caused grave violations of the human rights of the Palestinian civilians therein and international humanitarian law, and exacerbated the severe humanitarian crisis in the Occupied Palestinian Territories,

Also recognizing that the Israeli siege imposed on the occupied Gaza strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

Welcoming the international and regional initiatives for peace in the Middle East,

Condemning Israel's acts of violence and use of force against Palestinians, resulting in injury, loss of life and destruction, coercive migration and deportation in violation of human rights and the Fourth Geneva Convention of 1949,

Stressing the need to compliance with existing Israeli – Palestinian agreements concluded in order to reach a final settlement,

Being concerned about the continuing dangerous deterioration of the situation in the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, the continuous deportation of Palestinians from their homeland, and the continuing serious and systematic violation of human rights of the Palestinian people by Israel, the occupying power, including that arising from the excessive use of force, the use of collective punishment, the occupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall in the occupied Palestinian Territories, the destruction of property and infrastructure, use of prohibited weapons and all other actions designed to change the legal status, demographic composition of the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, and about war crimes and crimes against humanity committed in these territories, and calling for the implementation of the relevant United Nations resolutions on the humanitarian situation of the Palestinian people,

Recalling the Advisory Opinion rendered by the International Court of Justice in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and related General Assembly Resolution (A/RES/ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006), as well as the United Nations initiative of establishment of a Register of Damage arising from the construction of the separation wall, and bearing in mind that ten years have elapsed since the International Court of Justice delivered its opinion,

Being deeply concerned about the tenacity of Israel in proceeding with the construction of wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, which is contrary to international law,

Acknowledging with deep concern that the Security Council is still unable to adopt a resolution stipulating the illegality of the Israeli expansionist wall,

Expressing its support to the Arab Peace Initiative for resolving the issue of Palestine and the Middle East, adopted by the 14th Arab Summit held in Beirut (Lebanon) on 28 March 2002 and reaffirmed in the 19th Summit Conference of the League of Arab States, Riyadh, 28-29 March 2007 as well as other peace initiatives, including the Quartet Road Map,

Taking note of conclusions and outcomes of all events held at both regional and international levels aiming at the achievement of a just, durable and comprehensive solution of the question of Palestine,

Affirming that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the Charter of the United Nations, existing agreement between the parties and the relevant Security Council and General Assembly resolutions, which will allow all the countries of the region to live in peace, security and harmony,

1. **Urges** its Member States to take part in the peace process/efforts exerted by the international community for the achievement of a just and comprehensive solution of the question

of Palestine on the basis of relevant Security Council resolutions, including 242 (1967), 338 (1973), 425 (1978), 1397 (2002) and 1860 (2009), and relevant General Assembly Resolutions, including 194 (1949) on the formula of “land for peace” and the legitimate rights of the Palestinian people, and expressing solidarity with the Palestinian people and their elected leadership;

2. **Takes note** of the findings of the United Nations Secretary General’s Board of Enquiry as transmitted on 4 May 2009 to the Security Council as well as the findings of the recent report of the Special Rapporteur of the Human Rights Council and other regional organizations;

3. **Also takes note** of the report of the Independent Fact Finding Committee on Gaza presented to the League of Arab States on 30 April 2009;

4. **Strongly condemns** the shocking developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the deportation of Palestinians from their homeland, the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality against Palestinian civilians, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people;

5. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in order to protect the rights of Palestinians;

6. **Also demands** that Israel positively respond to the 2009 Report of Mr. Richard Falk the Special Rapporteur for the Palestinian Territories Occupied Since 1967 and 2010 Report and Recommendations of Justice Goldstone, United Nations Fact Finding Mission on the Gaza Conflict in order to protect the rights of Palestinians;

7. **Further Demands** that Israel comply with its legal obligations as mentioned in the Advisory Opinion rendered by the International Court of Justice in the case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and related General Assembly Resolution (A/RES/ES-10/15 of 20th July 2004);

8. **Strongly demands** that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory;

9. **Strongly deplores** the Israeli blockade of the Gaza strip and its consequent human rights and humanitarian law violation and the Israeli attack against the humanitarian aid Flotilla;

10. **Further demands** for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction of property and calls for the immediate and full withdrawal of Israeli (occupying) forces from Palestinians territories in implementation of

Security Council Resolutions, including 1402 (2002), 1403 (2002), 1515 (2003), and 1544 (2004) as a first step for ending the Israeli occupation of Palestinian territories occupied since 1967;

11. **Calls upon** Israel to ensure the return of refugees and displaced Palestinians to their homes and the restoration to them of their properties, in compliance with the relevant UN resolutions;

12. **Directs** the Secretariat to closely follow the developments in occupied territories from the viewpoint of relevant legal aspects; and

13. **Decides** to place the item on the provisional agenda of the Fifty-Fourth Annual Session.

AALCO/RES/ 53/S 6
18 SEPTEMBER 2014

**EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION:
SANCTIONS IMPOSED AGAINST THIRD PARTIES**

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

Considering the Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 6,

Noting with appreciation the introductory statement of the Secretary-General,

Recalling its Resolutions RES/36/6 of 7 May 1997, RES/37/5 of 18 April 1998, RES/38/6 of 23 April 1999, RES/39/5 of 23 February 2000, RES/40/5 of 24 June 2001, RES/41/6 of 19 July 2002, RES/42/6 of 20 June 2003, RES/43/6 of 25 June 2004, RES/44/6 of 1 July 2005, RES/45/S 6 of 8 April 2006, RES/46/S 7 of 6 July 2007, RES/47/S 6 of 4 July 2008, RES/48/S 6 of 20 August 2009, RES/49/S 6 of 8 August 2010 and RES/50/S 6 of 1 July 2011, RES/51/S 6 of 22 June 2012, and RES/52/SP 2 of 12 September 2013, on the subject,

Having considered the AALCO publication entitled “*Unilateral and Secondary Sanctions: An International Law Perspective*” prepared by the AALCO Secretariat,

Recognizing the significance and implications of the above subject,

Expressing its profound concern that the imposition of unilateral sanctions on third parties is violation of the United Nations Charter and in contradiction with the general principles of international law, particularly state immunity, non-interference in internal affairs, sovereign equality, the right to development, and freedom of trade and peaceful settlement of disputes,

Condemning the imposition of restrictions against AALCO Members States, Syrian Arab Republic and Islamic Republic of Iran by the Government of the United States of America,

Condemning also the adoption of restrictive measures against States, especially in cases where the functional organs of a sovereign State, like Central Banks, are subjected to sanctions which violate immunity of State and its properties,

Being aware that extraterritorial application of national legislation in an increasingly interdependent world retards the progress of the Sanctioned State and impedes the establishment of an equitable, multilateral, non-discriminatory rule-based trading regime,

Reaffirming the importance of adherence to the rules of international law in international relations,

1. **Appreciates** the initiative of the Secretariat for bringing out the AALCO publication “Unilateral and Secondary Sanctions: An International Law Perspective”;
2. **Directs** the Secretariat to continue to study the legal implications related to the Extraterritorial Application of National Legislation: Sanctions Imposed against Third Parties and the executive orders imposing sanctions against target States;
3. **Also Directs** the Secretariat to further research on the implications of unilateral and extraterritorial sanctions on international trade and its effect on AALCO Member States;
4. **Urges** Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this subject; and
5. **Decides** to place this item on the provisional agenda of the Fifty-Fourth Annual Session.

**AALCO/RES/53/S7
18 SEPTEMBER 2014**

INTERNATIONAL TERRORISM

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

Having considered the Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 7,

Recalling the relevant international instruments, where applicable, and resolutions of the United Nations General Assembly and the Security Council relating to measures to eliminate international terrorism and the efforts to prevent, combat and eliminate terrorism,

Taking note of the ongoing negotiations in the Ad Hoc Committee established by the General Assembly of the United Nations by its resolution 51/210 of 17 December 1996 to elaborate a Comprehensive Convention on International Terrorism based on the proposal made by the Republic of India,

Expressing grave concern about the worldwide increase in acts of terrorism, which threaten the life and security of innocent people and impede the economic development of the concerned States,

Recognizing the need for the international community to collectively combat terrorism in all its forms and manifestations,

Reaffirming the need to strengthen the international effort to eliminate terrorism in accordance with the Charter of the United Nations, taking into account international human rights law, international humanitarian law, refugee law, principles of international law including non-interference, respect for sovereignty and territorial integrity of all States,

Calling for an early conclusion and the adoption of a comprehensive convention on international terrorism by expediting the elaboration of a universally acceptable definition of terrorism,

1. **Encourages** Member States to consider ratifying/acceding to the relevant conventions on terrorism;
2. **Also encourages** Member States to participate in the work of the above mentioned Ad Hoc Committee on International Terrorism;
3. **Directs** the Secretariat to follow and report on the progress of work in the Ad Hoc Committee on International Terrorism;
4. **Also directs** the Secretariat to obtain national legislation or information on national legislation, as the case may be, on combating terrorism to facilitate exchange of information

among Member States;

6. **Requests** the Secretary-General to hold seminars and joint programmes in cooperation with other international organizations, especially United Nations Office on Drugs and Crime, on dealing with the legal aspects of combating terrorism; and

7. **Decides** to place the item on the provisional agenda of its Fifty-Fourth Annual Session.

AALCO/RES/53/S 10
18 SEPTEMBER 2014

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The Asian-African Legal Consultative Organization at its Fifty-Third Annual Session

Having Considered the Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 10,

Noting with appreciation the introductory statement of the Secretary-General,

Having followed with great interest the deliberations on the item reflecting the views of the Member States on the agenda item “Environment and Sustainable Development”,

Deeply concerned with the deteriorating state of the global environment through various human activities, and unforeseen natural disasters,

Reaffirming that environmental protection constitutes an integral part of sustainable development,

Recalling the Nairobi Resolution on Environmental Law and Sustainable Development adopted by the Forty-Fourth Session of AALCO in 2005,

Underlying that climate change is one of the greatest challenges of our time,

Emphasizing that strong political will to combat climate change in accordance with the principles of the United Nations Framework Convention on Climate Change, especially the principle of common but differentiated responsibilities and respective capabilities is essential,

Recognizing the importance of the on-going negotiations for stronger international cooperation on climate change for the period beyond 2012 under the Ad hoc Working Group on the Durban Platform for Enhanced action to strengthen the multilateral rules-based regime under the United Nations Framework Convention on Climate Change,

Considering the Doha Climate Gateway adopted at the United Nations Climate Change Conference held at Doha, Qatar in December 2012 that amended the Kyoto Protocol agreeing for 8-year commitment period since January 2013,

Also considering the outcome of the United Nations Climate Change Conference held in Warsaw, Poland in November 2013, including the request of the Conference that the Ad hoc Working Group on the Durban Platform further elaborates elements for a draft negotiating text for the protocol, another legal instrument or an agreed outcome with legal force to be adopted by 2015,

Considering further the decision in Warsaw to invite Parties to initiate or intensify domestic preparations for their intended nationally determined contributions and to communicate them well in advance of the 21st session of the Conference of the Parties (by the first quarter of 2015)

in a manner that facilitates the clarity, transparency and understanding of the intended contributions,

Affirming the importance of the United Nations Convention to Combat Desertification,

1. **Urges** Member States to actively participate in the on-going Bali Road-Map negotiations and consider ratifying the Doha Amendment to the Kyoto Protocol agreeing for 8-year commitment period since January 2013 under the Ad hoc Working Group on the Durban Platform for Enhanced Action;

2. **Also Urges** Member States to participate constructively in the forthcoming Climate Change Conferences in Lima, Peru in December 2014 and Paris, France in 2015 working towards an ambitious and fair agreement that will strengthen the multilateral rules-based regime under the United Nations Framework Convention on Climate Change;

3. **Directs** the Secretariat to follow the Climate Change negotiations and Durban Platform for Action processes for stronger international legal instrument on climate change for the period beyond 2020;

4. **Further directs** the Secretariat to continue to follow up the progress in the implementation of the outcome of the World Summit on Sustainable Development as well as follow up the progress in the implementation of the United Nations Framework Convention on Climate Change, Convention on Biological Diversity, and the United Nations Convention to Combat Desertification; and

5. **Decides** to place this item on the provisional agenda of the Fifty-Fourth Annual Session.

**AALCO/RES/ 53/S 13
18 SEPTEMBER 2014**

**WTO AS A FRAMEWORK AGREEMENT AND CODE OF CONDUCT FOR WORLD
TRADE**

The Asian-African Legal Consultative Organization at its Fifty-Third Annual Session

Having considered the Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 13

Recognizing the importance and complexities of issues involved in the successful conclusion of the WTO Doha Development Agenda,

Taking note of the decisions adopted at the Ninth Ministerial Conference of WTO held in December 2013 at Bali,

Hoping that the Doha Round of Negotiations would conclude successfully in the near future,

1. **Encourages** Member States to continue their efforts for the successful conclusion of the negotiations as mandated under the Doha Development Agenda, taking fully into consideration the special development concerns of developing and least-developed country Members, while at the same time upholding fundamental good governance principles, including transparency, efficiency and a fair and equitable multilateral system;
2. **Requests** the Secretary-General in consultation with Member States, subject to the availability of necessary resources, to organize seminars or workshops to facilitate the exchange of views by Member States on issues currently under negotiation within the WTO and capacity building programs; and
3. **Decides** to place this item on the provisional agenda of its Fifty-Fourth Annual Session.

**AALCO/RES/53/S 17
18 SEPTEMBER 2014**

INTERNATIONAL LAW IN CYBERSPACE

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

Noting the considerable progress in developing and applying advanced information and communication technologies and their profound influences on our societies,

Recognizing the need for developing and applying consistent international law rules for cyberspace,

Noting that related international legal issues on cyberspace have been widely discussed in the UN framework and other multilateral and regional forums,

Recognizing the importance and relevance of the subject “International law in cyberspace” to the AALCO and its Member States,

Welcoming the introduction of the item “International law in cyberspace” to the Fifty-Third Annual Session,

Being aware of the complexity and long-term nature of the subject,

1. **Directs** the Secretariat to study this subject based on deliberation and progress made in the UN framework, taking into due consideration related discussions taking place in other forums;
2. **Calls upon** Member States and the Secretariat to strengthen their communication and cooperation on this subject; and
3. **Decides** to place this item on the provisional agenda of the Fifty-Fourth Annual Session.

**AALCO/RES/53/SP 1
18 SEPTEMBER 2014**

**RESOLUTION ON HALF-DAY SPECIAL MEETING ON “SELECTED ITEMS ON THE
AGENDA OF THE INTERNATIONAL LAW COMMISSION”**

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

Having considered the Secretariat Document No. AALCO/53/TEHRAN /2014/SD/S1,

Having heard with appreciation the introductory statement of the Secretary-General and the views expressed by the Chairperson and the Panelists and the statements of the Member States during the Special Half-Day Meeting on “Selected Items on the Agenda of the International Law Commission” jointly organized by the Government of Islamic Republic of Iran, International Law Commission (ILC) and AALCO held on 16th September 2014 at Tehran, Islamic Republic of Iran,

Having followed with great interest the deliberations on the item reflecting the views of Member States on the work of the International Law Commission (ILC),

Expressing its appreciation for the statement made by the Representative of the ILC on its work,

Recognizing the significant contribution of the ILC to the codification and progressive development of international law,

1. **Recommends** Member States to contribute to the work of ILC, in particular by communicating their comments and observations regarding issues identified by the ILC on various topics currently on its agenda to the Commission;
2. **Requests** the Secretary-General to continue convening AALCO-ILC meetings in future;
3. **Also requests** the Secretary-General to bring to the attention of the ILC the views expressed by Member States during the Annual Sessions of AALCO on the items on its agenda during its Fifty-Third Annual Session; and
4. **Decides** to place the item on the provisional agenda of the Fifty-Fourth Annual Session.

**AALCO/RES/53/SP 2
18 SEPTEMBER 2014**

**RESOLUTION ON HALF-DAY SPECIAL MEETING ON
“VIOLENT EXTREMISM & TERRORISM (LEGAL ASPECTS)”**

The Asian – African Legal Consultative Organization at its Fifty-Third Session

Having considered the Background Document entitled “Violent Extremism & Terrorism (Legal Aspects)”,

Appreciates the introductory remarks of the Deputy Secretary-General and the views expressed by the Chairperson and the Panelists and the statements of the Member States during the Special Meeting on “Violent Extremism & Terrorism (Legal Aspects)”,

Recalling its resolution RES/51/SP 3 of 22 June 2012 on “International Terrorism” and RES/53/S 7 of 18 September 2014,

Gravely concerned over the threats posed by acts of violence perpetrated by violent extremist groups,

Reaffirming that violent extremism constitutes a serious common concern for all Member States, threatening the security and well-being of their societies, and convinced that there is no justification for violent extremism, whatever the motivation,

Recalling the relevant international instruments, where applicable, the WAVE UNGA resolution (A/RES/68/127) and the efforts to prevent, combat and eliminate violent extremism and its manifestations,

Expressing concern about the upsurge in acts of violent extremism and its manifestations in the Asian – African regions, which threaten the life and security of innocent people and impede the economic development and scientific activities of the concerned States,

Strongly condemning any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

Recognizing the need for the collective response to the dilemma of violent extremism in all its forms and manifestations,

Recalling that international efforts to eliminate violent extremism in all its manifestations, and reaffirming the need to strengthen those efforts in accordance with the Charter of the United Nations, taking into account the principles of international law including non-interference, respect for sovereignty and territorial integrity of all states,

1. **Encourages** Member States to consider ratifying/acceding to the relevant conventions on terrorism;

2. **Urges** for action on international, regional and bilateral levels to fight impunity against acts of violent extremism and its manifestations, *inter alia*, by adopting and implementing relevant national legislation, bilateral and multilateral instruments;
3. **Directs** the Secretariat to coordinate holding inter-sessional expert meetings, joined also by eminent international legal experts from AALCO Member States, in order to consider AALCO principles for coordination to combat violent extremism and its manifestations which could lead to drafting Asian-African guidelines on violent extremism and its manifestations in order to strengthening cooperation against acts of violent extremism and its manifestations; and
4. **Decides** to place the item on the provisional agenda of its Fifty-Fourth Annual Session.

XIV. List of Participants of the Fifty Third Annual Session of AALCO held in Tehran, Iran, 15-18 September 2014.

1. Arab Republic of Egypt: H.E. Mr. Khaled Emmara
Ambassador

Mr. Tarek Sirag
Alternate Member
Department of International Law and Treaties
Ministry of Foreign Affairs

Mr. Khaled Hussein
Diplomat
2. Bahrain: Mr. Rashid Saad Al Dosari
Ambassador

Mr. Fathi M. Al Sabet
Counsellor
3. People's Republic of Bangladesh: Mr. ATM Abdur Rouf Mondol
Counsellor
Embassy of Bangladesh, Tehran

Mr. M. Masum
PS to Honourable Minister
4. Brunei Darussalam: Mdm. Naimah Bte Mohd Ali
Solicitor General

Mrs. Seri Atikah bte Haji Junaidi
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- Mr. Jalal Alzoubi Mohammad
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