



**Inaugural Address to be delivered by H.E. Dr. Kamalinne Pinitpuvadol,
Secretary-General of AALCO, at the “Golden Jubilee (50th) Annual
Conference of the Indian Society of International Law” on Friday, 29 July
2022, New Delhi**

Honorable Mr. Justice S. Ravindra Bhat, Judge, Supreme Court of India

Mme. Uma Sekhar, Additionnal Secretary, Legal and Treaties Division, Ministry of
External Affairs, Government of India

Mr. Pravin H. Parekh, President, Indian Society of International Law

Prof. Manoj Kumar Sinha, Vice President, Indian Society of International Law

Prof. D.N. Jauhar, Chairperson, Academic & Appointment Committee, Indian
Society of International Law

Mr. Shikhar Ranjan, Secretary-General, Indian Society of International Law,

Excellencies, Distinguished Guests, Ladies and Gentlemen,

It is my immense pleasure and privilege to deliver the special address on this momentous occasion - the “Golden Jubilee (50th) Annual Conference of the Indian Society of International Law”. I’d like to express my heartfelt thanks to the management of the Indian Society of International Law (ISIL), particularly its President, Mr. Pravin H. Parekh and Secretary-General, Mr. Shikhar Ranjan, for inviting me as the Guest of Honour and giving me this opportunity to deliver the

inaugural address at this esteemed gathering of distinguished academics and practitioners of international law.

I would like to mention that this is my first engagement with the ISIL since I assumed the position of the Secretary-General of AALCO in January, this year.

Ladies and Gentlemen

Let me begin my presentation by referring to the genesis of AALCO and ISIL, their objectives and the relationship between these two institutions.

Asian-African Legal Consultative Organization (AALCO), the organization that I serve, is a unique Organization, as perhaps, it is the only legal consultative body of its kind in the family of inter-governmental organizations. It was established in 1956, as a tangible outcome of the historic “**Bandung Conference**”, held in Indonesia, in April 1955. It was constituted by 7 Governments of Burma (now Myanmar), Ceylon (now Sri Lanka), India, Indonesia, Iraq, Japan and the United Arab Republic (now the Arab Republic of Egypt and Syria). It consists of a body of legal experts, advisory in nature, aimed at dealing with problems pertaining to international law that were referred to it by its Member States. Further, it also aims at promoting exchange of views and information on matters of international law, which were of common concern to the Member States. Today it has a membership of 47 Member States from Asia and Africa. It has a rich history of 66 years behind it in addressing the international law concerns of Asian-African States and promoting the realization of Afro-Asian perspective in the codification and progressive development of international law.

Currently, AALCO has 16 topics on its agenda. AALCO is also evolving its agenda and the activities it conducts according to the needs of its Member States. Here are some important topics:

- Matters Relating to the Work of the International Law Commission

As you are aware, one of the functions assigned to the Asian-African Legal Consultative Organization (AALCO) under its Statute is to study the subjects which are under the consideration of the International Law Commission and thereafter forward the views of the Member States on them to the Commission.

- The Law of the Sea
- The Environment and Sustainable Development
- The Status and Treatment of Refugees
- Legal Protection of Migrant Workers
- Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties
- Violent Extremism and Terrorism (Legal Aspects)
- Establishing Cooperation Against Trafficking in Women and Children
- The International Criminal Court: Recent Developments
- An Effective International Legal Instrument Against Corruption
- International Law in Cyberspace
- The Work of UNCITRAL and Other International Organizations in the Field of International Trade Law
- The WTO as a Framework Agreement and Code of Conduct for World Trade
- Peaceful Settlement of Disputes

Three years after AALCO was founded, **the Indian Society of International Law (ISIL)** was established in 1959 with an aim to promote research, teaching and dissemination of international law in India. In the six decades of its existence, the Indian Society of International Law has developed into a premier teaching and

research centre of international law in India. The Indian Academy of International Law, the teaching wing of the ISIL, now conducts post graduate diploma courses on a diverse range of areas in international law such as human rights law, humanitarian law, diplomatic law, IP law, trade law and environmental law. I am happy to learn that these courses are very popular among diplomats and practitioners and students of law in and around Delhi.

In its endeavor to promote and disseminate international law in the country, the Society regularly organizes several events and activities for law students throughout the year. Its Summer Course on International Law is one of the most popular summer programmes in India and is attended by more than 200 students every year. Similarly, it hosts **Henry Dunant Memorial Moot Court Competition** with the International Committee of the Red Cross (ICRC). This moot court competition is one of the most popular contests among law students in India.

International conferences and seminars on thematic issues organized by the Society attracts scholars and lawyers from across the world to New Delhi. Further, it conducts several training programmes for lawyers and academics in the country. Its UGC Refresher Course in International Law for college and university teachers is well attended by professors from across the country. ISIL also holds monthly discussions on various topical issues that have a direct bearing on international law and its practice. Personally, I look forward to attending these discussions.

Any comment on the work of the Society will be incomplete without a mention of its flagship publication— Indian Journal of International Law. Since its first publication in 1960, the journal has carved out a niche space among international law journals by becoming one of the few globally known platforms available to

propagate viewpoints from the Third World and the Global South. Over the years, it has published many original researches of renowned publicists of international law including the often discussed article on “instant” customary law written by Prof. Bin Cheng in 1965.¹

Distinguished guests, Ladies and Gentlemen,

Asian-African Legal Consultative Organization (AALCO), the Organization I represent, has had close cooperation with the Society in organizing several conferences and workshops since its formative years. As an intergovernmental organization headquartered in India and mandated *inter alia* to contribute to the codification and progressive development of international law, AALCO’s mission and vision align well with the objectives of the ISIL. Many diplomats and lawyers who worked at or have been working at AALCO are life-members of the Society. And we regularly invite each other to attend various programmes and events organized by the respective organizations.

Ladies and Gentlemen,

As we are all aware, on the following two days, a range of carefully selected themes of contemporary relevance on public international law and private international law will be discussed here. The event is divided into seven broad thematic sessions, each of which has sub-themes, namely, (1) Ukraine Crisis and International Law; (2) Judicialization of International Commercial Arbitration (ICA); (3) Interface between Public Health and TRIPS; (4) Revisiting the Exhaustion of Local Remedies under International Law; (5) Effect of Climate Change on the Law of the Sea; (6) Private International Law; and (7) Teaching and Research in International Law.

¹ Bin Cheng, “United Nations Resolutions on Outer Space, “Instant” International Customary Law?”, *Indian Journal of International Law*, Vol.5, 1965.

I will now share with you my thoughts touching upon some of the themes of the ISIL Conference, in the context that we have taken them up in AALCO.

(I) International Commercial Arbitration (ICA)

Bearing in mind that one of the fundamental objectives of AALCO is to provide a consultative forum for consideration of legal issues of common concern and thus to promote cooperation on international law matters among the States of the Asian and African regions, AALCO had from time to time widened its activities, particularly in the field of international economic relations and trade law. In the late 1960s, AALCO established relation with UNCTAD, UNCITRAL and other international organizations. Since then, international trade law issues found place in the AALCO's work programme. The priority item taken for consideration was the matters concerning settlement of disputes in international commercial transactions through **"international arbitration"**.

One of the major achievements of AALCO in its programme in the international economic law area is the adoption of its **"Integrated Scheme for Settlement of Disputes"** in 1978 at Doha (Qatar) Annual Session. This Scheme envisaged the establishment of Regional Arbitration Centres under the auspices of AALCO in different locations in the Asian-African region which would function as international institutions with the objectives to promote international commercial arbitration in the region and provide for conducting international arbitrations under these Centres within the framework of the Integrated Scheme, so that the flow of arbitration cases to arbitral institutions outside the Afro-Asian region could be minimized and as a viable alternative to the traditional institutions in the West.

Pursuant to the scheme, the Regional Centres for Arbitration at Kuala Lumpur, Malaysia for the Asian region and at Cairo, the Arab Republic of Egypt for the African region were established in 1978 and 1979 respectively, on an experimental basis for a period of three years. As they were found to be successful in realization of their objectives, they were made permanently functional. Later, two new such Centres were established in Lagos (Nigeria) in 1989 and Tehran (Islamic Republic of Iran) in 2003. The Fifth Regional Arbitration Centre was set up in Nairobi, Republic of Kenya in 2007 to cater to the needs of the Eastern and Southern parts of the African continent, which has thus been established and is functioning. And lastly, the Sixth and the most recent Regional Arbitration Centre was established in 2021 in Hong Kong, China, during the 59th Annual Session.

Over the years, there has been considerable increase in the number of cases, both international and domestic, referred to these Regional Arbitration Centres. The type of cases include oil contracts, insurance, intellectual property, construction contracts etc., and involve both public and private sectors. The resolution of commercial disputes by other Alternative Dispute Resolution (ADR) methods such as Mediation and Conciliation under the Rules of AALCO Regional Arbitration Centres is another option being favored by the Parties. The Centres have also been organizing international conferences, seminars and training programs in their respective region to promote arbitration culture and expertise in the Asian-African region. In addition, it is customary that each Centre will take turns holding “**AALCO Annual Arbitration Forum (AAAF)**”. The first Annual of this kind was held at the Asian International Arbitration Centre (AIAC), Kuala Lumpur, Malaysia in 2018. The Second AALCO Annual Arbitration Forum was planned to be hosted by CRCICA in the following year. Due to the pandemic Covid-19 situation, the Session has been

postponed to this year and will be organized at SHARM EL SHEIKH, Egypt in December this year.

Today, these Arbitration Centres have acquired a prestigious status among the family of international arbitral institutions. They have played an important role in settling disputes relating to economic and commercial transactions in the Asian and African regions.

(II) Climate Change and Law of the Sea

The second topic I wish to touch upon is the “Law of the Sea”.

AALCO, in the initial years of inception, has made substantial contributions in the areas of the law of the sea. Particularly, its contributions during the negotiation of the UN Convention on the Law of the Sea (UNCLOS) are widely recognized. Not only did AALCO help Member States in formulating their positions, it later became a negotiating forum and powerful bloc in UNCLOS III. Topics introduced in AALCO deliberations, reflecting concerns of developing countries and the views of largely landlocked Member States found their way into the final convention. In 1971 AALC Meeting in Colombo, most delegations, in principle, supported the right of a coastal State to claim exclusive jurisdiction over an adjacent zone for economic purposes. At this meeting, a working paper prepared by Kenya, was presented on **"The Exclusive Economic Zone Concept"**. This concept finally found its way to the final text of UNCLOS.

In recent times, AALCO has almost exclusively dealt with the issue of Conservation and Sustainable Use of Biodiversity Beyond National Jurisdiction (BBNJ) in its briefs on the agenda item: the Law of the Sea. In view of this exclusive focus, and in order to ensure that the topic is glimpsed through the prism of sustainable development, it is proposed that during the forthcoming Sixtieth Annual Session the topic be better addressed within the ambit of the agenda item Environment and Sustainable Development.

Next, allow me to touch upon the topic of **climate change**. The issues pertaining to Environment and Sustainable Development since the 1970s constitutes an important element of the work programme of AALCO.² The proposal to study the question of the development of international law relating to human environment was placed on the Organization's agenda by the Government of India at the Fifteenth Annual Session, which took place in 1974 in Tokyo.

After the United Nations Conference on Environment and Development (UNCED) in 1992, the AALCO, firstly promoted the ratification of the three Rio Conventions namely, *the United Nations Framework Convention on Climate Change*, 1992 (UNFCCC); *Convention on Biological Diversity*, 1992 (CBD); and *the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa*, 1994 (UNCCD). Subsequent to the entry into force of these three Conventions, the focus of the deliberations in AALCO has been on the relevant legal developments taking place

² For a detailed study see: Wafik Zaher Kamil, "Protection of Environment: Contribution of the Asian-African Legal Consultative Organization to the Development of International Environmental Law", *AALCO Quarterly Bulletin*, vol. 1, 2005, pp. 1-26.

within the Conference of the Parties of these international regimes. In addition, the Organization also considers the work of the United Nations Environment Programme (UNEP) and the Commission on Sustainable Development (CSD).

Recently, this year on 7 June 2022, AALCO hosted its first ever webinar on the topic “Rising Sea Levels and AALCO Member States: Perils and Protection under International Law to discuss the adverse impact of Climate change, It was emphasized during the event that rising sea levels is a major effect of climate change. The questions of the hour are: to what extent has climate change contributed to sea-level rise in the past; and to what extent is the global mean sea level (GMSL) expected to increase?

(III) Private International Law

Distinguished guests, Ladies and Gentlemen,

The third area I would like to mention here is **private international law**.

AS you are aware, most of the AALCO’s works are about Public International Law

In 2016, AALCO and The Hague Conference on Private International Law (HCCH) signed a Memorandum of Understanding, which was aimed at enhancing cooperation on matters of mutual interest. The HCCH is an intergovernmental organization the mandate of which is “the progressive unification of the rules of private international law”. As such, we are committed to promote information sharing and exchange of views in accordance with our respective rules, strengthen

our cooperation to raise awareness of the Hague Conventions, facilitate access to training programmes, help to boost each other's mandate etc.

In late 2016, the HCCH offered a module on private international law during the Second China-AALCO Exchange and Research Programme, reflective of its commitment towards promoting private international law among Afro-Asian States. Subsequently, the “Seminar on the HCCH and the Apostille Convention: Exploring the Benefits for AALCO Member States”, which was held on 10 March 2022, was a further concrete step in collaboration and cooperation between the two Organizations.

While 15 Member States of AALCO are currently parties to the Apostille Convention, there is enough scope for this number to increase in the future. AALCO will always remain a platform where engagement with private international law reflects the ‘Bandung Spirit’ of cooperation, solidarity, and engagement with the HCCH and the Apostille Convention will continue to remain a major thrust area.

In the future, AALCO may with the mandate received from its Member States delve more into topics of private international law, for example Issues of inter-state marriage, adoption and the Convention on the International Sale of Goods (CISG).

(IV) The Training and Research Programmes towards Dissemination of International Law

Finally, some words about the **training and research programmes at AALCO**.

The Centre for Research and Training (CRT), as a training and research wing of the AALCO, has made several concerted efforts to contribute substantially to the activities of AALCO and through holding of seminars and workshops, undertaking in depth research studies, organizing training programmes, publishing its numerous publications and upgrading of the AALCO's website to disseminate international law in the Asian-African region.

1. Special Studies

The Centre carries out research on international law matters and brings out special studies on topics of contemporary relevance to Asian and African States, such as and the most recent one's being (i) Extraterritorial Application of National Legislation; Unilateral Sanctions against Third Parties and (ii) International Law and Pandemics which were released in 2021.

2. Workshops and Seminars

Under the auspices of the CRT, Seminars and workshops on topics of contemporary relevance in international law are regularly convened. The Centre later publishes the report of such workshops and Seminars, which certainly are a valuable addition to the existing literature on the subject. As I mentioned earlier and since I assumed office in January 2022, two seminars have thus far been organized, namely: (i)

Seminar on the HCCH and Apostile Convention: Benefits for AALCO Member States, 10 March 2022 and (ii) Rising Sea Levels and AALCO Member States: Perils and Protection under International Law, 7 June 2022.

3. Training Programmes

One of the primary and key objectives of the Centre, is organizing training for officials from the Member States engaged in international law issues. It may be noted here that in order to effectively undertake training programmes, AALCO had, *inter alia*, entered into Cooperation Agreements with the United Nations Training Institute for Training and Research (UNITAR) and the United Nations University (UNU). Also, the Organization is making further efforts towards building associations with a number of research institutes in India, China, Japan and Islamic Republic of Iran, to name a few, engaged in research and teaching in International Law, such as Jawaharlal Nehru University, Delhi University and the Indian Society of International law in India, the Xiamen Academy of International Law, Wuhan Institute of International Law of the Wuhan University in China. We have recently concluded Memorandum of Understanding with the Doshisha University (Japan), Allamah Tabataba'i University (Islamic Republic of Iran and the Rashtriya Raksha University (RRU) Gujarat) and China Institute of International Law.

4. Publications and Website of AALCO

AALCO, since its inception, has regularly been bringing out publications such as Reports and Verbatim Record of the Annual Sessions, Special Reports on various topics of international law, Proceedings and Reports of various Meetings and

Seminars held by AALCO, and Commemorative Volumes of Essays in International Law etc.

A series of publications which reflects on the current activities of AALCO brought out by the AALCO Secretariat are as follows:

(i) Yearbook of the Asian-African Legal Consultative Organization

The annual report of the Organization re-named as the “*Yearbook of the Asian-African Legal Consultative Organization*”, is being published by the Secretariat since 2003 (Volume I) and is in the Eighth year of publication. The Yearbook provides comprehensive information about AALCO, its activities, and Secretariat studies prepared 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. In the last eight years, the Yearbook has established its place firmly among the publications of this stature. It has been well received by the Member States, international organizations, international lawyers and academics.

(ii) AALCO Journal of International Law

For wider dissemination of information and on the practice and developments relating to different subjects of International Law, AALCO has been publishing, “The AALCO Journal of International Law” for a long time.

It contains well-researched articles on international law; write-ups on selected current developments; and selected documents of relevance to the Asian and African States. 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.³

(iii) Newsletter of AALCO

In order to cover the recent meetings and other diversified activities of AALCO and to reflect upon the growing stature of the Organization, the Secretariat commenced publishing “*Newsletter: Asian-African Legal Consultative Organization*” from September 2004.

(iv) AALCO Website

In addition, the Centre maintains and continuously updates the **AALCO's website** (www.aalco.int) which provides information of AALCO, and also the links with the United Nations and other international organizations engaged in international law matters. As of now the Secretariat has made attempts to add the web links of the Ministries of Foreign Affairs, Ministries of Law & Justice and the Apex Judicial Bodies of the Member States. The Secretariat also plans to upload the national legislations of Member States on various topics of international law on the website in the coming months. It enables the user to browse and access the information relating to the respective Member State.

³ 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 in the Asian and African regions.

5. Internship Programme at the Secretariat

Distinguished guests, Ladies and Gentlemen,

One of the Centre's activities is to encourage young students of law from the Member States to undertake internship programme with AALCO to get familiarized with the functioning of inter-governmental Organization and Asian-African perspectives of international law. Till date, many students from Malaysia, India, China, Japan, Islamic Republic of Iran and the Sultanate of Oman have successfully completed their internship programme at the AALCO Secretariat.

The CRT encouraged AALCO Member States, Organizations with whom it has MoUs and Universities to nominate and sponsor Research Scholars and Law Students from the respective countries to undergo internship with the AALCO Secretariat.

Conclusion

Since its foundation as a consequence of the Bandung Conference, AALCO as a major platform for Asian-African legal exchanges and cooperation has played a vital role in strengthening regional governance and safeguarding our common rights and interests. The Bandung Spirit is then reflected in every act AALCO undertakes, from its meetings to the issues it has focused on, and contributed to in international law.

The cause of AALCO will surely continue in the face of new circumstances. I firmly believe that by following the founding principles of AALCO and with the support

of our Member States, AALCO would be able to fulfil its role in serving the best interests of Asian and African regions, carrying out the Bandung Spirit.

Finally, I'd like to warmly thank the ISIL once again for inviting me to be part of this very important. I sincerely hope that there will be more and deeper cooperation in the future between AALCO and ISIL, including with the MEA. I would also like to take this opportunity to thank the Government of India, especially the MEA through Mme. Uma Sekhar who represent the MEA, for their strong and unhindered support to AALCO. India, as we all know, was one of the founding members of AALCO. The Permanent Headquarters of AALCO is in New Delhi and the Government of India has been very kind in supporting us in every way possible. Also, with the kind support of the MEA, the AALCO Secretariat has decided to organize its 60th Annual Session in New Delhi in the month of September this year.

Thank you all very much.