

OPENING STATEMENT BY H.E. AMB MR. OMBENI SEFUE, PERMAMENT REPRESENTATIVE OF THE UNITED REPUBLIC OF TANZANIA AT THE UNITED NATIONS IN NEW YORK ON BEHLAF OF H. E. MR. MATHIAS M.M. CHIKAWA, MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS, UNITED REPUBLIC OF TANZANIA AND PRESIDENT OF AALCO

**Meeting of Asian-African Legal Consultative Organization (AALCO),
1st November 2010, United Nations Headquarters, New York**

H. E. Prof. Dr. Rahmat Mohamad, Secretary-General, AALCO,

H. E. Judge Hisashi Owada, President of the International Court of Justice,

H.E. Ms. Patricia O' Brien, Legal Counsel of the United Nations,

H. E. Ambassador Isabelle Picco, Chairman of the Sixth Committee of the United Nations General Assembly,

H.E. Ambassador Hasan Kleib, Vice-Chair, Association of Southeast Asian Nations (ASEAN),

Mr. Dire Tiadi, Legal Counsellor, Permanent Mission of South Africa,

Dr. Roy S. Lee, Permanent Representative of AALCO to the United Nations, and

Distinguished Ladies and Gentlemen,

It is a great privilege and honour to welcome you all to the meeting of the “Asian-African Legal Consultative Organization (AALCO)” on the sidelines of the Annual Session of the United Nations General Assembly, in my capacity as President of the Forty-Ninth Annual Session of AALCO. This meeting in conjunction with the UN General Assembly Session is an important forum for AALCO to deliberate on the contemporary issues of international law. The theme for this year’s meeting namely, “Legal Issues facing the Regions of Africa and Asia”, is indeed timely and relevant. The aim of this meeting should be to have a fresh look at contemporary legal issues concerning the Asian-African regions, and re-thinking of some of the old questions and seeking alliances in the face of emerging challenges.

Before we discuss the theme for this meeting, I wish to place before you a synoptic view of the Forty-Ninth Annual Session, which was hosted by the Government

of the United Republic of Tanzania from 5th to 8th August 2010, in Dar es Salaam. Thirty Member States of AALCO, two Observer Non-Member States, and eight Observer International/regional organizations were also present at the Session. It is important to mention here that despite the extremely short period of just more than a month to prepare for the Annual Session, this good number of representation from both Member States and Observers is testimony to the fact that AALCO remains to be an important international Organization.

I take this opportunity to express my heartfelt gratitude to H.E. Tan Shri Abdul Ghani Patail, President of the Forty-Eighth Annual Session and H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO for extending all necessary support for the smooth conduct of the Session. A special thanks to the Member States of AALCO for their excellent cooperation and support.

The Forty-Ninth Annual Session witnessed extensive and high-level deliberations on Organizational and Substantive matters on the agenda of AALCO. Some of the topics that were deliberated upon were : (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) Expressions of Folklore and its International Protection; (iii) Challenges in Combating Corruption: The Role of the UN Convention against Corruption; and (iv) WTO as a Framework Agreement and Code of Conduct for the World Trade.

Discussions on those topics focused on the most relevant and recent developments on those issues. For example, when the question of Palestine was taken up, *inter alia* discussion focused on the Blockade of Gaza and the attack on the “Freedom Flotilla”, the violations of international law by Israel were unanimously condemned by all the member States.

During discussion on the topic of Expressions of Folklore and its International Protection, the Member States generally observed that Folklore was an important element

of the cultural heritage of every nation. They also attached great importance to the protection of Genetic Resources, Traditional Knowledge and Folklore as it had been increasingly exposed to misappropriation and was misused as a result of the continuous vacuum of international legal regime for its protection.

While discussing the topic, “Challenges in Combating Corruption: the Role of the UNCAC” almost all the Member States expressed the view that the United Nations Convention against Corruption (UNCAC) remained an important tool in the fight against corruption and that it should be implemented in both letter and spirit by adopting necessary legislation and creating the necessary institutional framework and infrastructure. Many delegations also welcomed the adoption of the review mechanism to implement the provisions of UNCAC at Doha in 2009 and expressed hope that it would be indispensable in the fight against corruption.

The topic “WTO as a Framework Agreement and Code of Conduct for World Trade” was also extensively discussed. The discussions revealed that the multilateral trade negotiations in the “Doha Round of Negotiation” were highly technical in nature and expertise was required to handle them both by the developing and least developed countries, yet many Member States desired its early conclusion which could accommodate the aspirations of the developing and Least Developed countries. It was also highlighted that the WTO dispute settlement mechanism had complicated procedures which required adept skills that were presently lacking with some Member States. It was also pointed out that many developing countries lacked adequate financial, institutional and human resources and in this regard there was need for capacity building and technical cooperation.

In addition to the above mentioned topics, Special Meetings focused on three contemporary issues, namely: (i) Making AALCO’s participation in the work of International Law Commission (ILC) more Effective and Meaningful; (ii) The International Criminal Court: Recent Developments; and (iii) Environment and

Sustainable Development. Allow me to take this opportunity to briefly highlight, the core of deliberations on the themes of the Special Meetings.

Examination of questions that are under consideration of ILC, is one of the statutory obligations of AALCO. In the discharge of this mandate, the Organization, since its establishment in 1956, had been regularly considering the ILC topics with a view to enhancing Afro-Asian perspectives in the work of ILC. In the thematic debate views were expressed regarding, strengthening AALCO's contribution to the work of ILC, it was generally felt that AALCO must continue to focus upon the topics that were under consideration of the ILC, and if resources permit, it should assist its Member States in preparing responses to the questionnaire that is sent on issues of international law that were under consideration of the ILC. It was also suggested that the AALCO should constitute a Working Group on ILC. It was also mentioned that out of the 34 Members of ILC, at least 12 members were from the Asian-African region, and those members should work together to strongly influence the ILC.

Another area of great importance, which is under the consideration of the AALCO, is the International Criminal Court (ICC). AALCO had been closely following the developments pertaining to the ICC, since its Thirty-Fifth session in Manila (1996). To examine the outcome of the Review Conference of the Rome Statute that took place in May-June 2010 in Kampala, Uganda, our Annual Session focused upon the crucial issues, i.e., the principle of the complementarity and the definition of the crime of aggression adopted by the Review Conference. I must admit that the views of the experts and the deliberations that followed were very informative and useful. Many of the Member States expressed their concern regarding the independence and impartiality of the ICC and desired that the ICC should be free from political pressures. In view of the practical complexities involved in understanding in practice the principle of complementarity, many of the Member States expressed the desire that more Special Meetings in conjunction with the ICC should be held on those matters.

The focus of the meeting on Environment and Sustainable Development was to build up the momentum for Cancun Climate Change Conference that is scheduled to take place later this year in Cancun, Mexico. The meeting emphasized that strong political will was required to combat climate change in accordance with the principles of the United Nations Framework Convention on Climate Change (UNFCCC), in particular the principle of common but differentiated responsibilities and respective capabilities was essential, and it urged upon the Member States to actively participate in the on-going Bali Road-Map negotiations.

The United Republic of Tanzania joined the AALCO in 1973, and since then it has actively participated in the work of AALCO. We have hosted two Annual Sessions so far, the first one, the Twenty-Fifth Annual Session in Arusha in 1986 and the most recent one in August 2010. The Government of the United Republic of Tanzania greatly values its relationship with AALCO and considers it as an important inter-governmental Organization which seeks to promote Asian-African perspectives in the field of international law. International law making is a fast growing branch where high level of expertise is required to understand the fine distinction of the emerging regimes. The Member States would greatly benefit from the capacity building and training programmes on specialized topics of international law.

In order to effectively and efficiently fulfill its mandate, AALCO consistently needs the support and cooperation of its Member States. Its membership base has to be widened by encouraging more Asian-African States to join the Organization. At the same time AALCO could revisit and reassess its role in the 21st century taking into account the present day realities and also in line with the “Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization”. AALCO already has established close relations with many international and regional Organizations; it could further cement those ties and work for the progressive development and codification of international law. The presence of the high officials of the International Court of Justice, Sixth Committee, United Nations and ASEAN here today testifies that cooperation and I am sure that AALCO can also contribute to the work of these Organizations.

At this juncture, I would also like to request all the Member States present here today to please fulfill your financial obligations towards AALCO. As I understood in Dar es Salaam, the Organization is facing acute financial problems. I wish to reiterate here that “it requires an entire village to raise a child” thus AALCO is our Organization; it has done a lot to forge the united Asian-African identity that we today possess in most of the international fora. Thus it is our responsibility to financially assist this worthy Organization. Those of us who are in arrears need to clear them expeditiously and those of us who can should make voluntary contributions to place it on a firm financial footing, needless to say that all of us should pay our annual contributions in time

Once again I wish to reiterate that in this fast changing world, emerging issues of common concern pertaining to the Asian-African region, can be discussed in a free and frank manner at this meeting of the Asian-African Legal Consultative Organization. We have an eminent Panel to deliberate on this theme. I am confident that today’s meeting would throw new light on some new as well as existing issues of international law, and give some concrete suggestions to move forward with.

With these few words let me invite H.E. Professor Dr. Rahmat Mohamad, Secretary-General of AALCO to deliver his welcome and introductory statement.

Thank you all for a patient hearing.