

**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**



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**REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE  
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

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**Prepared by:**

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

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## **REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

### **I. INTRODUCTION**

1. In accordance with Rule 20 (7) of the Statutory Rules of the Asian-African Legal Consultative Organization (AALCO), it is my honour and privilege to present a Report to the Member States on administrative and organizational matters since the conclusion of the AALCO's Forty-Eighth Annual Session held at Putrajaya, Malaysia, from 17 to 20 August 2009. This Report covers activities until 16 July 2010. I shall present an update for the remaining period at the forthcoming Dar es Salaam Session.

2. To begin with, I wish to express my sincere gratitude to the current President of AALCO, His Excellency Tan Sri Abdul Gani Patail, the Attorney-General of Malaysia for his guidance and support to the AALCO Secretariat in all its activities. I would also like to express profound thanks to His Excellency Hon. Ebo Barton Odro, Deputy Attorney General and Deputy Minister of Justice, Republic of Ghana for discharging the duties as Vice-President of the Forty-Eighth Annual Session of AALCO.

3. I also take this opportunity to express my gratitude to all Member Governments, their Ambassadors/High Commissioners and the Liaison Officers, in particular, for their valuable inputs in dealing with substantive and organizational matters and kind support extended to me, which has helped me in discharging my duties and functions in a smooth manner.

4. At the invitation of the Government of the United Republic of Tanzania the Forty-Ninth Annual Session of the Organization is being held in Dar es Salaam from 5 to 8 August 2010. It may be recalled that Tanzania joined the Organization in 1973, and takes significant interest in promoting the work of AALCO. The Government of Tanzania had hosted the Twenty-Fifth Annual Session in Arusha from 3 to 8 February 1986. Therefore, it is for the second time that the Organization would meet in Tanzania for its Annual Session. In this regard, I take this opportunity to express my profound gratitude to the Government of Tanzania for responding to my urgent request for hosting the Annual Session with utmost speed and efficiency. As it was the turn of the African continent to host the Annual Session, I had been in correspondence with the Member States of Africa. However, until end of May 2010, the Secretariat had not received any firm offer. The issue was brought to the attention of H. E. Mr. Mathais M.M. Chikawe, the Hon'ble Minister of Justice and Constitutional Affairs, Government of the United Republic of Tanzania in the first week of June 2010 at the Review Conference of the Rome Statute of the International Criminal Court, held in Kamapla, Uganda. On 17 June 2010, the Secretariat received a communication from H.E. Amb. Eng. John W. H. Kijazi, the High Commissioner of the United Republic of Tanzania in India stating that the Government of Tanzania has accepted to host the Forty-Ninth Annual Session of AALCO in Dar es Salaam.

5. I would also like to bring to the attention that the Government of Nigeria through an informal communication received by the Secretariat on 17 June 2010 had also expressed its desire for hosting the Forty-Ninth Annual Session of AALCO. On behalf of the AALCO Secretariat, I take this opportunity to express my sincere

gratitude to the Government of Nigeria for their generous offer. As for the Fifty-First Annual Session in 2012, it would be the turn once again of Africa to host the Annual Session, I am confident that at that time the Nigerian Government would renew its invitation.

6. The Report is divided into seven sections, including an Introduction and Concluding Remarks and contains Implementation of the Putrajaya Declaration on Revitalizing and Strengthening of the Asian-African Legal Consultative Organization; Consideration of Work Programme of AALCO at the Forty-Ninth Annual Session of AALCO; Activities undertaken since the Forty-Eighth Annual Session of AALCO; Strengthening the Cooperation with the United Nations, its Specialized Agencies and other International Organizations; and Plan of Action for the Coming Year.

## **II. IMPLEMENTATION OF THE PUTRAJAYA DECLARATION ON REVITALIZING AND STRENGTHENING THE ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

7. It may be recalled that the Heads of Delegations of the Member States of AALCO at the Forty-Eighth Annual Session of AALCO had adopted the “Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization”, on 20 August 2009.<sup>1</sup> By virtue of this Declaration, Member States had *inter alia* reaffirmed their commitment to the Organization and recognized its significant contribution towards strengthening Asian-African solidarity, particularly in the progressive development and codification of international law. They had envisioned revitalizing and strengthening AALCO so as to ensure that it remains the “main centre for harmonizing the actions of Asian-African States in international legal matters”. Based upon this long-term policy objective laid down by the Putrajaya Declaration, in the following part, I seek to place for the kind consideration of Member States the measures that have so far been initiated, as also a few new proposals.

### **A. Measures Initiated**

8. Various activities to make AALCO the main centre for harmonizing the action of Asian-African States in international legal matters have been initiated. These include: Capacity Building Programmes; initiation of AALCO Lecture Series, and the convening of Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court.

#### **1. Capacity Building Programmes**

9. In my Report to the Member States, at Putrajaya, I had outlined a scheme to initiate a process in which the Secretariat of AALCO in cooperation with the Inter-governmental Organizations with whom it had signed Co-operation Agreements / Memorandum of Understanding to conduct regular capacity-building programmes, particularly in the area of international law-making and diplomacy. Such programmes could be undertaken either at the seat of AALCO in New Delhi or in collaboration with any Member State in its capital.

10. To give effect to this scheme, a Basic Course on the World Trade Organization (WTO) was conducted, while Regional Training on Treaty Law and Practice and the Drafting of International Legal Instruments is in the offing. Further, I wish to inform the Member States that the Regional Delegation of the International Committee of Red Cross (ICRC) has shown interest in holding a joint training programme on International Humanitarian Law. Efforts are also on to hold such programmes in other areas of interest to the Member States.

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<sup>1</sup> AALCO/RES/48/DEC.

*i. Basic Course on the World Trade Organization (1-5 February 2010, AALCO Secretariat, New Delhi)*

11. A Basic Course on the World Trade Organization with the objective to create a basic understanding on the evolution, structure, functioning and select agreements of the WTO was conducted at the headquarters in New Delhi from 1 to 5 February 2010. In order to facilitate the participation of the Members of diplomatic community based in New Delhi, the programme was conducted between 4:30 PM to 7:30 PM. 67 participants representing 24 countries attended the programme. Representatives from the following 19 AALCO Member States, India, People's Republic of China, Pakistan, Hashemite Kingdom of Jordan, Nigeria, Bangladesh, State of Qatar, Libyan Arab Jamahiriya, Ghana, Sultanate of Oman, Mongolia, Kenya, Nepal, Malaysia, State of Kuwait, Syria, Uganda, Mauritius and Brunei Darussalam and from following five non-Member States, namely Afghanistan, Lesotho, Zimbabwe, Burundi, and Venezuela participated in the training programme. In this regard, I am particularly grateful to the Governments of the Sultanate of Oman, Libyan Arab Jamahiriya and Nigeria for deputing officials from their capitals to participate in this programme. Participants included, Diplomats, Officials, Law Teachers, Research Scholars and students.

12. Lectures were delivered by experts in the field of WTO from diverse backgrounds. Experts include, Professor B.S. Chimni, Professor, Centre for International Legal Studies (CILS), Jawaharlal Nehru University (JNU), New Delhi; Mr. Peter Pedersen, Counsellor, Council and TNC Division, World Trade Organization, Geneva; Dr. V.G. Hegde, Associate Professor, CILS, JNU; Dr. Archana Negi, Assistant Professor, Centre for International Politics, Organization and Disarmament (CIPOD), JNU; Dr. Ravindra Pratap, Assistant Professor, Guru Gobind Singh Indraprastha University, New Delhi; and Dr. Arpita Mukherjee, Professor, Indian Council for Research on International Economic Relations (ICRIER), New Delhi. I also take this opportunity to extend my profound gratitude to the distinguished Faculty for this Basic Course, as well as to the WTO for deputing a Senior Official to deliver lectures. In this regard, I would also like to inform the Member States that the WTO has shown keen interest in joining hands with the AALCO to continue this programme, so that it becomes a regular programme on AALCO's calendar of activities.

*ii. Forthcoming Regional Training on Treaty Law and Practice, and the Drafting of International Legal Instruments (13 to 15 October 2010, Jakarta, Republic of Indonesia)*

13. A Regional Training on Treaty Law and Practice, and the Drafting of International Legal Instruments jointly hosted by the Ministry of Foreign Affairs, Republic of Indonesia, the AALCO, in collaboration with the Treaty Section of the United Nations Office of Legal Affairs, UNITAR, UNDP and UNODC in Jakarta from 13 to 15 October 2010. I am particularly grateful to the Government of Indonesia for graciously and kindly hosting this Regional Training and to the Chief of the UN Treaty Section for positively responding to my proposal for collaboration. The Invitation, Provisional Agenda, Tentative Programme and other information regarding this programme would soon be disseminated to the Member States. I urge Member



States to nominate their officials to enrich their knowledge base on this important aspect of international law.

## **2. Initiation of AALCO Lecture Series**

14. With the objective of making the seat of AALCO, in New Delhi, a vibrant centre for exchange of ideas in the discipline of international relations and law, an “AALCO Lecture Series” was initiated. It is hoped that this would also be conducive in strengthening the Asian-African solidarity of cooperation in international legal matters, as well as enhance AALCO’s profile in the diplomatic and academic community based in New Delhi.

15. The AALCO Lecture Series had a promising start as Tan Sri Abdul Gani Patail, the Hon’ble Attorney General of Malaysia and the President of the Forty-Eighth Session of AALCO readily agreed to deliver its Inaugural Lecture on the theme “Enhancing Asian-African Solidarity in the Progressive Development and Codification of International Law: A Vision” on 22 December 2009. The second lecture of the series was delivered on 23 February 2010 by Amb. Gudmundur Eiriksson, the Ambassador of Iceland in India on the theme “The Role of International Law in Diplomacy and Vice-Versa”. Dr. M. Gandhi, Director, Legal and Treaties Division, Ministry of External Affairs, Government of India and Liaison Officer for AALCO was the Discussant during that lecture. The third lecture of the series was delivered on 26 March 2010 by Judge Kuniko Ozaki of the International Criminal Court on “Universalization of the International Criminal Justice System: The Role of the International Criminal Court”. Mr. Christopher Harland, Regional Legal Adviser, International Committee of Red Cross (ICRC) was discussant during that lecture. A large number of High Commissioners, Ambassadors both from Member and non-Member States, other members of diplomatic community and academicians based in New Delhi participated in these well-attended lectures that were followed by a lively exchange of ideas.

## **3. Convening of Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court**

16. A Round Table Meeting of Legal Experts on the Review Conference on the Rome Statute of the International Criminal Court was convened in Putrajaya, Malaysia on 30-31 March 2010. The objective of this Meeting was to serve as a forum where the Member States could understand each other’s position, as also coordinate their respective national positions on the issues that were to be taken up by the Review Conference. The successful outcome of that meeting encourages me to organise more such inter-sessional meetings on topics of relevance for the AALCO Member States.

## **B. Proposed Measures**

17. Some of the new measures that I propose to initiate in the coming years, include, the constitution of Group of Eminent Persons; publication of Digest of National Legislations on identified areas; strengthening the Secretariat; and convening of Young Jurist Conference on the sidelines of AALCO’s Annual Sessions.

## **1. Constitution of AALCO Eminent Persons Group**

18. An AALCO Eminent Persons Group drawn from Member Governments, international organizations, academia and civil society, to address key issues of concern to the AALCO Member States may be constituted. In this regard, I request the Annual Session to mandate me to invite personalities internationally renowned for their expertise on international law issues, to be part of the AALCO Eminent Persons Group. Such a Group may consist of 5 to 6 experts from the Member States. The Members of such a Group would serve in their individual capacities and will not represent the views of any Government. This Group could serve as an informal guidance mechanism for the Secretary-General to steer the work of the Organization. Its first meeting may be convened at the home city of the Chairperson and second meeting at the Headquarters in New Delhi, at which they may be requested to provide the Report for the Annual Session.

## **2. Convening of Meeting of Legal Experts**

19. The AALCO needs to work as a consultative forum on a regular and continuous basis and ensure that its work remains demonstrable to the wider world. To achieve this, it is my vision to promote the seat of AALCO Secretariat in New Delhi as the focal point, for Asian-African States in international law-making, as Geneva is considered to be for the International Law Commission of the United Nations. In this regard, I propose that the AALCO should also consider establishing smaller Expert Groups that meets, keeping in view the law-making exercise taking place in the United Nations and other multilateral fora in which AALCO Member States have particular interest, during the Inter-Sessional period. The work of such Expert Group Meeting would contribute to the better understanding of respective national position and also render an opportunity to the Member States to coordinate and consolidate a broad Afro-Asian position in the multilateral forum. The recommendations/reports prepared on the basis of such meetings can then be placed for the consideration of the next Annual Session.

## **3. Publication of Digest of National Legislations**

20. It would be useful to bring out a digest of national legislations on some of the topics that are on the work programme of AALCO, such as national legislation pertaining to preventing trafficking in women and children or on international terrorism or environmental law. A digest of this kind would foster exchange of legal knowledge and sharing of experiences and in national legislative exercise Member States can benefit and draw upon from each other's experience. Such digests could also be posted on the website of the AALCO. I would be grateful for guidance from the Member States in this regard.

21. It may be recalled that during the deliberations on the agenda item "Managing Global Financial Crisis: Sharing of Experiences" at the Forty-Eighth Annual Session of AALCO, it was desired that the Asian-African regions must cooperate in terms of sharing their information and experiences in order to form an interconnected regulatory structure among governmental authorities so that the States could take preventive measures to overcome financial crisis. In recognizing the fact that some of the AALCO Member States are yet overcome the financial crisis, the AALCO

Secretariat proposes to bring out a compilation of the national regulatory mechanism (Legal framework) of its Member States. This would give an opportunity to the Member States to share their regulatory framework and could be used in addressing the present and future financial crisis. Hence, the Member States of AALCO are requested to forward their national regulatory framework developed by the concerned Ministries and the Central Bank to the AALCO Secretariat latest by 15 November 2010.

22. The AALCO Secretariat is also planning to bring out a database on national legislations implementing international humanitarian law in cooperation with the International Committee of the Red Cross.

### **3. Strengthening the Secretariat**

23. The Secretariat plays a crucial role in strengthening the work of the Organization. Presently, the Secretariat functions under severe constraints of time and resources. Yet the final products bear no witness to these handicaps and measure up to the quality and quantity of any important international conference and their outputs held anywhere in the world. Therefore, AALCO needs to further strengthen the infrastructure and other facilities offered to the Secretariat Staff. Equally important in this regard is to provide for training opportunities for the Secretariat Staff so as to ensure that they constantly upgrade their skills and perform their assignments in a more beneficial manner to the Organization.

24. In the International Category Staff, presently, all officials are from Asian States, therefore, in order to ensure that the African character of the AALCO is also visible; I call upon the African States to second at least one senior official to the Secretariat as Deputy/Assistant Secretary-General. Likewise, I would request the Arab Member States to consider deputing one senior official to the Secretariat for managing the affairs of the Arabic Section.

25. Furthermore, to give an international character to the Professional Category of the Secretariat Staff, I feel there is a need to ensure that the Secretariat should be in a position to attract and retain the best talent from the two regions. This entails offering remuneration and other terms and conditions of services at par with the other Inter-governmental Organization.

26. To encourage the assimilation of academic inputs into the work of AALCO, I propose a Visiting Fellowship programme for senior academic and research assistant for postgraduate students from AALCO Member States.

### **4. Convening of Young Jurist Conference**

27. It is also essential to encourage and develop young scholarship in International Law in the Asian-African countries. To realize this objective, I had proposed at the Putrajaya Session that a “Young Jurist Conference” may be convened on the sidelines of the Annual Session. This would render an opportunity to these scholars, particularly from that country and the region, in which the Annual Session takes place to interact with the legal luminaries attending the Session and benefit from their

experience and scholarship. I intend to make this proposal operationally viable in the forthcoming Annual Session.

## **5. Commemorating the Fiftieth Annual Session in 2011**

28. The year 2011 would mark another milestone in the journey of AALCO. Next year the Organization would be holding its Fiftieth Annual Session. It needs to be commemorated in an appropriate manner. It may be recalled that the First Annual Session of AALCO was held, in New Delhi, India, from 18 to 27 April 1957. Thus, the Fiftieth Annual Session would be an important occasion to reflect upon the past achievements and shortcomings. It would also provide an opportunity to carve out the path for the next phase of development for the Organization. As our Organization follows the practice of holding the Annual Session, on a rotational basis between Asia and Africa, for 2011, it would be the turn of an Asian Member State. In view of the historical significance of that Session, I call upon for an early offer in this regard by an Asian Member State, so as to ensure proper planning and smooth coordination for organizing this commemorative Annual Session in view of its great importance and significance for reaffirming the Bandung spirit of Afro-Asian solidarity, as also for the institutional development of AALCO.

## **C. Measures to Improve the Financial Situation of AALCO**

29. It may be recalled that to improve the financial situation of AALCO, at the Putrajaya Session, I had submitted for the kind consideration of the Heads of Delegation an approach that included the following four measures: (i) Revision of Assessed Scale of Contributions; (ii) Action Plan to Collect Arrears; (iii) Voluntary Contributions; and (iv) Replenishment of Reserve Fund. An update on each of these following measures is presented below.

### **1. Adoption of Revised Scale of Contributions and Receipt of Annual Contributions from the Member States**

30. At the Forty-Eighth Annual Session, vide AALCO/RES/48/ORG 2 the “revised scale of assessed contribution of Member States” was adopted. Pursuant to that decision, until 30 June 2010, annual contribution from 18 Member States have been received, amounting to 50 % of the Annual Budget has been received. Fifteen of them, namely the People’s Republic of China, Ghana, India, Republic of Indonesia, Japan, Kenya, Kuwait, Malaysia, Mauritius, Sultanate of Oman, Saudi Arabia, Singapore, Republic of South Africa, United Republic of Tanzania and United Arab Emirates have been received on the basis of the Revised Scale. Annual contribution from three of the Member States, namely, Bangladesh, Republic of Yemen and Pakistan has been received on the basis of the earlier scale. I have requested these Member States to kindly make it on the basis of the Revised Scale. Further, as regards, the remaining Member States, the Secretariat is on a regular basis informing through their Diplomatic Missions and Liaison Officers in New Delhi the importance of fulfilling their statutory and financial obligations to the Organization. I am very hopeful that these efforts would yield results and by the end of this year, the annual contributions from these States would be received.

## **2. Action Plan to Collect Arrears**

31. The Extraordinary Session held at the Headquarters on 1 December 2008, in order to tide over the precarious financial situation of AALCO have approved an “Action Plan”.<sup>2</sup> As per the Action Plan, the Member States in arrears have been divided under two heads: first, Member States which are in arrears for less than ten years; second, Member States in arrears for more than ten years. The Secretary-General was requested to take necessary follow-up action with these States. It may be recalled that the Putrajaya Declaration, adopted by the Forty-Eighth Annual Session of AALCO had urged those Member States in arrears to expeditiously clear their arrears. Furthermore, vide resolution AALCO/RES/48/ORG 1 adopted on 20 August 2009, the Secretary-General was requested to implement this Action Plan.

32. Accordingly, alongwith my Deputy Secretaries-General I have been regularly meeting the Heads of Diplomatic Missions and Liaison Officers of these Member States in New Delhi. Regarding the arrears of less than 10-years, before 2008, there are only 4 Member States and 3 Member States have not paid the arrears for 2009 only. There are 10 Member States with arrears of more than 10-years.

### *i. Status of Collection of Arrears*

33. Since the Forty-Eighth Annual Session, the AALCO Secretariat is pleased to inform the Member States that the Governments of Ghana and Sri Lanka have fully cleared their arrears. The Secretariat has signed a Memorandum of Understanding with the Embassy of Republic of Iraq for clearing its arrears in November last year. Other than Iraq, Libyan Arab Jamahiriya, Republic of Yemen, The Sudan have expressed their Government’s position to clear their outstanding arrears. The AALCO Secretariat profoundly thanks these Member Governments for their earnest efforts in clearing their outstanding arrears of contributions.

34. Efforts are continuing with the following Member States in arrears for more than ten years, Democratic People’s Republic of Korea, Mongolia, The Gambia, and the State of Palestine, through their Diplomatic Missions in New Delhi, to conclude MoUs. The communication with Sierra Leone is directly to the capital, and the matter was also taken up with the representative of Sierra Leone during the ICC Review Conference.

### *ii. Memorandum of Understanding between AALCO and the Republic of Iraq*

35. A Memorandum of Understanding was signed between the Charge d’ Affaires of the Embassy of the Republic of Iraq, in New Delhi and myself on 13 November 2009. The MoU outlines the modalities on the payment of arrears of annual contribution to be paid by Iraq from 1983 to 2008. The arrears will be paid in ten equal annual installments together with the regular annual contribution. The MoU was signed between H.E. Mr. Safwat Mohammad Abdulla Al-Ani, the Charge d’ Affaires of the Republic of Iraq in New Delhi and myself. On behalf of the AALCO Secretariat I take this opportunity to request the Government of Iraq to expedite the

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<sup>2</sup> AALCO/ES (NEW DELHI)/2008/ORG. 1 from page numbers 7-9.

payment of instalments as per this MoU. The AALCO Secretariat may on realization of the arrears of contribution organize training programme for Iraqi lawyers.

### **3. Voluntary Contributions**

36. At the Putrajaya Session, I had urged upon the Member States to kindly consider making voluntary contributions to AALCO in order to place it on a firm financial footing. In this regard, I am pleased to inform that the Governments of Republic of Korea, Malaysia and Turkey have responded to this call. In September 2009, USD 3259 was received from the Government of Republic of Korea while in December 2009; the Government of Malaysia made a voluntary contribution of US D 50, 000. Out of this, the Malaysian Government has suggested that USD 40, 000 be set aside for capacity-building purposes and USD 10,000 be put in the Reserve Fund. In January 2010, a sum of USD 1093 as voluntary contribution was received from the Government of Turkey.

37. Further, the Government of Japan provided USD 25, 000 as financial assistance of to support the AALCO's work programme on International Criminal Court, particularly for the convening of the Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court on 30-31 March 2010 in Putrajaya, Malaysia. The Government of Malaysia had provided logistical assistance for this meeting. I am thankful to the Governments of Japan and Malaysia.

38. On behalf of the AALCO Secretariat, I thankfully acknowledge these contributions and also reiterate my call to the other Member States to also make voluntary contributions.

39. I would also like to propose that any voluntary contribution made by a Member State should not be added to the regular budget of the Organization. It should be utilized for project specific action for which the Member State has made such voluntary contribution.

### **4. Replenishment of Reserve Fund**

40. Rule 27 (3) of the Statutory Rules of the Organization authorizes the Secretary-General to maintain a reserve fund. To strengthen and firmly put the Organization, on a firm financial footing, it is essential that an adequate Reserve Fund is maintained by the Organization. The amount kept in Reserve Fund should at least be enough so that it could meet the expenses of the Organization for at least a period of six-months. With this objective, in mind, it is essential to replenish the Reserve Fund of AALCO. As mentioned above, a contribution of USD 10,000 has been received from the Government of Malaysia. I once again urge upon the other Member States to send voluntary contributions to replenish the Reserve Fund.

41. During the current financial crisis, it is rather difficult to reserve some amount of money from the contributions received from the Member States and deposit it into the Reserve Fund. Until AALCO's Reserve Fund has USD 200,000 as deposit it cannot overcome the current financial crisis.

## **5. Increasing the Membership of AALCO**

42. 47 States are currently Member States of AALCO. 32 of these are Asian States and 15 are African States. In the informal regional grouping system that exists in the United Nations, both Asia and Africa account for 53 countries each. Therefore, both within the Asian and African continent, immense scope for widening the membership base of the AALCO exist. Building upon the efforts put in by my distinguished predecessors, alongwith my deputies, I have approached the Heads of Diplomatic Missions of several of these countries in New Delhi. We have received some positive responses from some of these States and the matter of their joining AALCO is under the active consideration of their respective Governments. In case, these States become Member States of AALCO their prospective contributions would strengthen the financial stability of AALCO.

43. Last but certainly not the least, I would like to inform the Member States that continuous efforts are being made on optimizing the use of both the human and material resources available within the Secretariat. All efforts to minimize and curtail the operational costs are being made.

### III. CONSIDERATION OF WORK PROGRAMME OF AALCO AT THE FORTY-NINTH ANNUAL SESSION OF AALCO

44. The Work Programme of AALCO, comprises first, follow-up of the work of the International Law Commission; second, topics that have been placed on the agenda on reference by a Member State; and third, topics placed on the *suo-moto* initiative of the Secretary-General. Currently, there are following 16 items on the work programme of AALCO:

- (i) Report on Matters Relating to the Work of the International Law Commission
- (ii) The Law of the Sea
- (iii) The Status and Treatment of Refugees
- (iv) 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
- (v) Legal Protection of Migrant Workers
- (vi) Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties
- (vii) International Terrorism
- (viii) Establishing Cooperation against Trafficking in Women and Children
- (ix) The International Criminal Court: Recent Developments
- (x) Environment and Sustainable Development
- (xi) Challenges in Combating Corruption: The Role of United Nations Convention against Corruption
- (xii) Report on the Work of UNCITRAL and Other International Organizations in the Field of International Trade Law
- (xiii) WTO as a Framework Agreement and Code of Conduct for World Trade
- (xiv) Expressions of Folklore and its International Protection
- (xv) Human Rights in Islam
- (xvi) Managing Global Financial Crisis: Sharing of Experiences

45. It may be recalled that since the Forty-Second (Seoul, 2003) Annual Session, the Organization, has adopted a policy of rationalization of agenda items, and out of these 16 items, certain number of items, depending upon the current relevance of the topic are placed on the agenda of the Annual Session. In furtherance of this policy, for the Forty-Ninth Annual Session following agenda items are placed in the category of deliberated items:

- Report on the Matters Relating to the Work of the International Law Commission;
- 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;
- WTO as a Framework Agreement and Code of Conduct for World Trade
- Challenges in Combating Corruption: The Role of United Nations Convention Against Corruption
- Expressions of Folklore and its International Protection



46. As regards, the examination of questions under consideration of the International Law Commission, to further improvise and streamline the methodology of consideration of the work of ILC by the AALCO, it is proposed to convene a thematic debate entitled “Making AALCO’s Participation in the Work of the International Law Commission more Effective and Meaningful”. In addition, two special meetings on agenda items pertaining to the “The International Criminal Court: Recent Developments” and “Environment and Sustainable Development” is also being convened in conjunction with the Forty-Ninth Annual Session.

47. Concerning the non-deliberated agenda items the Secretariat has prepared an update of all these items. On the suggestion of some Member States, the Secretariat Reports on non-deliberated items is brought out in a single compilation. I would request the Member States, to provide to the Secretariat, their written comments if any on these agenda items. As regards, the topic “Human Rights in Islam”, I have forwarded a proposal to the Government of the Kingdom of Saudi Arabia, as the topic was referred by the Saudi Government concerning the way in which the work on this item may be proceeded with and to widen the scope of the topic.

#### **IV. ACTIVITIES UNDERTAKEN SINCE THE FORTY-EIGHTH ANNUAL SESSION OF AALCO**

48. As the Secretary-General of the Organization, it has been my constant endeavour to implement AALCO's Work Programme as approved at the Forty-Eighth Session. A brief description of the activities undertaken until the writing of this Report is presented below. I shall update this information when I deliver my statement at the Meeting of the Heads of Delegations of AALCO Member States at the Forty-Ninth Annual Session.

##### **A. Report on visit to the People's Republic of China (13 to 19 October 2009)**

49. On the invitation of the Government of the People's Republic of China, alongwith Deputy Secretary-General Dr. Xu Jie, I visited China from 13 to 19 October 2009. The visit was highly fruitful in strengthening the existing bonds between the Government of the People's Republic of China and the AALCO Secretariat. I sincerely express my gratitude to the Government of the People's Republic of China for the warm hospitality extended to the AALCO delegation. During the course of my visit, I carried out the following activities.

50. The Chinese Ministry of Foreign Affairs along with the Treaty Section of the UN, had organized the Regional Capacity-building Workshop on Treaty Law and Practice and the Domestic Implementation of Treaty Obligations at the Wuhan University in the City of Wuhan in Hubei Province of China. It was my privilege and honour to inaugurate the workshop on 13 October 2009. In my inaugural address, I highlighted the importance of capacity-building in relation to handling matters pertaining to treaties in Asian-African countries.

51. On behalf of the AALCO Secretariat, I signed a Memorandum of Understanding with the Wuhan University Institute of International Law of the People's Republic of China on 13 October 2009. By the terms of this MOU, the two institutions had joined hands to cooperate on legal matters of common concerns, as well as conduct training programmes jointly in international law, particularly for young diplomats, government officials, academic scholars and in-house research staff.

52. During the signing ceremony, in my address I emphasized that capacity building within (Member States) and outside (International Organizations) with the AALCO would be very helpful in conducting various training courses and workshops within the Centre for Research and Training (CRT) in AALCO.

53. On 15 October, I delivered a Lecture on "ASEAN and China Relations" for the participants at the Institute of International Law, Wuhan University. On 13 October 2009, Dr. Xu Jie, Deputy Secretary-General gave a lecture on "AALCO and China" in the Faculty of International Law, at the Wuhan University.

54. At the invitation of the Chinese Society of International Law, on 19 October 2009, I made a presentation about the AALCO and its Activities, before a very distinguished group of Chinese academicians and practitioners of international law at the Chinese Society of International Law (CSIL) in Beijing. A fruitful exchange of ideas following the presentation took place in which participants evinced keen interest

in the work of AALCO as well as on ways to strengthen its work programme.

55. During the course of my visit to Beijing, I called upon Dr. Xu Hong, Deputy Director General of the Department of Treaty and Law, Ministry of Foreign Affairs of China and discussed many issues about strengthening relations between AALCO and China. Dr. Xu Hong assured us about China's full support to AALCO. Dr. Xu Jie, DSG was also present during the meeting.

**B. AALCO Legal Advisers and Joint AALCO-ILC Meetings (28 October 2009, UN Headquarters, New York)**

56. The Annual Meeting of Legal Advisers of AALCO Member States and Joint AALCO-ILC Meeting were held on 28 October 2009, at the UN Headquarters, in New York, on the sidelines of the Sixty-Fourth Session of the U.N. General Assembly. The agenda of the Legal Advisers meeting included consideration of the theme "How AALCO could contribute to the work of International Court of Justice and Sixth Committee". Valuable comments were offered by the representatives of some of the participating Member States.

57. In my introductory remarks, as Chair of the Meeting, I *inter alia* informed the Legal Advisers about the successful convening of the Putrajaya Session, the adoption of the Putrajaya Declaration on Revitalizing and Strengthening AALCO and the Revised Scale of contributions.

58. H. E. Judge Hisashi Owada (Japan), the President of the ICJ; Ms. Patricia O'Brien (Ireland), Legal Counsel and the Under Secretary-General of the UN, Members of the International Law Commission, namely Mr. Shinya Murase (Japan); Mr Eduardo Valencia-Ospina (Colombia); and Mr. Allain Pellet (France) also addressed the two Meetings.

59. In the Joint AALCO-ILC Meeting, Mr. Shinya Murase, the newly appointed member of the ILC, briefed the meeting about the progress of work in the ILC at its Sixty-first Session, on the topic of "Shared Natural Resources", while Mr. Eduardo Valencia-Ospina spoke on the topic "Protection of persons in the event of disasters" Mr. Allain Pellet spoke on the topic "Accessing the ICJ for dispute settlement : Certain preliminary issues", while Ambassador Palitha Kohona (Sri Lanka) spoke on "Climate change and its impact on the most vulnerable States". I accentuated that there was enough scope for effectively cooperating with other inter-governmental organizations such as African Union and ASEAN.

**C. Report on Secretary-General's participation in the "International Workshop and Seminar on *Siyar* and Islamic States Practices in International Law"(18 to 19 November 2009, Kuala Lumpur, Malaysia)**

60. I was privileged to be invited to attend the International Workshop and Seminar on "*Siyar* and Islamic States Practices in International Law", which was conducted by the Faculty of Law, Universiti Kebangsaan, Kuala Lumpur, Malaysia, from 18 to 19 November 2009. During the workshop I presented a paper on "Harmonization of *Siyar* in International Law: Some Reflections". In my presentation, I emphasized the need to incorporate Islamic law as a source of international law, as a

general principle of law recognized by civilized nations. I also highlighted upon the need to challenge the notion that modern international law was a product of the Western European Christian States or States of European origin only. If international law had to be truly universal, contribution of all civilizations in the progressive development of international law, including Islamic international law had to be recognized. It was important to be aware of the comparative sources from which rules of our modern law may have originated. This realization would be helpful in making the norms of international law more acceptable, to numerous nations as truly a law of nations, and not merely a contemporary evolution of the last 300 years of the norms of European public law. This would increase the legitimacy of international law, thereby, paving way for better acceptance and enforcement and leading to a more inclusive world order. I also briefly dealt with the major contributions of the Islamic International law; and modern day challenges and *Siyar* and discussed the possible methodology to contribute to the development of modern international law.

**D. Report on the President's visit to the AALCO Headquarters (21 to 24 December 2009, New Delhi, India)**

61. H. E. Tan Sri Abdul Gani Patail, the President of the Forty-Eighth Session of AALCO, accompanied by Datuk Azailiza Mohd. Ahad, Head of International Affairs Division, Attorney General's Chamber and Mr. Mohd. Radzi Harun, Deputy Head II of International Affairs Division visited the Headquarters of the Organization in New Delhi from 21 to 24 December 2009. During the course of his visit H. E. Tan Sri Abdul Gani Patail delivered the Inaugural Lecture of the AALCO Lecture Series on 22 December 2009. The President also held meetings with me and Secretariat Officials in order to review the work programme of AALCO and how to optimally utilize AALCO's resources. I profoundly thank H. E. Tan Sri Abdul Gani Patail for taking time out of his hectic schedule for visiting the Headquarters of the AALCO in New Delhi.

**E. Report on Secretary-General's visit to Germany (12 to 16 January 2010, Bonn, Germany)**

62. At the invitation of Prof. Wolfgang E. Burhenne, Executive Governor, International Council of Environment Law (ICEL), I represented AALCO at the meeting convened to review the fourth edition of the International Covenant on Environment and Development. ICEL is one of the internationally renowned public interest organization's which aims at promoting the exchange of information on the legal, administrative and policy aspects of environmental conservation and sustainable development, to support new initiatives in this field, and to encourage advice and assistance through its network.

63. During my meeting with Prof. Dr. Burhenne the possibility of formalizing cooperation through a Memorandum of Understanding (MoU) between the two institutions was discussed. Another proposal that was put forth by was to jointly hold an Inter-Sessional Meeting or special meeting during an AALCO Annual Session with the ICEL. Consultations on both these aspects have borne results and at the forthcoming Forty-Ninth Annual Session, jointly with the Government of the United Republic of Tanzania and the AALCO Secretariat, a special meeting on "Environment

and Sustainable Development” is being organized and an MoU between the AALCO Secretariat and ICEL would be signed.

**F. Convening of Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court (30 to 31 March 2010, Putrajaya, Malaysia)**

64. Thanks to the support provided by the Governments of Malaysia and Japan, a Round Table Meeting of Experts on the Review Conference of the Rome Statute of the International Criminal Court was convened from 30 to 31 March 2010 in Putrajaya, Malaysia (the Putrajaya Round Table Meeting). The objective of this meeting was that it afforded the Legal Experts from the following Member States, namely, Brunei Darussalam, the People’s Republic of China, India, Republic of Indonesia, Islamic Republic of Iran, Japan, Kenya, Malaysia, Sultanate of Oman, Qatar, Republic of Korea, Singapore, Tanzania, and Thailand to discuss in a candid manner the issues to be taken up at the Review Conference of the Rome Statute of ICC that was held from 31 May to 11 June 2010 at Kampala, Uganda. The Meeting also attracted participation as Observers from non-Member States, namely, Philippines, Canada and the International Criminal Court (ICC) and the European Union (EU). The delegation of AALCO Secretariat, that facilitated the convening of the Round Table Meeting included, myself, Dr. Xu Jie, Amb. S. R. Tabatabaei Shafiei, Dr. Yuichi Inouye, Deputy Secretaries-General and Mrs. Anuradha Bakshi, Assistant Principal Legal Officer.

65. The draft of the Report of the Round Table Meeting of the Legal Experts on the Review Conference was circulated at the Putrajaya Meeting. It was highly appreciated by the Delegations and subsequent to the incorporation of comments and observations received from the Member States the final report was sent to the Member States on 12 May 2010. I am also pleased to inform that the same was placed on the website of the Ministry of Foreign Affairs of the Government of Japan.

66. The outcome of the meeting was presented to the Review Conference in a statement delivered by me to the Plenary Meeting of the Review Conference of the Rome Statute of the ICC on 1 June 2010.

**G. Report on AALCO’s participation in the Review Conference of the Rome Statute of the International Criminal Court (31 May to 3 June 2010, Kampala, Uganda)**

67. The Review Conference of the Rome Statute of the International Criminal Court took place in Kampala, Uganda from 31 May to 11 June 2010. As reviewing and analyzing the developments pertaining to the ICC constitutes an important element of the work programme of AALCO, a three-member delegation, led by me, Dr. Yuichi Inouye, Deputy Secretary-General and Mr. Shikhar Ranjan, Senior Legal Officer participated at the Review Conference.

68. It was my privilege and honour to address the General Debate on 1 June 2010. I utilized the opportunity to present the outcome of our Putrajaya Round Table Meeting. In my address, I emphasized that the three major challenges facing the ICC were: universality, sustainability and complementarity. I flagged the following issues

of concern that emerged out at our Putrajaya Round Table Meeting for the consideration of the Review Conference:

69. *Firstly*, concerning the crime of aggression, I emphasized that the Member States of AALCO realize the imperative of having a clear and broadly acceptable definition on the Crime of Aggression and consider it to be indispensable to developing the rule of law in the world. In this regard, the AALCO was hopeful that the major definitional and jurisdictional issues would be successfully resolved at Kampala.

70. *Secondly*, as to the stock-taking of international criminal justice, the concept of complementarity, issues on cooperation with the ICC, and the relationship between peace and justice were of immense significance. Concerning the principle of complementarity, AALCO Member States considered it as constituting the core principle of Rome Statute. It needed to be further strengthened and there was a need for maintaining a balanced approach in its application.

71. *Thirdly*, as regards the proposals for amending the Rome Statute: *One*, on the proposal to delete Article 124 the opinion was that this would deprive new States Parties to the Rome Statute the right to defer the acceptance of the jurisdiction of the Court, therefore, it would be useful to retain it. This would encourage universalization of Rome Statute; and *Two*, as to the proposals for criminalizing the act of employing certain weapons in internal armed conflict and strengthening the enforcement of sentences, there was not much discussion, as most of the States had not made their positions clear.

72. On 2 June 2010, I hosted an Informal Networking Meeting of the AALCO that was followed by a Reception. During the course of this meeting H.E. Mr. Ichiro Komatsu, Ambassador of Japan to Switzerland launched the “Report of the Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the ICC”, held on 30-31 March 2010 at Putrajaya, Malaysia. The meeting was very well-attended and several high-level representatives of Member States, non-Member States and representatives of civil society organizations attended it. It served as a useful mechanism for enhancing the profile and stature of AALCO. AALCO’s publications were also distributed during the course of this networking meeting.

#### **H. Report on visit to Geneva (12 to 14 July 2010)**

73. In accordance with the statutory requirement of placing before the International Law Commission (ILC) an overview of the deliberations on the Report on Matters relating to the work of ILC at its Sixtieth session that took place at the Forty-Eighth Annual Session of AALCO held at Putrajaya, Malaysia from 17 to 20 August 2009, I had made a presentation before the plenary meeting of the ILC on 14 July 2010. My address was followed by a lively exchange of views on areas of mutual interest between the Commission members and myself.

74. On 13 June 2010, I had a meeting with two Deputy Director-Generals and some senior officials of the World Trade Organization (WTO) to exchange views on possible areas of collaboration. I am pleased to inform the Member States that the WTO has highly appreciated the Basic Course on WTO organized by the AALCO

and has expressed interest in providing resource persons and technical assistance for making it a regular annual programme. I also discussed with these officials modalities of AALCO being granted permanent Observer status with the WTO.

#### **I. Seminar on “The Blockade of Gaza and its International Legal Implications” (16 July 2010, AALCO Headquarters, New Delhi)**

75. A Seminar on “The Blockade of Gaza and its International Legal Implications” took place at the AALCO Secretariat in New Delhi. H.E. Dr. Mohamed Abdel Hamid Higazy, Ambassador of the Arab Republic of Egypt in India; H.E. Mr. M. Levent Bilman, the Ambassador of the Republic of Turkey in India; H.E. Dr. Ahmed Salem Saleh Al-Wahishi, the Chief Representative of League of Arab States in India; and Prof. Achin Vanaik, Head, Department of Political Science, University of Delhi and myself made presentations. These presentations were followed by discussion to which the participants contributed valuably and exchanged their opinions with the Panelists.

#### **J. Meetings of the Liaison Officers of AALCO Member States**

76. During the period under Review the 303<sup>rd</sup>, 304<sup>th</sup>, 305<sup>th</sup> and 306<sup>th</sup> Meeting of the Liaison Officers of AALCO Member States took place respectively on 7 October 2009,<sup>3</sup> 16 December 2009,<sup>4</sup> 3 March 2010<sup>5</sup> and 16 July 2010. During these Meetings, the Liaison Officers reviewed the organizational and financial matters related to AALCO.

#### **K. Meetings of the Advisory Panel**

77. The Advisory Panel (“Panel”) was constituted to guide the Secretary-General in discussing the various possibilities to overcome the financial difficulties of AALCO. The Panel held its 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Meetings on 16 December 2009, 3 March 2010, 26 May 2010 and 23 June 2010 respectively.<sup>6</sup> The mandate of the Advisory Panel was to look into the financial matters of AALCO, and to suggest ways and means to collect the outstanding arrears of contributions from Member States in arrears. The Chairman of the Advisory Panel would present a report before the Member States at the Forty-Ninth Annual Session.

#### **L. Publications**

78. In accordance with the goal of “Digitizing AALCO’s Publications: Moving Towards the Paperless Office”, in the past year, attempts have been made to digitalize the AALCO’s publications. At the Forty-Eighth Annual Session, for conserving precious natural resources and economy use of paper was reduced to a great extent. The efforts made in this regard were appreciated by the Member States and I hope in due course of time the transition to a ‘paperless office’ would be attained. The

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<sup>3</sup> The Minutes of the Meeting are contained in AALCO Doc. LOM/M/303/7.10.2009.

<sup>4</sup> The Minutes of the Meeting are contained in AALCO Doc. LOM/M/304/16.12.2009.

<sup>5</sup> The Minutes of the Meeting are contained in AALCO Doc. LOM/M/305/3.3.2010.

<sup>6</sup> The Minutes of these Meetings have been circulated to the Member States and are contained in AALCO Docs: AALCO/Ad. PM/5/16.12.2009; AALCO/Ad. PM/6/3.3.2010; AALCO/Ad. PM/7/26.5.2010; AALCO/Ad. PM/8/23.6.2010.

Secretariat is considering making digital copies of its publications that includes the Yearbook, Quarterly Bulletin, Newsletter and Special Studies, for wider circulation, as also placing them on the website. As of now, because of high cost of airmail, Secretariat publications are not being disseminated to Inter-governmental Organizations and to others interested in AALCO's activities.

### **1. Yearbook of the Asian-African Legal Consultative Organization**

79. The annual report of the Organization entitled *Yearbook of the Asian-African Legal Consultative Organization*, which is being published by the Secretariat since 2003 is in the seventh year of publication. The Book provides in comprehensive manner information about AALCO, Secretariat Studies prepared on the agenda items, Summary of deliberations and the Resolution adopted at the Annual Session. In addition, it contains statements delivered by the Secretary-General and the Deputy Secretaries-General. It has been well received by the Member States, international organizations, and in academic circles. It would be my pleasure to place for the consideration of the Member States volume VII for the year 2009 of the Yearbook at the forthcoming Session of the Organization.

### **2. AALCO Quarterly Bulletin**

80. An important initiative commenced in the year 2005 was the re-launch of AALCO Quarterly Bulletin. It is a completely restructured and revitalized version of the earlier AALCO Bulletin published as Quarterly and later biannually by the Secretariat. The present *AALCO Quarterly Bulletin* contains well-researched articles on international law; write-ups on selected current developments; and select documents of relevance to the Asian-African States. The Secretariat welcomes well researched articles from authors. A useful way for this could be by providing to the Secretariat articles from eminent international law scholars for publication in the Quarterly Bulletin.

### **3. Newsletter of the Asian-African Legal Consultative Organization**

81. In order to cover the entire gamut of diversified activities of AALCO and to reflect upon the growing stature of the Organization, the Secretariat has been bringing out Newsletter of the Asian-African Legal Consultative Organization since September 2004.

### **4. Official Documents of AALCO**

82. The Report of the Forty-Eighth Annual Session was been placed for the consideration of AALCO Member States on 1 February 2010.<sup>7</sup> It may be noted that the Report of the Forty Eighth Annual Session is a comprehensive document containing the records of the Three Meetings of the Delegations of AALCO Member States, Four Plenary Meetings, the records of the two Special Meetings on "Transnational Migration – Trafficking in Persons and Smuggling of Migrants" and "Law of the Sea" as well as the Concluding Session. The record of the two special meetings is a new element in this report, which was hitherto covered in the Verbatim

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<sup>7</sup> AALCO/48/PUTRAJAYA /2009/REP.



Records. Following acceptance of my proposals regarding AALCO publications, at the Forty-Eighth Annual Session, the practice of bringing out the Verbatim Record of the Session was stopped. The Report was sent both in printed form and in compact discs to the Member States. It is also available on the website of AALCO (<http://www.aalco.int>).

83. I am pleased to inform the Member States that the prestigious *Chinese Journal of International Law* had published a report on the Forty-Eighth Annual Session of AALCO.<sup>8</sup>

84. The AALCO Secretariat has also brought out the Report of the Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court (30-31 March 2010, Putrajaya, Malaysia).

## **5. Website of AALCO**

85. In the present digital age, the website of any Organization is its face to the outside world. The AALCO website has been completely refurbished. It bears a new look that ensures that navigation and accessing the information from the AALCO website is much easier. I take personal interest in ensuring that the website is regularly updated and it contains more and more information about the Organization.

## **M. The Secretariat**

86. Apart from the Secretary-General (Malaysia), three Member Governments, namely, the People's Republic of China, Japan and Islamic Republic of Iran have offered assistance to AALCO by deputing their senior officials to the Secretariat on secondment. Deputy Secretaries-General, Dr. Xu Jie (People's Republic of China), Dr. Yuichi Inouye (Japan) and Dr. Hassan Soleimani (Islamic Republic of Iran) have been rendering exemplary services to the Secretariat. I wish to place on record my gratitude to these Member Governments for rendering such valuable assistance, and also wish to express my deep appreciation for the dedicated services of these officials deputed to the AALCO. Amb. Mr. Reza Tabatabaei Shafiei from Islamic Republic of Iran has successfully completed his three-year tenure as Deputy Secretary-General with the AALCO Secretariat in April 2010. I wish to place on record appreciation of his services to the AALCO Secretariat.

87. The number of the locally recruited staff in the Secretariat is 16. The Legal Staff comprises one Assistant Principal Legal Officer, two Senior Legal Officers, and three Legal Officers. The remaining staffs are in the administrative and supporting category.

88. With the objective of enhancing the skills of the Legal Staff of the Secretariat, as also give them an opportunity to broaden their understanding on international law matters and promote capacity building within the Secretariat, I have been encouraging them to participate in such programmes. During the period under review the Legal Staff participated in the below mentioned activities. Mrs. Anuradha Bakshi, Assistant

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<sup>8</sup> The AALCO Secretariat, "Report on the Forty-eighth Annual Session of the Asian-African Legal Consultative Organization", *Chinese Journal of International Law*, vol. 9 (2010), pp.179-191.

Principal Legal Officer, Mr. Shikhar Ranjan and Mr. Mohammed Hussain K.S., Senior Legal Officers, Mr. S. Senthil Kumar and Mr. S. Pandiaraj, Legal Officers judged the Ninth Henry Dunant Memorial Moot Court Competition, jointly organized by the Indian Society of International Law and ICRC from 10 to 13 September 2009 in New Delhi. Mr. S. Senthil Kumar, Legal Officer, participated in the Eleventh Asia-Pacific Regional Public International Trade Law Course held from 9 to 27 November 2009 at Sydney, Australia. The Programme was organized by the International Development Law Organization (IDLO), an inter-governmental Organization based in Rome, Italy. Ms. Shannu Narayan, Legal Officer attended the Fifteenth South Asia Teaching Session (SATS) on International Humanitarian Law from 10 to 17 November 2009, organized jointly by the Regional Delegation of the International Committee of the Red Cross, New Delhi and Dr. B. R. Ambedkar College of Law, Andhra University, Vishakhapatnam, India. Another programme attended by Ms. Narayan was the 10-day intensive workshop on the study of global law, economic policy and social justice, organized by the Institute for Global Law and Policy (IGLP) at the Harvard Law School, Harvard University, Massachusetts, USA from 2 to 11 June 2010. They were awarded full fellowship by the Organizers that covered travel, boarding and lodging expenses.

89. After completing more than three decades of service in the AALCO Secretariat, two employees, namely the Mrs. Neelam V. Mathur, Librarian and Mrs. Rachna Soni, Assistant Administrative Officer have retired. Dr. Rajesh Babu Ravindran, and Mr. Leeladhara Bhandary M., who were on sabbatical, tendered their resignations from their respective posts of Senior Legal Officer and Legal Officer. I wish to place on record appreciation of their useful services to the Secretariat. As of now, these positions remain vacant and no fresh appointments have been made.

90. Arrears of salary arising from the implementation of the Sixth Pay Commission's recommendation by the AALCO Secretariat are due to be disbursed to the locally-recruited staff. I take this opportunity to thank the Staff for their patience and understanding in this matter. I am very hopeful that the Secretariat would be able to disburse these arrears at the earliest opportunity.

91. The AALCO Secretariat in terms of payments of salary and retiral benefits to its employees follows the scheme followed by the Government of India. Recently, the Government of India has raised the ceiling limit for gratuity payable to its employees on cessation of employment. Same ceiling has also been proposed for employees working in private sector. The AALCO does not pay any pension to its retired employees. In view of this, the ceiling of the gratuity amount payable to employees on the cessation of their employment has to be enhanced and I suggest that the criteria and the terminal gratuity award to be paid by AALCO should be according to the prevalent rules of Government of India for its employees.

#### **N. Report on the Permanent Observer Missions of AALCO at the United Nations Offices**

92. It may be recalled that vide AALCO/RES/48/ORG. 1, dated 20 August 2009, adopted at the Forty-Eighth Annual Session of AALCO had endorsed my proposals pertaining to the "Strengthening of Permanent Observer Missions of AALCO at the United Nations Offices in New York, Geneva and Vienna", outlined in my Report.

Accordingly, on 9 September 2009, by identical letters, I requested H.E. Ban ki-Moon, the UN Secretary-General to accredit Dr. Roy S. Lee and Prof. Georges Abi-Saab as Permanent Observer of AALCO at the United Nations Headquarters in New York and United Nations Offices in Geneva respectively. Appointment Letters setting out the terms of appointment to both Dr. Lee and Prof. Abi-Saab were also sent. The formalities relating to Dr. Lee's appointment at UN Headquarters were accomplished successfully, and necessary accreditations were granted by the UN and the Government of the United States of America to him. However, I am constrained to inform that owing to Swiss Government's requirement for maintaining a Permanent Office, as well as Prof. Abi-Saab's permanent residency status in Switzerland, the required accreditation process with the United Nations Offices in Geneva could not be accomplished. It is my considered opinion that AALCO's presence in Geneva also needs to be strongly felt as it is the seat of the International Law Commission, several UN Offices and the World Trade Organization. Therefore, for activating the Permanent Observer Mission at the UN Offices in Geneva adoption of some new measures are required.

93. Concerning the Permanent Observer Mission of AALCO at Offices in Vienna and UNIDO, Mrs. Christine J. Nemoto has been continuing her work. In future, the possibility of establishing a Permanent Observer Mission of AALCO at the United Nations Offices in Nairobi can also be explored.

94. I have been endeavouring to ensure a close working relationship between the AALCO Secretariat and these Permanent Observer Missions at various UN Offices. In this regard, subject to availability of financial resources, I also propose deputing Legal Officers to these Missions, particularly during the Annual Session of International Law Commission at Geneva to render assistance to Asian-African Members of the Commission, as well as during the Annual Session of UN General Assembly in New York.

#### **O. Report on the Functioning of the Centre for Research and Training**

95. The "Data Collection Unit", which had been set up in the Secretariat in 1992, was renamed as the "Centre for Research and Training (CRT)" following a decision taken at AALCO's Fortieth Annual Session in 2001. The Centre has been engaged in activities to strengthen its research programme and disseminate information on AALCO, *inter alia*, by organizing training programmes/seminars for Member States officials, bringing out special studies on the issues of international law of common concern, strengthening its website and electronic communication facilities. AALCO's website is being constantly updated. I am happy to inform that in the February 2010, the CRT had organized the "Basic Course on World Trade Organization".

96. Simultaneously, to encourage Law students to learn the working of an Inter-governmental organization, the CRT runs an Internship programme. During the period under review seven students from Malaysia and one from India successfully completed their internship with the AALCO Secretariat. I thank them for their contribution to the work of the AALCO Secretariat. The CRT encourages law students from the Member States to apply for AALCO's internship programmes. Currently, the Secretariat is not in a position to provide them honorarium and accommodation facilities.

97. The activities of the CRT need to be further strengthened and in this regard, I propose that Member States may consider providing voluntary contributions, in addition to the regular annual contribution for steering its activities. Such contributions would be earmarked in a separate fund and utilized only for the work of CRT.

**P. AALCO's Draft Budget for the year 2011**

98. The Draft Budget for the year 2011 has been prepared on the basis of the Revised Scale of Assessed Contributions adopted by the Member States of the AALCO at the Forty-Eighth Annual Session, held in Putrajaya, Malaysia from 17 to 20 August 2009. The proposed Draft Budget for the Year 2011 was circulated to all the Liaison Officers during the 304<sup>th</sup> Meeting. It was adopted at the 306<sup>th</sup> Meeting of the Liaison Officers held on 16 July 2010. In accordance with Rule 24 (4) of the Statutory Rules of AALCO it has to be finally approved by the Annual Session.

**Q. Revision of Statutory Rules of the Organization**

99. It may be recalled that the Nairobi Session vide RES/44/ORG 6 adopted on 1 July 2005, had mandated the Secretary-General after due consultation with the Committee of Liaison Officers for the revision of Statutory Rules, to prepare revised draft of the Statutory Rules. An in-house Committee within the Secretariat is currently engaged in revising the Statutory Rules. This Committee is doing a thorough Rule-by-Rule examination of the present Statutory Rules and once it completes its work the same would be submitted to the Liaison Officers Meeting before being placed for consideration at an Annual Session. I would also like to add that the Secretariat welcomes any input for the consideration by this Committee.

**R. Membership**

100. 47 States are presently Members of AALCO. As regards, increasing the membership base of AALCO, I would like to express my gratitude to Hon. Tan Sri Abdul Gani Patail, the Attorney-General of Malaysia and the President of the Forty-Eighth for his efforts in requesting his counterparts in the Governments of Cambodia, Lao PDR, Philippines, and Vietnam for becoming Members of AALCO. Along with my Deputies, earnest efforts are being made especially for Central Asian countries to enhance the membership of the Organization.

101. In relation to Membership of the Organization, I would like to once again invite the kind attention of Member States towards the membership of Lebanon. Although, it is the understanding of the Secretariat that Lebanon is a Member State of AALCO since 1999, a communication received in 2009 from the Government of Lebanon states that Lebanon is not a Member State of AALCO. On a positive note, the same communication states that the Embassy of Lebanon was looking towards a future cooperation with AALCO. Accordingly, I have been working with the present Ambassador of Lebanon in New Delhi to ensure that Lebanon remains the Member State of AALCO. I do sincerely hope that such efforts would bear positive results at the earliest.

## **V. STRENGTHENING THE COOPERATION WITH THE UNITED NATIONS, ITS SPECIALIZED AGENCIES AND OTHER INTERNATIONAL ORGANIZATIONS**

### **A. Cooperation between the United Nations and the Asian-African Legal Consultative Organization**

102. It may be recalled that the United Nations General Assembly vide its Resolution 35/2 of 13 October 1980, had requested the AALCO to participate in its sessions and work in the capacity of observer. Since then AALCO has been actively participating as an Observer in the work of the UN General Assembly. Following the adoption of new pattern by the General Assembly, the item pertaining to the Cooperation between the Asian-African Legal Consultative Organization and the United Nations is considered on a biennial basis. The General Assembly vide its resolution 63/10 of 3 November 2008 entitled, “Cooperation between the United Nations and the Asian-African Legal Consultative Organization”, while recognizing the continuing efforts of the AALCO towards strengthening the role and function of the United Nations and its various organs in enhancing the rule of law and wider adherence to related international instruments, recommended that with a view to promoting close interaction between the AALCO and the Sixth Committee, the consideration of the sub-item entitled “Cooperation between the United Nations and the Asian-African Legal Consultative Organization” should be scheduled to coincide with the deliberations of the Committee on the work of the International Law Commission.<sup>9</sup> It also decided to place the item for the consideration of its sixty-fifth Session. Accordingly, the item would be considered at the forthcoming Annual Session of the UN General Assembly. The AALCO would be represented during the consideration of the item and I urge the Member States to participate during the deliberations on this item in the UN General Assembly.

### **B. Strengthening the Cooperation with Specialized Agencies and other International Organizations**

103. From the very beginning, it has been a privilege for AALCO to work in cooperation with the United Nations, its Specialized Agencies and other International Organizations. As envisaged in its Statutes, such co-operation began with the International Law Commission. Subsequently, on matters concerning Status and Treatment of Refugees, AALCO and UNHCR established close relations. With its involvement in International Trade Law matters, AALCO initiated its cooperative arrangements with UNCITRAL, UNCTAD, UNIDO and other Inter-governmental Organizations, such as the UNIDROIT and the Hague Conference on Private International Law. However, a great impetus was given to such cooperative arrangements with the according of Permanent Observer Status to AALCO by the United Nations in 1980. As a follow-up, Agreements were concluded with the United Nations, IMO, IAEA, UNIDO, UNEP, and UNITAR. AALCO also concluded similar co-operation agreements with International Organizations, which include, Council of Europe, Commonwealth Secretariat, League of Arab States and the African Union (formerly Organization of African Unity).

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<sup>9</sup> A/RES/63/10

104. In August 2000, a Cooperation Agreement was signed between AALCO and WIPO. In 2001, Memorandums of Understanding (MoUs) were signed with International Organization for Migration (IOM), Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations University (UNU). In 2002, similar MoUs were concluded with the UNHCR and ICRC. The Cooperation Agreement with the ICRC entered into force in July 2003. In September 2004, administrative arrangements for cooperation between the International Tribunal for the Law of the Sea and AALCO were formalized. At the Nairobi Session (2005), a revised and revitalized Memorandum of Understanding with the United Nations Environment Programme (UNEP) was signed. In February 2008, a Memorandum of Understanding between the AALCO and the International Criminal Court (ICC) was concluded.

105. During the period under review a Memorandum of Understanding was concluded between the Secretariat of AALCO and the Institute of International Law of Wuhan University of the People's Republic of China on 13 October 2009. By the terms of this MoU, the respective Organizations have *inter alia*, agreed upon to promote cooperation in matters of mutual interest, particularly international law. Negotiations were also held with the International Council of Environmental Law (ICEL) to conclude a MoU on areas of mutual interest, particularly, Environmental Law and hopefully, an MoU with ICEL would be concluded at the forthcoming Forty-Ninth Annual Session of AALCO in Tanzania.

106. Other Organizations with which process may be initiated include the World Trade Organization (WTO), Organization for Islamic Conference (OIC), Non-Aligned Movement (NAM), the Association of South East Asian Nations (ASEAN), the Asia-Pacific Economic Cooperation (APEC) and other regional groupings of North and Latin American countries.

107. I wish to add that these cooperation agreements provide very useful basis for organizing joint meetings and seminars on topics of mutual interest with these Organizations. These Organizations provide funds for the participation of resource persons and experts, which enrich the deliberations in the AALCO meetings. AALCO's financial commitments are minimum. I believe this is a very practical way to enhance AALCO's activities and broaden its base of research activities.

108. In this regard, I would like to mention that two special meetings on "The International Criminal Court: Recent Developments" and on "Environment and Sustainable Development" are being jointly organized by the Government of Tanzania and AALCO with the International Committee of the Red Cross (ICRC), and the International Council of Environmental Law (ICEL) respectively.

## **VI. PLAN OF ACTION FOR THE COMING YEAR**

109. It has been my privilege and honour to work as the Secretary-General of the Asian-African Legal Consultative Organization. I would like to take this opportunity to reiterate my gratitude to the Member States for the kind support and confidence they have reposed in me. I would do my best to keep alive the Bandung spirit of friendship, cooperation and solidarity amongst Asian-African States. As a strong votary for enhancing the participation of Afro-Asian countries in the progressive development and codification of international law, I would work strenuously to increase the influence of Asian-African States in the international legislative process.

110. The task entrusted upon me is a challenging one. It would be my constant endeavour to meet the growing expectations of the Member States and orient AALCO's activities in such a way so that it could provide more beneficial and useful services to them. Some of the steps that I propose to take in the coming year include:

### **A. Preparation of the Studies on the Items on the Agenda of AALCO**

111. As regards, the preparation of the Studies on the Items on the Agenda of AALCO, the preparation of these would be in accordance with the mandate received from the Forty-Ninth Annual Session of AALCO. Based upon the outcome of the thematic debate on "Making AALCO's participation in the work of the International Law Commission more Effective and Meaningful", the work on examining the questions under consideration of the ILC would be pursued.

### **B. Preparation of Studies on Selected Items on the Agenda of the Sixty-fifth Session of the United Nations General Assembly**

112. Following the established practice, with a view to assisting Member States in their participation at the Sixty-fifth Session of the General Assembly, in particular the Sixth Committee, the Secretariat would prepare studies on selected items on the agenda of the Sixty-fifth Session of the General Assembly.

### **C. Participation in International Meetings**

113. Representation of AALCO and ILC at each other's Annual Session has now become a customary practice. Following that I would be attending the Sixty-third Session of the International Law Commission and would present an overview of the discussions at the Forty-Ninth Annual Session of AALCO. In addition, I would also represent the Organization at the Sixty-fifth Session of the UN General Assembly. Another meeting, which I shall be convening, would be the AALCO's Legal Advisers' and AALCO-ILC joint meeting on the sidelines of the Sixty-fifth Session of the UN General Assembly in New York on 1 November 2010. Subject to availability of funds AALCO might be represented at one or two other international meetings where its participation would be useful.

#### **D. Capacity Building Programmes**

114. Buoyed by the success of the “Basic Course on the World Trade Organization”, that took place at the Secretariat in New Delhi from 1 to 5 February 2010, efforts are on to make it a annual feature of AALCO activities. The WTO Secretariat has indicated its desire to join hands with the AALCO in this regard. The International Committee of Red Cross (ICRC) has also evinced interest in holding a programme on International Humanitarian Law in the near future.

#### **E. Strengthening the Library**

115. Library is the backbone for research activities of any Organization. Fortunately, in the new Headquarters building we have one full floor dedicated to the Library. It is equipped with adequate stacks and cupboards and work is in progress to scientifically organize, catalogue and place properly all the available resources. Subject to the availability of funds, online legal database, such as *Lexis Nexis*, *Westlaw* or *Hein Online* could be subscribed. Plans are also afoot to make a Digital Library.

#### **F. Publications**

116. Publications of an organization are its face to the outside world. In order to ensure wider and periodic dissemination about the various activities of AALCO, the Organization has re-oriented its existing publications and provided them a new and more reader friendly look, apart from enhancing the quality and content of the publication. The advantages of digital revolution have to be ushered into the AALCO’s publication policy and in this regard, I propose that most of the Secretariat publications are brought out in electronic format. Furthermore, I also plan to bring out some studies on topics of relevance to our Member States.

#### **G. Proposals for holding Inter-sessional Meetings, Workshops and Seminars**

117. The Organization has several Cooperation Agreements in place and in this regard based upon mutual consultations and availability of resources, I propose to hold on topics of interest to the Member States inter-sessional meetings, workshops and seminars.



## **VII. CONCLUDING REMARKS**

118. In the coming year 2011, the AALCO would be holding its Fiftieth Annual Session. This long-journey is demonstrative of the continued ideological relevance of the Organization as also the imperative for making it the main centre for harmonizing the action of Asian-African States in international legal matters. The voice of the people of Afro-Asian region which is host to the largest part of the humanity needs to be echoed in various international fora. In this regard, AALCO has contributed significantly towards the progressive development and codification of international law and rule of law in international affairs. However, much remains to be done and on the eve of our Fiftieth Annual Session let us rekindle the Bandung Spirit of solidarity amongst the Asian-African States, which has over the years been the underlying edifice of our Organization to strengthen our efforts for contributing more valuably in the service of humankind of two of the most populous regions of the world. With the support and encouragement of its Member States, I am convinced that the AALCO is on the right path and would soon overcome its financial difficulties and march ahead.

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,  
ADMINISTRATIVE AND FINANCIAL MATTERS**

*The Asian-African Legal Consultative Organization at its Forty-Ninth Session,*

**Recalling** the functions and purposes of the Organization as stipulated in Article 1 of the Statutes of AALCO;

**Having considered** the Report of the Secretary-General on Organizational, Administrative and Financial Matters pursuant to Rule 20 (7) of Statutory Rules as contained in Document No. AALCO/49 /DAR ES SALAAM/2010/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 Forty-Eighth Session held in Putrajaya, Malaysia, from 17 to 20 August 2009;

**Also appreciating** the continued practice towards the rationalization of its work programme, including consideration of the agenda items during its annual sessions;

**Taking note** of the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization; and the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1 adopted by the Extraordinary Session of AALCO Member States held on 1 December 2008, in New Delhi (Headquarters), India;

**Welcoming** the efforts by the Secretary-General for Revitalizing and Strengthening the AALCO;

**Recalling** the Resolution RES/43/ORG 10 dated 25 June 2004, on the Revision of AALCO's Gratitude Scheme for the Locally Recruited Staff adopted at the Forty-Third Session of AALCO, held in Bali, Indonesia from 21-25 June 2004;

**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;
4. **Requests** the Secretary-General to study and to report, at its Fiftieth Session, on the possible measures that AALCO can take to further rationalize its work programme, including consideration of the agenda items during its annual sessions;
5. **Also requests** the Secretary-General to follow the applicable legal provisions of the Host Government, i.e. the Government of India, for payment of gratuity to the locally recruited staff of the Organization; and
6. **Further requests** the Secretary-General to report on the activities of the Organization at its Fiftieth Session.