



**STATEMENT BY H.E. PROF. DR. RAHMAT MOHAMAD, SECRETARY-
GENERAL OF AALCO ON THE WORK OF THE ASIAN-AFRICAN LEGAL
CONSULTATIVE ORGANIZATION**

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Honourable Mr. President, Honourable Ministers, Excellencies, Ladies and gentlemen, at the outset I would like to join the Leaders of delegations of Member States of AALCO in congratulating the President and the Vice-President of the Fifty-First Annual Session and look forward to working with you and stand to be guided by your wisdom.

Before I deliver my statement, I take this opportunity to profoundly thank all the Member States, for reposing trust and confidence in my ability to lead the Asian-African Legal Consultative Organization and for re-appointing me as the Secretary-General for a second and final term of four years. I assure you that I would continue with my efforts in promoting the noble aims and ambitions of the Member States, which they want to accomplish through this Organization.

I once again thank the Member States of AALCO for their constant support and cooperation extended to me in discharging my duties. Special thanks is due to His Excellency Mr. Rauff Hakeem, Minister of Justice of Democratic Socialist Republic of Sri Lanka; and President of the Fiftieth Annual Session of AALCO for his guidance in steering the work of the Organization. I would like to express my gratitude to Mr. Rauff Hakeem, for his efforts in requesting his counterparts in the governments within the region for becoming members of AALCO. I also would like to thank the International organizations and other academic institutions which collaborated with AALCO in organizing several inter-sessional events. My special appreciation is due to the Deputy Secretaries-General and the Legal and Administrative Staff for their relentless and sincere efforts in assisting me to accomplish the mandate entrusted by the Member States.

Mr. President, Excellencies, Ladies and Gentlemen, this statement is divided into five parts namely: (i) Steps taken to revitalize and strengthen the Asian-African Legal Consultative Organization; (ii) activities undertaken since the Fiftieth Annual Session; (iii) financial matters of AALCO (iv) The AALCO Secretariat and Welfare measures for the Secretariat staff and (v) concluding observations.

(i) Steps taken to revitalize and strengthen the Asian-African Legal Consultative Organization

Pursuant to the adoption of the Putrajaya Declaration of 2009, various activities have been initiated on a regular basis, to make AALCO the primary centre for harmonizing the actions of Asian-African States in international legal affairs. These include - a) Capacity Building Programmes, b) initiation of AALCO Lecture Series, c) AALCO Eminent Persons Group. Apart from these long-term initiatives, I seek to place for the kind consideration of Member States a few new proposals:

Strengthening the Human Resources in the AALCO Secretariat

- The Secretariat plays a crucial role in strengthening the work of the Organization. Presently, the Secretariat functions under severe constraints of human and financial 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. In view of the decrease in the strength of legal staff and the increasing activities being undertaken by the Organization, it is proposed to recruit at least two new legal officers in the Secretariat in 2012-2013. Hence, AALCO needs to further strengthen the infrastructure and other facilities offered to the Secretariat Staff.

Request for Deputy Secretaries-General from Africa and Middle East

- Presently all the three Deputy Secretaries-General in AALCO are from the Asian Region, in order to ensure African and Arabic representation in AALCO, I request the African States to second at least one senior official to the Secretariat as Deputy/Assistant Secretary General and also the Arab Member States to depute one senior official to the Secretariat.

Request Member States to depute Legal and Professional staff to AALCO

- In order to attract the best talent from the two regions for the Professional Category of Secretariat Staff, I propose offering remuneration and other terms and conditions of services at par with other Inter-governmental Organizations. In furtherance of this proposal, I request Member States to nominate legal officers from their legal ministry to assist in the legal research, where the remuneration for these officials will be borne by the sponsoring States. Finally, I propose a Visiting Fellowship programme for senior academic and research assistant for post-graduate students from AALCO Member States.

2. Activities undertaken since the Fiftieth Annual Session of AALCO

Excellencies, Distinguished Delegates, Ladies and Gentlemen, next, I would like to briefly deal with the activities undertaken since the Fiftieth Annual Session of AALCO.

The *Asia Pacific Regional Arbitration Group (APRAG) Conference* took place in Kuala Lumpur from 9 to 10 July 2011 on the theme “International Arbitration in a Challenging Region. Seven Sessions were held on different important topics and I chaired a Session on the topic ‘*Arbitrating Islamic Banking and Finance Disputes*’ on 10 July 2011.

On behalf of the Organization I addressed the *Sixty-Third Session of the International Law Commission* in Geneva on 26 July 2011. The Verbatim record of the agenda item and the deliberations on ‘Report on Matters Relating to the Work of ILC at its Sixty-Second Session’ at the Fiftieth Annual Session of AALCO held in Colombo, Sri Lanka from 27 June to 1 July 2011, were circulated for discussion. One of the significant achievements of the Session was the constitution of an Eminent Persons Group (EPG) with the aim to serve as an “Advisory Body” for me to steer the work of the Organization.

I am pleased to inform this gathering that I held a *meeting with the officials of the WIPO and UNCTAD*, during my visit to Geneva on 27 July 2011. There were discussions about future cooperation and close working relationship with the two organizations and suggestions to conduct joint seminars/workshops/inter-sessional meetings.

The *Annual AALCO Meeting convened on the sidelines of the annual session of the United Nations General Assembly* took place at the UN Headquarters in New York on 31 October 2011. The opening remarks were made by H.E. Mr. Rauff Hakeem, Minister of Justice of Sri Lanka and the President of the Fiftieth Annual Session of AALCO. The AALCO-ILC Meeting was chaired by Mr. Maurice Kamto, Chairman of the ILC. Following topics, namely; Expulsion of Aliens, Responsibility of International Organizations, and Protection of Persons in the Event of Disasters were presented by the respective Special Rapporteurs and Members of the ILC.

Two *Luncheon meetings in New York were held on 28 October 2011 and 1 November 2011 as a new feature to the 2011 AALCO-ILC Meeting*. On 28 October 2011, presentations were made by H.E. Mr. Hernan Salinas Burgos, Chairperson of the Sixth Committee of the UNGA on the topic "*Protecting Democracy in the Americas*" and by Prof. David Caron, President of the American Society of International Law on the topic "*Judicial Independence and Impartiality in International Law*". At the 1 November 2011 Luncheon Meeting, presentations were made on the topic of "*Investment Law and Intellectual Property*" by experts invited by Dr. Roy S. Lee, Permanent Observer of AACO to the United Nations, New York.

The *Fifty-Fifth Constitution day celebrations of AALCO* were convened by me at Taj Palace Hotel in New Delhi on 11 November 2011. The Ambassadors/High Commissioners and Liaison Officers from 25 Member States of AALCO and 2 Non-Member States participated in the meeting. I made a presentation highlighting the outcome of the Fiftieth Annual Session and the Plan of Action for the year 2011-2012. The Honourable High Commissioner of Sri Lanka to India released an AALCO publication titled "**Report of the Meeting of Legal Experts on the Rome Statute of the International Criminal Court Issues and Challenges**" which was held in Putrajaya, Malaysia in July 2011.

In pursuance of the invitation received from the Institute for Ethics, Governance and Law (IEGL), Australia, I presented a paper on "*International Criminal Court in the Development of International Rule of Law: A Reflection of Asian-African views*" on 21 November 2011. Further, at the invitation of The Human Rights and Governance Colloquium, Queensland University of Technology, Brisbane, Australia, I delivered a keynote address on the topic "*The Role of the*

International Criminal Court and Rome Statute in International Criminal Justice Standard Setting: Some Reflections” at the international conference on “Shifting Global Powers: Challenges and Opportunities for International Law” on 25 November 2011.

Dr. Xu Jie, the Deputy-Secretary General of AALCO was invited to be the Distinguished Guest at the Inaugural Session of the *19th South Asia Teaching Session (SATS) on International Humanitarian Law (IHL)* jointly organized by the International Committee of the Red Cross (ICRC) and the National Law School of India University, Bengaluru from 27 November to 5 December 2011.

The AALCO Secretariat along with UNCITRAL supported the *International Seminar on Institutional Arbitration and Online Dispute Resolution techniques* organized by Construction Industry Arbitration Council (CIAC), New Delhi.

On 24 January 2012, *Hon’ble Mr. Rauff Hakeem, the Minister of Justice of the Democratic Socialist Republic of Sri Lanka and the current President of AALCO visited the AALCO Headquarters.* The President of the AALCO had a meeting with the Deputy Secretaries General and me and also addressed the resumed 314th Meeting of the Liaison Officers of AALCO Member States.

On 24 January 2012, in the evening, the *Hon’ble Rauff Hakeem, the Minister of Justice of the Democratic Socialist Republic of Sri Lanka and President of AALCO delivered a lecture at the Indian Council of World Affairs (ICWA), New Delhi.* I gave a brief introduction about AALCO at the occasion.

A Joint Seminar on “Competition Law in Emerging Economies: Trends and Developments in India” was organized at AALCO Headquarters with O. P. Jindal Global University on 28 and 29 January 2012.

A Workshop on “Trade Law as a Means to Promote Economic Growth” was organized in New York by Office of the Permanent Observer of the AALCO, New York on 7 February 2012. Ms. Patricia O’Brien, UN Under-Secretary-General for Legal Affairs and United Nations Counsel introduced the subject matter identifying some of the challenges and possibilities. Mr. Salim Moollan, Chair of the UNCITRAL Working Group on Arbitration and Conciliation and a practicing Barrister in London deal with other issues. Mr. Renaud Sorieul, Secretary of UNCITRAL presented the current status of trade law instruments

At the *Eighth International Conference organized by the India Society of International Law on the topic "Emerging Concerns in Public International Law"* in New Delhi on 23-25 February 2012, I delivered the keynote address for the Session that focused on International Criminal Court and the Crime of Aggression.

A two-day *Training Programme for the Diplomats and Officials from Kingdom of Saudi Arabia on the "Working of AALCO"* was convened at the AALCO Headquarters in New Delhi from 12-13 March 2012. In the two days of the Training Programme, Officials of the Ministry of Foreign Affairs and Interior from the Kingdom of Saudi Arabia were given a detailed overview on the working of AALCO both in its Organizational and Substantive spheres. The training programme was attended by more than 20 Diplomats and Officials.

An *Informative Discussion on the topic "State to State, Investor to State and Commercial Arbitration: Procedures and Implications"* was organized by the Office of the Permanent Observer of the Asian-African Legal Consultative Organization, New York on 26 March 2012 in New York.

The *2nd Meeting of the AALCO-EPG* was held at AALCO Secretariat, New Delhi on 9 April 2012. Dr. A Rohan Perera, Chairman of the Eminent Persons Group (EPG) chaired the meeting. The meeting focused on two major themes: Session I was on Organizational Matters such as- i) Financial Issues related to AALCO, ii) AALCO Profile and Image, and iii) Enlarging the Membership of the Organization. Session II was on Substantive Matters such as - (i) ILC Matters, (ii) AALCO Agenda Items, and (iii) Restructuring of Methodology of Annual Sessions.

In pursuance of the mandate given to AALCO by its Member States at the Fiftieth Annual Session, the AALCO Secretariat convened an *Inter-Sessional Meeting of Legal Experts to discuss Matters relating to the ILC at the AALCO Secretariat, New Delhi* on 10 April 2012. 17 Member States and the legal staff members of the AALCO Secretariat attended this meeting.

I am pleased to inform this gathering that I *visited the Federal Republic of Nigeria on 27 April 2012 and had a meeting with H. E. Mohammed Bello Adoke, Attorney General of the Federation and Minister of Justice of Federal Republic of Nigeria* and other high-ranking officials in the Ministry of Justice, Federal

Republic of Nigeria. The meeting discussed the logistics, administrative, and security arrangements done by Federal Republic of Nigeria ahead of the Fifty-First Annual Session of AALCO.

For the third consecutive year now, a *five-day training programme on "Trade and Development Issues"* was organized by AALCO in cooperation with the WTO Headquarters at the AALCO Secretariat from 21-25 May 2012. I am pleased to inform you that it was very successful and found to be immensely informative by the participants.

On 30 May 2012, Dr. Roy S. Lee, Permanent Observer of the AALCO to the UN Headquarters, New York had *convened a workshop in New York jointly with the Legal Office of the United Nations to celebrate the 30th anniversary of the United Nations Convention on the Law of the Sea (UNCLOS)*. The theme of the workshop was *"Maritime Baselines."*

The *AALCO, since its inception, has regularly been bringing out publications*. The serials brought out by the Secretariat since its Fiftieth Annual Session are: Yearbook of the Asian-African Legal Consultative Organization, AALCO Journal of International Law, Newsletter: Asian-African Legal Consultative Organization which reflects on the current activities of the Organization, and Special Studies published by the Centre for Research and Training in pursuance of its mandate to conduct an in-depth research on topics of international law.

I would like to make a special mention regarding the upgrading of the AALCO website www.aalco.int which is now at par with other international organizations. It follows the latest trends in web styling and information sharing. For this project we have received immense technical and financial support from the Kuala Lumpur Regional Centre for Arbitration, and I wish to thank them for this endeavour.

The Government of Malaysia, the International Criminal Court, ICC Secretariat and the AALCO Secretariat jointly organized a *Meeting of Legal Experts on the Rome Statute of the International Criminal Court: Issues and Challenges* on 19th and 20th July 2011 in Putrajaya, Malaysia. The meeting aimed at providing the Legal Experts from the Member States of AALCO, a forum to explicitly discuss the issues and challenges relating to the Rome Statute, as well as ponder over reasons as to why some States, particularly from the Asian region, were hesitant

to ratify the Rome Statute. I am grateful to the Government of Malaysia for its constant support and encouragement, President of the ICC for agreeing to co-host this event as well as the other participants and organizers of the event.

3. Financial Matters of AALCO

Excellencies, Ladies and gentlemen, now I will proceed to discuss the financial matters of AALCO.

You would recall that in order to improve the financial situation of AALCO, a comprehensive approach was adopted at the Putrajaya Session held in Malaysia in 2009, with respect to the adoption of the 'Revised Scale of Assessed Contribution' of Member States. I am pleased to inform you that the financial situation of AALCO presently is better than what it was in the past. However, in order to meet its commitments and to sustain financial stability more cooperation is sought from Member States, besides their annual contributions, I fervently request Member States, who can, to make voluntary contributions to AALCO. Moreover, some innovative measures will have to be adopted in the long run.

For the year 2011 annual contributions from 34 Member States have been received; however, the same has not been received from 13 remaining Member States. I urge the Member States that have not paid their contributions to please do so at the earliest.

In light of the 'Action Plan' approved at the Extraordinary Session at the Headquarters in 2008, 9 of the Member States have either partly cleared or are in the process of clearing their arrears, whereas efforts are being continued for 4 of the Member States (which have been in arrears for more than 10 years) through their Diplomatic Missions in New Delhi to conclude MoUs.

In addition, I am grateful to the Member States which have made voluntary contributions and would like to propose that any such voluntary contributions should not be added to the regular budget of the organization and therefore would be utilized for Special Projects for which the Member States have made such voluntary contributions.

With respect to the replenishment of the Reserve Fund under Rule 27 (3) of the Statutory Rules of the Organization, I suggest that the amount kept be sufficient to meet the expenses of the organization for at least a period of six months. Due

to the current financial difficulties, it is rather difficult to reserve some amount from the contributions received from Member States.

Pertinent in this regard is to mention that AALCO since its inception in 1956 has functioned only on the basis of financial contribution made by the Member States, and is often constrained in its functioning because of limited budget and non-payment of annual contribution by several Member States. The Secretariat has limitation in pursuing the States in arrears beyond a point, as the relatively technical nature of AALCO's work does not attract enough attention within the political decision making process in the Member States.

4. The AALCO Secretariat and Welfare measures for the Secretariat staff

Three Senior Officials from AALCO Member States, namely, People's Republic of China, Islamic Republic of Iran and Japan have been deputed to the Secretariat on secondment.

The number of the locally recruited staff (permanent category) in the Secretariat is 13 as of 15 May 2012. Mr. Mohommad Hussain K. S., Senior Legal Officer and Mr. Senthil Kumar, Legal Officer after working in AALCO for seven and six years respectively resigned to join as legal officers in the Legal and Treaties division, Ministry of External Affairs, Government of India.

The AALCO Secretariat in terms of payments of salary and retiral benefits to its employees closely follows the scheme followed by the Government of India. As we do not have pension and other benefits for our staff, the only substantial amount at the time of retirement is in the form of Gratuity. The Government of India in 2006 raised the ceiling limit for gratuity payable to its employees on cessation of employment to a sum of Rs. 10, 00,000/- (Ten lakhs). In view of this, the ceiling of the gratuity amount payable to employees on the cessation of their employment in AALCO was enhanced and the ceiling limit was brought at par with the Government of India.

In this regard it is pertinent to mention that Chapter X of the Administrative, Financial and Staff Regulations, adopted by AALCO in 1990 under Article 10.3 (iii) deals with Retiral benefits defining the formula for computation of Gratuity Award. At the Forty-Third Session in 2004, vide Resolution RES/43/ORG 10 dated 25 June 2004, formula for computing the Gratuity award was revised. Subsequently, at the Forty-Ninth Annual Session of AALCO, held in Dar es

Salaam, 2010, the above mentioned resolution was recalled and it also requested the Secretary-General to follow the legal provisions of the Host Government, i.e., the Government of India, for payment of gratuity to the locally recruited staff of the Organization.

On the basis of the 2010 session, the Secretary-General has implemented the ceiling limit of the 6th Pay Commission of Government of India up to Rs.10,00,000/- (Ten lakhs). Building upon the above mentioned resolutions and keeping in mind the welfare of the locally recruited staff, it has been decided to follow a revised formula for computation of the terminal gratuity award upto a ceiling limit of Rs. 10,00,000/⁻¹. This formula shall be retrospectively applied and implemented in AALCO from the year 2006². The draft resolution on this issue has been annexed to my report contained in document (AALCO/51/ABUJA/2012/ORG 1) and I request the Member States to approve it.

Plan of Action for the coming year 2012-2013

Mr. President, Excellencies, Ladies and Gentlemen, on completion of my first term and beginning of the second and final term, I once again seek this opportunity to reiterate my gratitude to the Member States for the kind support and confidence they have reposed in me. In order to meet the growing expectations of the Member States and reorient AALCO's activities in such a way so that it could provide more beneficial and useful services, some of the steps I propose to be undertaken in the coming year include: (i) Establishing Collaboration with Educational Institutions and Universities, (ii) Expanding Internship Projects in AALCO, (iii) Preparation of the Studies on the item on the agenda of AALCO, (iv) Preparation of studies on selected items on the agenda of the Sixty Seventh Session of United Nations General Assembly, (v) Participation in International conferences, (vi) Capacity Building Programmes, (vii) Strengthening the Library, and (viii) bringing out more special studies and briefing papers on various specialized topics of international law.

¹ The ceiling limit of the terminal gratuity award would be in consonance with the then prevailing ceiling limit as adopted by the Government of India.

² The 6th Pay Commission was implemented by the Government of India on 1-1-2006.

Concluding Remarks

Excellencies, I am convinced that the Member States of AALCO would encourage and contribute towards its future activities besides promising to echo the voice of the people of the Afro-Asian region which is host to the largest part of the humanity in various international forums. Towards this end I hope that the member States would extend their wholehearted support to all the activities that would be undertaken in the coming year.