

**INAUGURAL ADDRESS BY PROF. DR. RAHMAT BIN MOHAMAD,
SECRETARY-GENERAL, ASIAN-AFRICAN LEGAL CONSULTATIVE
ORGANIZATION AT THE OPENING CEREMONY OF THE WORKSHOP
ON ‘SIYAR AND ISLAMIC STATES PRACTICES IN INTERNATIONAL
LAW’**

*(0.845- 09.45, 18 November 2009, Faculty of Law, Universiti Kebangsaan
Malaysia)*

Salamat Pagi,

Prof. Madya Dr. Rohimi Shapiee, Chairman of the Organising Committee,
His Excellency Abdel Kader Pierre Fall, Ambassador of Senegal to Malaysia,
Prof. Dr. Aishah Bidin, Dean of the Faculty of Law, Universiti Kebangsaan,
Distinguished Invitees,
Learned Participants,
&
Dear Students,

It is a matter of honour and privilege for me to be with you all this morning for the Opening Ceremony of this very important two-day’s workshop and academic seminar on “Siyar and Islamic States Practices in International Law”. At the outset, I would like to extend felicitations, on behalf of the Asian-African Legal Consultative and on my own personal behalf to the Faculty of Law, Universiti Kebangsaan to convene this timely workshop that would render an excellent opportunity to the participants to highlight and emphasize upon the contribution of Siyar and Islamic States Practices in the progressive development of international law.

In the contemporary system of international affairs, international law is no longer perceived as a marginal discipline that figures occasionally in diplomatic disagreements about war and peace. Rather, it is now an ensemble of rules, policies, institutions, and practices that directly and indirectly affects the daily lives of

millions of people all over the world, in the areas of economy, environment, family relationships, and governmental performance. Yet, existing approaches to the study of international law generally seem to function within the specific paradigms of western modernity and rationality. It is therefore very essential for the scholarship from our parts of the world to engage in an exercise for carving out a perspective and developing a framework of international law that embraces the essence and core values of the various religions, cultures and civilizations.

Islam, as we all know is religion of peace, purity, submission and obedience to God. In the religious sense, Islam means submission to the will of God and obedience to His Law. Those who profess Islam believe that everything and every phenomenon in the world is totally administered by God and submissive to his laws, they are in the State of Islam.

Starting from the basic belief in and submission to the will of God, the Islamic rules of law keep justice, truth, morality and equality ever present. Thus, the reach of Islamic jurisprudence is very vast and is not only legal but also moral. There is hardly any aspect of man's life, whether in its individual or corporate existence, which it does not touch.

In this regard, international law is no exception. Islamic international law constitutes a vital part of the Islamic legal heritage. This is a discipline which was well developed in Islam. The Islamic jurists developed a special branch of the *Shari'a*, known as the *Siyar*, to deal with questions of international law. The content of *Siyar* virtually embraces all the aspects of international law, such as, international humanitarian law, international trade law, the law of treaties, the law of diplomatic protection, the treatment of aliens and non-Muslims, asylum, recognition, private international law, and so on and so forth. Well before the inception of the Westphalian International Law, *Siyar* was already being practiced.

Thus, for the growth of the discipline of international law and in making it a truly universal international law, it is essential that the *Siyar* systems of law are well understood and widely disseminated. The system of law, that one-fifth of the world's population, living in nearly 50 countries, and that which evolved hundreds of years ago deserves full respect and its rightful place in the affairs of states. To undertake this exercise, it would be highly beneficial to engage in a systematic and scientific research, for which I believe the Organization of Islamic Conference can play a lead role by channelizing requisite human and material resources for this important endeavour.

The vacuum in the current international law can be filled up by recognizing the world civilization apart from the Christian civilization. International law entailed universality of the application of international law regardless of religious, geographical or cultural differences as observed by Oppenheim.

Allow me, now to take this opportunity to briefly highlight the work of the Asian-African Legal Consultative Organization, popularly known as AALCO. Established in 1956, by Asian States, the AALCO presently embraces two of the most populous continents of the world, comprising 47 States of Asia and Africa. In its fifty-three years of journey, the AALCO has earned a place of pride amongst inter-governmental organizations. It is well recognized respected for the wide range of international legal issues that it has addressed as also the free, fair and unbiased manner in which deliberations on these very delicate and intricate issues.

One of the topics that the AALCO has under its consideration is "Human Rights in Islam". It was brought on AALCO's agenda by an initiative from the Government of the Kingdom of Saudi Arabia in the year 2001. Since then, topic has been analyzed within our forum, from the prism of civil law, criminal law, criminal procedural laws, peace and concept of human rights, interrelationship between international humanitarian law, human rights and Islam. In addition, a Meeting of Experts on Human Rights in Islam (MIEHRI) was organized by the Government of

Malaysia in collaboration with the Kingdom of Saudi Arabia and the AALCO Secretariat from 15 to 19 May 2006 in Kuala Lumpur. The rich deliberations amongst the experts at MIEHRI, as well as by participating delegations of Member States constitutes significant contribution made by AALCO in advancing the knowledge on human rights in Islam, and in its own way disseminating *Siyar*.

With these words, I once again profoundly thank the organizers for giving me this opportunity to participate in this important workshop. I wish it all success.

Thank you for your kind attention.