

INTERNATIONAL LAW COMMISSION (ILC)
SIXTY-FIRST SESSION, 23 JULY 2009

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION (AALCO)

Mr. Chairman, Members of the Commission, Ladies and Gentlemen;

1. It is my privilege and honour on behalf of the Asian-African Legal Consultative Organization (AALCO), in my capacity as President of the Forty-Seventh Session of the AALCO, to address the Sixty-first Session of the International Law Commission. The ILC and AALCO share a longstanding and mutually beneficial relationship.

2. AALCO attaches the greatest importance to its traditional and longstanding relationship with the Commission. Mr. Chairman, one of the functions assigned to AALCO under its Statute is to study the subjects which are under the consideration of the International Law Commission and thereafter forward the views of the Member States to the Commission. Fulfillment of this mandate over the years has helped to forge closer relationship between the two organizations. It has also become customary for AALCO and the ILC to be represented during each other's sessions.

3. Generally, in pursuance of this tradition the Secretary-General of AALCO presents the highlights of the views expressed by Delegations participating in the Annual Session of AALCO. Prof. Dr. Rahmat bin Mohamad, who was elected as the Secretary-General of AALCO at the last annual session in June 2008, had planned to be here today to address the Commission. However, owing to urgent matters relating to preparations for the forthcoming Forty-Eighth Session of AALCO, which is scheduled to be held in Putrajaya, Malaysia from 17-20 August 2009, he regrets his inability to be here today.

4. The Asian-African Legal Consultative Organization (AALCO), originally known as the Asian Legal Consultative Committee (ALCC) was constituted on 15 November 1956, as a tangible outcome of the historic Bandung Conference, held in Indonesia, in April 1955. Seven Asian States, namely Egypt, India, Indonesia, Iraq, Japan, Myanmar, and Sri Lanka are the original Member States. In 1958, its name was changed to Asian-African Legal Consultative Committee (AALCC) in order to include participation of countries of the continent of Africa. Forty-seven countries from Asia and Africa are presently Members of the Organization.

5. The purposes and objectives of AALCO as provided in its Statute are:

To serve as an advisory body to its Member States in the field of international law and as a forum for Asian-African co-operation in legal matters of common concern;

To consider and deliberate on issues related to international law that may be referred to the Organization by the Member States;

To exchange views, experiences and information on matters of common concern having legal implications and to make recommendations thereto if deemed necessary;

To communicate the views of the Organization on matters of international law referred to it, to the United Nations, other institutions and international organizations;

To examine subjects that are under consideration by the International Law Commission and to forward the views of the Organization to the Commission; to consider the reports of the Commission and to make recommendations thereon, wherever necessary; and

To undertake, with the consent of/or at the request of Member States, such activities as may be deemed appropriate for the fulfillment of its functions and purposes.

6. Thus, there are three ways in which a topic may be placed on the Work Programme of AALCO: (a) reference by a Member State; (b) Suo-moto initiative of the Secretary- General; and (c) Follow-up of the work of the International Law Commission. In order to carry out these basic functions and purposes of the Organization, the Secretariat prepares studies on each topic, which forms the background material for deliberations at the Annual Sessions.

7. The plenary organ of the AALCO is its Annual Session which is held in one of the Member States, as far as possible, by rotation between Asia and Africa. In addition to representatives of the Member States, many Observer delegations representing governments and international organizations from all regions also participate in the deliberations.

8. AALCO has been examining a wide range of issues on international law, which are before the United Nations and specifically the International Law Commission and the Sixth Committee of the General Assembly. The topics currently on its agenda include: Matters Relating to the Work of the International Law Commission; Law of the Sea; Extraterritorial Application of National Legislation; International Terrorism; The International Criminal Court; Cooperation Against Trafficking in Women and Children; Environment and Sustainable Development; Work of UNCITRAL and Other International Organizations in the Field of International Trade Law ; The Status and Treatment of Refugees; Protection of Migrant Workers ; and Human Rights.

9. Recognising the growing role and relevance of AALCO's work to that of the United Nations, the General Assembly, in 1980 decided to accord AALCO Permanent Observer Status. Following that, an item on "Co-operation between the United Nations and the Asian-African Legal Consultative Organization" is placed biennially on the agenda of the General Assembly and is considered in the plenary.

10. Mr. Chairman, allow me to give a brief account of the activities of AALCO during the last year following its Forty-Seventh Annual Session, held in New Delhi in June 2008.

11. On 18th March 2009, AALCO, with the assistance of the Government of Japan, organized a one-day Seminar on “The International Criminal Court: Emerging Issues and Future Challenges”, Judge Saiga of the International Criminal Court (ICC) delivered the inaugural address. The Seminar examined issues relating to the Rome Statute of the International Criminal Court, its contemporary relevance to the AALCO Member States, the progress on defining the crime of “aggression” and matters relating to the upcoming review conference.

12. An AALCO-ILC Joint Meeting was held on 24 October 2008 at New York, to discuss matters regarding the work of the ILC at its sixtieth session. Amb. Yamada briefed the meeting on the ILC’s work on the topic of Shared Natural Resources. Mr. Perera gave a detailed description on the key issues on the Commission’s agenda that are of specific interest to AALCO Member States like Effects of Armed Conflicts on Treaties; and Responsibility of International Organizations; Protection of Persons in the Event of Disasters; and Immunity of State Officials from Foreign Criminal Jurisdiction.

13. The Meeting of Legal Advisers of AALCO Member States which was also held on 24 October 2008 at New York, held an exchange of views on issues under consideration of the Sixth Committee. The President of the International Court of Justice, the Legal Counsel of the United Nations, and the Vice Chairman of the Sixth Committee also addressed the Meeting. In addition to the member States of AALCO, several non-member states participated in these meetings.

14. Mr. Chairman, it may be recalled that the General Assembly, in its Resolution 62/66 of 6 December 2007, had invited Member States, in association with regional organizations, professional associations, academic institutions and Members of the

Commission to convene national or regional meetings to be dedicated to the work of the Commission in view of its Sixtieth Anniversary.

15. Accordingly, AALCO, on 2nd December 2008, convened a Commemorative Seminar on Sixty Years of the International Law Commission to mark the established working relationship between AALCO and the Commission; and to commemorate the dedicated efforts of the International Law Commission for the past sixty years towards codification and progressive development of international law. The Seminar focused on the Role of the International Law Commission in the Twenty-first Century, and Inter-Linkages between the work of the International Law Commission and AALCO and Ensuring Adequate Reflection of Asian-African Concerns in ILC's work. In addition to Mr. Rohan Perera and myself, Prof. Djamchid Momtaz, former Chairman of the Commission, also participated in the Seminar. The Seminar highlighted the importance for member states to participate in the work of the ILC and to contribute to its work by responding in a timely manner to the questionnaires sent by the Commission as that would help the Commission and also the Special Rapporteurs in taking into account the views and concerns of the member States.

16. The meeting adopted a message to the Commission from AALCO on behalf of its Member States. I take this opportunity to present this message to the Commission. The message reads as follows:

***“Message to the International Law Commission from Asian-African
Legal Consultative Organization on the Completion of its Sixty Years***

At the outset, We, the Member States of the Asian-African Legal Consultative Organization (AALCO), would like to take this opportunity to convey our warmest congratulations to all the Members of the International Law Commission (ILC) since its inception, on its sixtieth anniversary for the excellent work that it has been performing. Both our institutions enjoy a longstanding and mutually beneficial relationship.

The AALCO fully recognizes the immense contribution that the ILC has made, in pursuance of its mandate, to the progressive development and codification of the international law, during this period of sixty years. It could be remembered here that the ILC's work has provided the foundations for such treaties as the four Geneva Conventions on the Law of the Sea, 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the 1969 Vienna Convention on the Law of Treaties and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, to name only a few. Besides this monumental work, it also needs to be underlined here that, the work of the ILC in all its forms- the Reports of Special Rapporteurs, draft articles, commentaries, guiding principles, analytical studies - remains a rich source of scholarly analysis as to the practice of States.

The AALCO continues to attach great importance to its traditional and longstanding relationship with the Commission. It is the statutory obligation for AALCO to examine those subjects that are under the consideration of the International Law Commission and thereafter to forward the views of the Member States to the Commission.

While expressing AALCO's best wishes on ILC's Sixtieth Anniversary, we are confident that the close working relationship between our two Organizations will continue to prosper and substantially contribute towards the progressive development and codification of the international law."

17. Mr. Chairman, AALCO looks forward to continuing to work in close cooperation with ILC in the coming years.

18. I would like to inform the Commission that AALCO's Forty-Eighth Annual Session will be convened at Putrajaya - the administrative capital of Malaysia from 17-20 August 2009. In this regard, I extend an invitation to the members of the Commission to participate at the forthcoming session.

Thank you, Mr. Chairman.

Narinder Singh
PRESIDENT, AALCO