

**ADDRESS OF DR. XU JIE, DEPUTY SECRETARY-GENERAL,
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION AT
THE WORKSHOP ON THE ROLE OF THE INTERNATIONAL
TRIBUNAL FOR THE LAW OF THE SEA IN THE GULF AREA**

(5 February 2008, Bahrain)

Good afternoon,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

At the outset, I would like to take this opportunity to extend on behalf of Amb. Dr. Wafik Zaher Kamil, the Secretary-General of the Asian-African Legal Consultative Organization (AALCO) his cordial greetings and kind wishes for the huge success of this important workshop on “The Role of the International Tribunal for the Law of the Sea in the Settlement of Disputes Relating to the Law of the Sea in the Gulf Area”.

I would also like to thank the Organizers of this workshop, the International Tribunal for the Law of the Sea, the International Foundation for the Law of the Sea and the Ministry of Foreign Affairs of the Kingdom of Bahrain for taking the initiative of timely organizing this workshop and for also providing an opportunity to the AALCO to make a presentation on its work.

The AALCO values its long-standing relationship with the International Tribunal for the Law of the Sea. The Tribunal as a specialized judicial body established by the United Nations Convention on the Law of the Sea of 1982 (UNCLOS) plays a central role in settling disputes relating to the law of the sea. In more than a decade of its existence, the Tribunal has built up its reputation not only by expounding the law of the sea, but by expeditiously settling the

disputes brought before it. It is in view of its exemplary work that the successive Annual Sessions of AALCO have welcomed the active role-played by the Tribunal in the peaceful settlement of ocean-related disputes.

For AALCO, the countries of Gulf Area comprising Iran, Oman, United Arab Emirates, Saudi Arabia, Qatar, Bahrain, Kuwait, Iraq and Yemen form a formidable pillar. These all countries are important Member States of our Organization, contributing to its growth by participating in the various activities of AALCO, as well as by supporting the Organization in both human and material resources.

On behalf of the AALCO, therefore, I'm highly honored to make a presentation on "AALCO and its Work" before this august gathering.

Excellencies,

The Asian-African Legal Consultative Organization is a unique Organization, as perhaps, it is the only legal consultative body of its kind in the family of inter-governmental organizations. It has a rich history of 52 years behind it in addressing the international law concerns of Asian-African States and promoting the realization of Afro-Asian perspective in the progressive development and codification of international law.

Its Membership comprises of 47 States of Asia and Africa and nearly all-important countries of the two continents are members of AALCO. A tremendous potential, particularly in Africa, exists of expanding our membership base and earnest steps are in place in this regard.

AALCO is considered to be the tangible outcome of the historic Bandung Conference of Asian-African States of 1955. Based upon the core principles of solidarity, friendship and cooperation amongst Asian-African states, the

AALCO as a dynamic body has been providing an opportunity to a large number of Asian and African countries to actively contribute to the prevalence of rule of law in international relations. It performs a systematic and consistent analysis of the items on the agenda of the Sixth Committee of the UN General Assembly, International Law Commission and other international-law-making forum, from an Asian-African perspective. In view of the significant contribution made by the AALCO, the UN General Assembly in 1980 has conferred the Permanent Observer Status to the Organization.

The hallmark of AALCO's activities is its Annual Session, which is also the plenary organ of the Organization. The Annual Sessions are attended by high-level representatives of the Governments of Member States and take place, at the invitation of the concerned Member Government, alternatively in Asia or Africa. In addition, many Observer delegations representing governments and international organizations from all regions also participate in the deliberations. The deliberations between Member States help in harmonizing and coordinating the positions of Asian-African States on substantial and intricate legal issues.

The Organization has been able to forge close links with the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS) and the International Law Commission (ILC) over the years and it has become a regular practice that some of the judges of the ICJ, ITLOS and members of ILC actively participate in Organization's Annual Sessions. For instance, our deliberations on the agenda item on the "Law of the Sea" was enriched by the statements of Judge Albert Hoffman, at Cape Town Session (2007) and Judge Hugo Caminos of ITLOS at our New Delhi (2006) and Nairobi (2005) Sessions.

It is also now an established practice that a one-day Special Meeting in association with a sister international organization is organized at the Annual

Sessions. “*The Contribution and Role of ITLOS in the Settlement of Disputes*”, I believe could certainly in future form a topic for one of these special meetings.

Over the years, AALCO has worked on a wide range of areas of international law. At present 15 topics are on the substantive agenda of the Organization, and include topics such as the work of the ILC; the Law of the Sea; the International Criminal Court; WTO as a Framework Agreement and Code of Conduct for the World Trade; and An Effective International Legal Instrument Against Corruption. All of these demonstrate the capacity and resolve of the AALCO to contribute positively to collective efforts aimed at tackling new challenges facing the international community.

The Secretary-General is elected by Member States for a renewable term of 4 years on a rotational basis from the two regions. The present Secretary-General is Amb. Dr. Wafik Zaher Kamil from the Arab Republic of Egypt. The Secretary-General is assisted in the discharge of his functions by International Category Officials on secondment from Member Governments. Amb. S. R. Tabatabaei Shafei from the Islamic Republic of Iran and myself from the People’s Republic of China, are deputed by our respective Governments to the Secretariat, presently.

The work of the AALCO is well documented through the *Yearbook of the Asian-African Legal Consultative Organization*. It also publishes a *Quarterly Bulletin* containing articles on international law and a *Newsletter*. In addition, from time to time the AALCO brings out special studies on topics of contemporary relevance in international law.

Excellencies,

Amongst other things, in international law circles the AALCO is well recognized for its significant contribution in the elaboration of the 1982 UN Convention on the Law of the Sea. It may be useful to briefly recall this contribution.

The AALCO's coming into existence in 1956 coincided with the general awareness of the importance of the changing nature of international law of the sea, as coastal States began to extend their maritime jurisdiction further and further into the oceans at the expense of the ever-receding high seas. In one way or other, the topic of the Law of the Sea has remain, since the first Session of the Organization, held in 1957, firmly entrenched in its agenda and during the course of 52 years, it has worked on the various facets of this lively topic.

The real momentum on the issue came in August 1967, when Arvid Pardo, Ambassador of Malta to the United Nations in his famous address to the UN General Assembly called for declaring the international seabed areas beyond the limits of national jurisdictions as the “**Common Heritage of Mankind**”. After preparatory work, the General Assembly, in 1970 adopted two landmark resolutions: Declaration of Principles governing the resources of the international seabed area and a resolution on convening a conference on the law of the sea as a whole, including the establishment of an international regime and machinery for the international seabed area and its resources.

The Third United Nations Conference on the Law of the Sea (UNCLOS III), has been described as one of the most ambitious and original negotiating process ever undertaken within the United Nations. The AALCO played a very important role in facilitating effective Asian-African participation in UNCLOS III. Pursuant to a reference by the Republic of Indonesia in 1970, the item has been continuously on AALCO's agenda. The role encompassed informing the

Member States of the developments in international negotiations on a continual basis and in an easily intelligible manner; helping some of them formulate their country positions, as well as helping the developing nations to forge a united position on the various facets of law-making diplomacy. New concepts such as Exclusive Economic Zone, Archipelagic States, and Rights of Land Locked States originated and developed in the course of deliberations in the AALCO and from here finally found their rightful places in the 1982 Convention.

The Secretariat under the dynamic leadership of the first Secretary-General Mr. B. Sen ably rendered all assistance to the Member States. It had a two-fold role to play over the 14 years, which was the time taken for conclusion of the Convention right from the beginning of the preparatory stage. One was to prepare Member Countries, for instance, AALCO was able to give the necessary documents collected from various sources. And two, discussions were organized which generated a sense of solidarity. Then in later stages AALCO became almost a negotiating forum with other group of States. The Latin American group gradually began sharing its views and the Western block started consulting the AALCO. Thus, the Asian-African States became a powerful block at the negotiation in the UNCLOS III.

In this regard, I'm reminded of what Judge Albert Hoffman of the ITLOS, stated at our recently concluded 46th Session in Cape Town and I quote: "I would like to recall the significant contribution of AALCO to the negotiations at the Third United Nations Conference for the Law of the Sea. The meetings of AALCO from 1970 to 1982, though conducted outside of UNCLOS III, were acknowledged to have had an important influence on the outcome of UNCLOS III and on the 1982 United Nations Convention on the Law of the Sea".

The United Nations Convention on the Law of the Sea established for the first time one set of rules for the oceans, bringing order to a system fraught with potential conflict. The Convention is thus often referred to as the “constitution of sea” as its basic philosophy is that the problems of oceans are closely interrelated and must be addressed as a whole. Today it is one of the few international agreements that almost all countries abide by in practice, even those that are not States parties of the Convention.

After the adoption of the Convention in 1982, the AALCO’s work programme was oriented towards assisting Member States in matters concerning their becoming Parties to the Convention and other related matters. And with the entry into force of this Convention, the Secretariat started monitoring and reporting to its Member States the developments in the four arms of the Convention, namely the Meeting of Parties, the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf, as well as other related developments in the UN General Assembly.

The Law of the Sea constitutes a topic of eternal interest to the AALCO Member States. It continues to evoke immense interest at our Annual Session and to explore how the Organization can further contribute, the Secretary-General had as mandated by the 45th Session (2006), convened a “Meeting of Experts on the Emerging Issues on the United Nations Convention on the Law of the Sea”, on 24 November 2006, in New Delhi. It was attended by delegations from 22 Member States and one Permanent Observer – New Zealand, as well as several experts based in New Delhi. Deliberations in the Meeting took place in three substantive sessions: *First*, An overview of the United Nations Convention on the Law of the Sea – Contribution of Asian-African States; *Second*, Preservation and Protection of Marine

Environment: Legal Regime and Emerging Issues; and *Third*, Maritime Zones and their Delimitation: The Law and Practice. The panelists for the Meeting were a unique blend of seasoned practitioners of the law of the sea and eminent academics. We were also fortunate to have a presentation by H. E. Dr. Choon-ho-Park, Judge of the ITLOS on “Problems of Maritime Delimitation in North East Asia: with reference to Intransigent Attitudes of the Coastal States”. The meeting saw some lively discussion between the Panelists and Participants from delegations of several Member States.

With these words, I would like to thank once again for providing an opportunity to the AALCO to make a presentation about the Organization and its work. Thank you all for your kind attention.