

**STATEMENT BY H.E. AMB. DR. WAFIK Z. KAMIL, SECRETARY-GENERAL,
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION AT THE 57TH
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Thank you Mr. President for giving me the honour to address this august assembly on behalf of the AALCO. We have closely monitored your wise and smooth approach in presiding over the works of the General Assembly. We congratulate Your Excellency for it and wish you all the success needed to end the Session and achieve all its goals. The current President of AALCO and Head of the Nigerian Delegation while introducing the item as well as the draft resolution referred to the potential role of AALCO in promoting international law in Asia, Africa and beyond. I thank His Excellency and hope to meet always with the expectations of Member States and the United Nations Organizations in our quest to enhance the rule of law in international relations for a better international cooperation.

Mr. President, before elaborating on our programme for the Cooperation between United Nations and AALCO allow me to stress on why we are so much motivated in enhancing this cooperation.

Mr. President, the United Nations, inspite of its limitations, has made significant contributions towards maintaining international peace and security as well as in the economic and social fields. The award of the Nobel Peace Prize to the United Nations in the year 2001 was a recognition of its valuable contribution in these areas.

The Millennium Declaration adopted unanimously at the Millennium Summit held under the auspices of the United Nations in September 2000 articulated and affirmed the role of and the vision for the United Nations in meeting the challenges of the twenty-first century. In that Declaration, the Member States of the United Nations reaffirmed their determination inter alia to establish a just and lasting peace, uphold the sovereign equality of all States, resolution of disputes by peaceful means, respect for human rights, respect for the rule of law in international as well as national affairs and to make the United Nations more effective in monitoring peace and security by giving it resources and tools it needs for conflict prevention, peaceful settlement of disputes, peace keeping and peace building. It is a matter of great satisfaction that the

Declaration attached importance to strengthening cooperation with regional organizations in achieving these objectives.

As a regional legal organization, we are proud to cooperate . We are determined to enhance and strengthen this cooperation and we are motivated to urge each and every nation or organization to do so.

Mr.President, we are fully convinced of the necessity of this cooperation and we totally believe in the invaluable role that the Organization plays and should play, as a forum for the Nations of the world, its people and Government, for its unique quest in relieving of all kind of sufferings which could hit the international community as a whole or part of it or even “one human being”. Didn’t we all know that each individual is in himself a micro-cosm whether he lives in the 5th Avenue or in the smallest unpaved street in the nooks and crannies of any village in Asia-Africa. Mr.President, we should always remember that the first five words in the Preamble or the Charter have set the tune of the whole Charter, it has committed the Organization to symbolize the aspirations of the world population, we believe strongly that it is “the living conscience of humanity”. Mr.President when we say “living conscience of humanity” we underline that the selected diplomats and officials from all over the world should bear deep in their heart when they gather here in this “Holy Venue” that it is with a “living conscience” and with awareness that they are brothers and sisters, that they are “men” working to save and to help “men”, that they are gathered to “wipe and to solve” all kind of animosities. Mr.President, the United Nations Organization is, and should always remain, in the mind of the Nations united here and their eminent representatives the sole forum of conciliation and harmonization on the Planet. They should always be aware that it the last resort for their success in avoiding the roaring of the Guns and the “mailing of Rockets to different destinations” and of course the horror of using arms of mass destruction.

Mr.President, United Nations Organization was, is and should remain the giant symbol of “peace and security” for our humanity. Without these two fundamental pillars of United Nations, we are unable to build and implement the UN programmes of development in all fields in order to bridge the gap between rich and poor nations. “Peace and Security” entail many needs to maintain them but the most dear to humanity is the supremacy of the Rule of Law, its enhancement, its implementation and above all its respect by all Nations for the benefit of all Nations and their peoples with full determination and good will. Therefore, we fully agree with the wise ideas given by H.E. the Secretary General of United Nations when he said to reporters

and I quote : “Success depends on national efforts.... All United Nations can do is keep reminding Governments of their pledges and urging them to do whatever is needed to make them true...” he added: “if we carry on as we are, most of the pledges are not going to be fulfilled... we are moving too slowly”.

AALCO on its level is committed to play its part in preserving these noble objectives. Indeed, it has taken several initiatives in that direction. Again, I would like to reaffirm AALCO’s full commitment to work with the United Nations and other sister organizations in making a joint and concerted effort to establish a shared future based on fundamental human values.

Mr. President, allow me to turn to some specific activities of AALCO. Today, AALCO is a full fledged inter-governmental organization. It has embarked upon a wide range of activities which include consideration of issues referred to it by Member States, assistance to Member States in preparation of model legislation, extensive co-operation with the United Nations and its Agencies, training programme and dissemination of information on international law matters.

The current work programme of AALCO includes several items related to contemporary international law matters. I wish to elaborate its work on just a few topics. I begin with “International Terrorism”.

Issues concerning international terrorism have always assumed great importance especially after the tragic 11 September incident in New York last year and recent happenings in some other parts of the world. The United Nations has been playing a central role in mobilizing international action and support to meet the threat of terrorism. Regrettably, the negotiations for the conclusion of a comprehensive international convention to combat international terrorism have been marking time because of some pending issues. AALCO during its last two annual sessions has considered these and other related issues. It is our view that the need of the hour is to demonstrate political will to resolve the pending issues and complete the work on the international convention as soon as possible. The Anti-terrorism Committee established by the Security Council Resolution 1373, adopted last year is doing useful work which will facilitate achieving the over all objective of strengthening the legal regime to combat international terrorism.

The legal regime concerning protection of human rights has been built on a solid foundation on the basis of the Universal Declaration of Human Rights adopted by this august body in 1948 and subsequent international instruments concluded over the years. However,

sometimes the politicisation of human rights issues affect the implementation of those instruments in an unbiased manner. In this context, I wish to mention that AALCO in implementing the Memorandum of Understanding has in cooperation with the Office of the United Nations High Commissioner for Human Rights started a comprehensive programme on this item. At the AALCO's 41st Session held in Abuja in July this year a special meeting on "Human Rights and Combating Terrorism" was organized with the assistance of the Office of the United Nations High Commissioner for Human Rights. Among the issues discussed were, problem related to application of human rights standards to terrorist situation and the gaps that exist within current international legal structures. At that Session, an item entitled "Human Rights in Islam" has also been included in the agenda of AALCO.

Environment and sustainable development is an area which has attracted worldwide attention. The recent World Summit held in Johannesburg has reaffirmed the importance of effective implementation of the Agenda 21. AALCO has been monitoring the progress in its implementation as well as of the international conventions on environmental matters. I had the privilege to address the High Level Segment of the Eighth Conference of Parties to the United Nations Framework Convention on Climate Change, held in New Delhi recently. Highlighting the concerns of developing countries, I stressed upon the importance of adhering to the principle of common but differentiated responsibility for the UNFCCC process. In order to give a new thrust to its programme in the field of environmental law, AALCO plans to establish an "Energy and Environmental Law Centre".

Issues concerning Status and Treatment of Refugees have been considered by AALCO for over 35 years. The adoption of the revised text of its Bangkok Principles on Status and Treatment of Refugees at its New Delhi Session in 2001 was a landmark decision taken at that Session. With a view to further strengthen cooperation between UNHCR and AALCO, a Memorandum of Understanding was signed by the High Commissioner H.E.Rudd Lubbers and myself on 23 May 2002. The Memorandum of Understanding besides formalizing the long-established cooperation between the two Organizations, provides for exchange of documents, mutual consultations and joint initiatives by both the Organizations. In the furthering of this objective we intend to hold a seminar early next year on issues concerning (i) secondary movement, (ii) Agenda for protection, and (iii) burden sharing.

Other humanitarian issues such as protection of Migrant Workers, Trafficking in Women and Children have also received ample consideration in AALCO meetings.

At a time when regulation of movement of money across borders is becoming increasingly difficult and concerns of good-governance occupying the centre-stage, it is not surprising that the on-going work within the United Nations on the adoption of an international convention to combat corruption has drawn attention of all sections of the international community. An item entitled “An Effective International Legal Instrument Against Corruption” was placed on the agenda of AALCO’s 41st Session.

Since then AALCO participated in the Ministerial Meeting held in Addis Ababa in September this year under the auspices of African Union, which finalized a draft Convention on Preventing and Combating Corruption. We are planning to participate in the negotiations in the Ad Hoc Committee established by the General Assembly of the United Nations(Vienna) in January 2003. We also intend to participate at the forthcoming Global Forum III which will be held in Seoul in May next year.

Most of the AALCO Member States attach great significance to the establishment of the International Criminal Court and welcomed the entry into force of the Rome Statute on 1 July 2002. The ratification of the Rome Statute in less than 4 years time is a historic milestone achieved in the international criminal justice system. We do hope that the ICC could be fully operational, as it has been anticipated, in the year 2003. However, the future development of the ICC would be determined by a number of factors. In order to exercise its jurisdiction, to build states confidence and trust in the Court and to achieve its universality, the Court should inter alia operate in strict accordance with the following considerations: one, the jurisdiction of the ICC should be confined to the most serious international crimes as provided in the Rome Statute; two, the function of the ICC should not contravene the provisions of the Charter of the United Nations; three, the ICC should perform its functions in an objective, impartial, independent and just manner and should be free from political prejudice and double standards. At the same time we hope that there would be universal support and co-operation for the ICC which would be conducive to the development of international law and to put an end to impunity.

We are happy to note that the General Assembly was holding a special meeting to commemorate the twentieth anniversary of the conclusion of United Nations Convention on the Law of the Sea. The item on the Law of the Sea has been on the agenda of AALCO since 1970. It is a matter of pride for me to mention that the concepts such as Exclusive Economic Zone, Archipelagic States, rights of landlocked states, which have found place in 1982 Convention, had their origin in the deliberations at AALCO meetings. I hope the Commemorative meeting will

give new ideas to reinvigorate the implementation of Law of the Sea Convention in an effective manner, especially the principle concerning common heritage of mankind.

Mr. President, another area of utmost concern to the Asian and African States is the tragic consequences of the civil wars and fratricidal conflicts resulting in displacement of populations. The fact that the total number of internally displaced persons has surpassed the population of world refugees, is by itself an indicator of the enormity of the situation. The root causes of displacements such as competition for controlling land and other scarce natural resources; disintegrating social and political structures at the domestic level; intolerance towards multiculturalism; growing disparities between the rich and the poor are aspects that need to be addressed by the United Nations and the respective regional organizations. In this context, the AALCO welcomes the UN's efforts in coordination of protection and humanitarian assistance for the internally displaced persons. We support the normative framework provided by the 1998 Guiding Principles on Internal Displacement.

Mr. President, in the fifty-seven years since the United Nations was established the world has seen many ups and downs. While great progress has been made in many fields, such progress could have been much more. Today, the military expenditures of the nations of the world have gone up to 900 billion dollars. Diversion of even a small percent of this expenditure could alleviate poverty, help eradicating deadly HIV disease, provide millions of people around the world adequate shelter, food and health care. Unfortunately, we are still not prepared to accept this. The continued conflicts in the Middle East and in many other parts of world are potent reminder how hollow our approach and commitments are to the cause of peace and progress in the economic and social fields. We sincerely hope that United Nations with the help and cooperation of all organizations and Nations, all this will improve. It is imperative Mr. President that the world which we inherited must not be passed on to future generations as it is today. We have to make their world safer and sane.

Thank you Mr. President.