

WELCOME AND INTRODUCTORY REMARKS BY PROF. DR. RAHMAT BIN MOHAMAD, SECRETARY-GENERAL, AALCO AT THE MEETING OF LEGAL ADVISERS OF AALCO MEMBER STATES AND JOINT AALCO-ILC MEETING

(Wednesday, 28th October 2009, 10:00 AM to 1:00 PM at UN Headquarters, New York)

Thank you. Mr. President.

Excellencies,

Distinguished Legal Advisers of AALCO Member States,

Colleagues,

Ladies and Gentlemen,

At the outset, we would like to thank you Mr. President for taking time off from your hectic schedule, to preside over the Meeting of Legal Advisers of AALCO Member States and AALCO-ILC Joint Meeting. Indeed, your inspiring presidential address has set the tone and tenor for our deliberations, this day, as well as for the AALCO's Work Programme.

We are also very grateful to our distinguished invitees,

His Excellency Judge Hisashi Owada, President of the International Court of Justice,

His Excellency Mr. Mourad Benmehidi, Chairman of the Sixth Committee of the UN General Assembly,

Her Excellency Ms. Patricia O' Brien, Legal Counsel of the United Nations,

Eminent Members of the International Law Commission Mr. Shinya Murase, Mr. Eduardo Valencia-Ospina, Mr. Alain Pellet and Mr. Narinder Singh, and His Excellency Amb. Palitha Kohana, present here with us, for readily and gracefully accepting our invitation to be part of our meeting. I warmly welcome these distinguished invitees and thank them for sparing their valuable time to be here with us this morning.

Mr. President,

The Meeting of Legal Advisers of AALCO Member States, convened on the sidelines of the annual session of the UN General Assembly renders a valuable opportunity to the Secretary-General to seek guidance from the eminent Legal

Advisers of AALCO Member States for steering the work of AALCO. The valuable guidance and inputs received here have time and again proved to be very beneficial for the work of AALCO.

Tan Sri has in his opening statement informed this distinguished gathering about the very successful convening of the Forty-Eighth Annual Session of the AALCO in Putrajaya, Malaysia. On behalf of all the Member States and the Secretariat, I take this opportunity to profoundly thank through you Mr. President, the Government and people of Malaysia for hosting the Putrajaya Session. That Session would remain permanently etched in the annals of AALCO, on account of the adoption of the “Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization” and a Revised Scale of Contribution.

By adopting for the first time in the history of AALCO, a policy declaration, by the Heads of Delegations of Member States of AALCO, participating in the Putrajaya Session, reaffirmed their commitment to the Organization and recognized its significant contribution towards strengthening Asian-African solidarity, particularly in the progressive development and codification of international law. Towards that end, they pledged to provide the Organization with all forms of support as appropriate, in particular financial, to ensure that it was revitalized and strengthened as the main centre for harmonizing the actions of Asian-African States in international legal matters, thereby enabling it to contribute effectively to realize its functions and purposes.

The second momentous step taken in this direction was the adoption of a revised scale of contribution. This revision has come after 13 years and we in the Secretariat sincerely hope that all the Member States would start paying their contribution timely, according to this scale from 2010. For us in the Secretariat, this commitment by Member States is highly encouraging as the Member States, despite global financial crisis, agreed to provide the necessary financial support to their Organization.

The Session also had extremely productive deliberations on some of the substantive items on its agenda, including, the work of the International Law Commission, the Law of the Sea, the International Criminal Court. A new topic entitled “Managing Global Financial Crisis” evinced keen interest amongst the Member States.

It would be my constant endeavour to build upon the success of Putrajaya Session and in the light of Putrajaya Declaration orient the activities of Secretariat in a time bound and result oriented manner. As an immediate follow-up measure, an open-ended Advisory Panel of Liaison Officers of Member States has been constituted to give a constant input to the Secretariat on its substantive work programme. I do believe that this novel mechanism would keep the interest of Member States alive on the topics.

Let me also suggest that any of our Member States can take a lead on the topics on the agenda. They may join hands with the Secretariat to organize Inter-Sessional meetings/Workshops on the topics on our work programme, say for instance, WTO or climate change issues. Another measure that is on the anvil pertains to preparation of Roster of Experts of Asian-African Experts in the various branches of international law. The Secretariat would soon be writing to the Member States in this regard and we hope the Member States would provide us with names of their experts and this roster could in case of requirement be readily used.

Allow me, Mr. President, to invite the attention of this august gathering towards the theme of our discussion- “How AALCO could contribute to the work of International Court of Justice and the Sixth Committee”.

The AALCO has been since its establishment in 1956, working on international legal issues of common interest to its Membership countries. It may be recalled that very soon after the grant of Permanent Observer Status to the AALCO by the UN General Assembly, in 1980, the AALCO had embarked upon an exercise through which it could contribute significantly to the work of the International Court of Justice and the Sixth Committee.

The promotion of the role of the World Court was one of the topics that had been identified as an issue where cooperation between the United Nations and AALCO could be fruitful. The matter was deliberated in 1985 at the Kathmandu Session of AALCO where the delegates focussed attention on the advantages to be obtained by using the Court or its special chamber in preference to using adhoc tribunals. As a further follow-up a colloquium on the future role of the Court organized on 8th October 1986, here at the UN Headquarters under the AALCO’s auspices was attended by nearly 120 governments from all regions of the world. That colloquium had some effect on Asian-African countries acceptance of the Court’s jurisdiction.

On this occasion, I would like to emphasize that this momentum has to be kept up for the future. The Parties must settle their disputes peacefully and approach the Court for settlement of any dispute which may arise because this is the best forum. The Court through its decisions has well-established its reputation as an impartial arbiter. AALCO can in this regard be constructively utilized for spreading the information that the procedure of the Court is not so complex that the third world lawyers will not be in a position to understand it and they are fully competent to handle the cases as they are competent to handle the cases in their own courts. It is not necessary to resort to western jurists at enormous fees and involving foreign exchange and other factors.

Excellencies,

In relation to the Sixth Committee, the AALCO has been consistently endeavouring to contribute to its work. At our Annual Sessions, the Member States, focus their attention on atleast two items that are on the agenda of the Sixth Committee, i.e., the work of the International Law Commission and the UN Commission on International Trade Law. Apart from these, we do deliberate upon other topics that are under consideration of the Sixth Committee. The Secretariat on its part has been preparing “Notes and Comments” for consultation by AALCO Member States on selected items primarily before the Sixth Committee of the UN General Assembly.

We would very much welcome more and more inputs and guidance from our distinguished Panelists, as well as Legal Advisers in this regard and would within the organizational framework strive to promote it.

Excellencies,

As regards the convening of the next Annual Session, it may be recalled that our Organization follows the practice of hosting the Annual Session, alternatively in Asia and Africa. As such for the Forty-Ninth Session, it would be the turn of an African member State to host the Session. At this august forum, I would request the Legal Advisers from our African Membership to persuade their respective Governments to host the Annual Session. Till date, the Secretariat has not received any invitation from an African Member State. May I suggest that we wait until the end of this year for an invitation from an African Member State. In case, after the expiry of that period no invitation is received, we may then request any of the Asian Member State to take the lead in this regard.

Mr. President,

As regards, the tentative topics for deliberations at the forthcoming Annual Session, I would like to bring to the attention of this august Assembly that there are at present 16 items on the agenda of our Organization. However, based upon the policy of rationalization of agenda items and available time at the Annual Session about 8-9 of these items are normally discussed. The agenda items would be finalized in consultation with the Liaison Officers of AALCO Member States and host Government. On my part, I would suggest the consideration of the following items:

- International Law Commission
- Deportation of Palestinians and other Israeli Practices among them the Masive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949
- The International Criminal Court with focus on post Review Conference Developments

- WTO as a Framework Agreement and Code of Conduct for World Trade
- Environment and Sustainable Development with focus on Climate Change regime
- Expressions of Folklore and its International Protection

Thank you. Mr. President

Outlines

Putrajaya Session – substantive outcome

Putrajaya Declaration – Revision of Scale

Advisory Panel of LO established – for steering work on substantive issues

Member states can take lead on the substantive topics currently on the agenda and jointly with the Sectt organize activities- constitute expert groups – roster of experts

Afro-Asian ILC members assistance by the Sectt. One or two postgraduate interns may be sent- with finance improving /stabilizing legal staff from sect may also be deputed

Substantive theme – “How AALCO can contribute to the work of International Court of Justice and the Sixth Committee”