

AALCO/EGM/VR/ILC/ 2 DECEMBER 2008
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ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



Verbatim Record

**VERBATIM RECORD OF THE COMMEMORATIVE SEMINAR ON THE
SIXTY YEARS OF THE INTERNATIONAL LAW COMMISSION**

**NEW DELHI, INDIA
2 DECEMBER 2008**

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CONTENTS

	Page Nos.
1. Presentation by Mr. Narinder Singh, Member, International Law Commission, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India and President of the Forty-Seventh Session of AALCO	1-6
2. Presentation by Amb. Rohan Perera, Member, International Law Commission, and former Legal Adviser, Ministry of Foreign Affairs, Government of Sri Lanka	6-13
3. Presentation by Prof. Dr. Rahmat Mohamad, Secretary-General, Asian-African Legal Consultative Organization	13- 18
4. Statement by the Delegate of the People's Republic of China	18-19
5. Presentation by Prof. Djamchid Momtaz, former Chairman, International Law Commission and Legal Adviser of the Ministry of Foreign Affairs, Islamic Republic of Iran	19-21
6. Remarks by the President	21-22
7. Statement by the Delegate of India	22-23
8. Statement by the Delegate of Uganda	23-24
9. Statement by the Delegate of Ghana	24-25
10. Remarks by President	25- 25
11. Remarks by Amb. Rohan Perera	25-26
12. Remarks by Prof. Momtaz	26-27
13. Remarks by Amb. Rohan Perea	27-27
14. Message to the International Law Commission from the Asian-African Legal Consultative Organization on the Completion of its Sixty Years read by Prof. Rahmat Mohamad, Secretary-General, AALCO	27-28
15. Vote of Thanks by Amb. S. R. Tabatabaei Shafiei, Deputy Secretary-General of AALCO	28-29
15. List of Participants	30-34

**VERBATIM RECORD OF THE COMMEMORATIVE SEMINAR ON THE
SIXTY YEARS OF THE INTERNATIONAL LAW COMMISSION
(Tuesday, 2 December 2008, AALCO Headquarters, New Delhi)**

H. E. Mr. Narinder Singh, President of the Forty-Seventh Session of AALCO in the chair.

Substantive Theme: Role of International Law Commission in the Twenty-first Century

Presentation by Mr. Narinder Singh, Member, International Law Commission, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India and President of the Forty-Seventh Session of AALCO

Good Morning! Excellencies, Distinguished delegates, we begin our Special Meeting on the International Law Commission. As you are aware, the work of the International Law Commission forms a very important part of the agenda of the AALCO and it is one of the major items considered at our Annual Sessions. Now, to start with I would like to welcome my colleague, Dr. Rohan Perera, Member of the International Law Commission, Former Legal Adviser to the Ministry of Foreign Affairs, Sri Lanka and we also have the privilege of welcoming Prof. Momtaz, former Member of the International Law Commission and we all hope to benefit from his great experience in the Commission and his expertise in these matters.

Now with reference to the significance of the ILC for AALCO is that it constitutes an important element in AALCO's agenda and the AALCO has a close working relationship with the International Law Commission. As part of this relationship, the Secretary-General visits the International Law Commission while they have sessions in Geneva and presents the views of the Member States as presented during our Annual Sessions. Similarly, when AALCO has its Annual Sessions, we also have a representative of the International Law Commission who would come and brief the Members about the progress being made on different agenda items at the current annual sessions. Well in recent years, as we were discussing yesterday, it is not only AALCO which is facing shortage of funds but even the United Nations, due to which the UN has not been deputing a Member separately, but, rather they have been requesting one of the ILC Members from the AALCO Member States to represent the ILC at the AALCO's Annual Sessions. So by this way they have been represented and AALCO is also represented at their annual sessions.

On 6 December 2007, the UN General Assembly adopted a resolution 62/66 in which the United Nations had invited its Member States in association with regional organizations, professional associations, academic institutions and Members of the Commission to convene national or regional meetings which would be dedicated to the work of the International Law Commission, in view of its Sixtieth Anniversary. The Sixtieth Anniversary session was held at Geneva, from 5 May to 6 June and Second part from 2 July to 8 August 2008. The first Session of the ILC, was held in 1948, and therefore the

2008 session, was the Sixtieth Session of the International Law Commission, which was celebrated as the Sixtieth Anniversary. To mark this Anniversary, a special event was organized on 19 and 20 May 2008 consisting of a solemn meeting and one and a half-day meeting with Legal Adviser's of Member States of the United Nations. The solemn meeting was addressed by the Director-General of the UN Office at Geneva, Mr. Sergei Ordzhonikidze and Her Excellency Madam Micheline Calmy-Rey and the Legal Counsel of the United Nations, Mr. Nicholas Michel. The President of the General Assembly also delivered a message and Her Excellency Judge Rosalyn Higgins, President of the International Court of Justice delivered the keynote address. The meeting with the Legal Adviser's was dedicated to the work of the Commission under the overall theme "The International Law Commission: Sixty Years and Now". Several Panel discussions were convened which dealt with such issues as the "Role of the International Law Commission in the Twenty-First Century". Other issues discussed included whether its membership has a body of independent experts was ideally constituted for the achievement of its purposes with particular attention being paid to the question of striking the right balance between the academia and the legal practitioners. The methods of the work of the Commission and how it can best achieve its mandate, as well as the prospects in future of the Commission.

The overall focus at this meeting was the practical matters concerning the Commission and its cooperation with Member States in the progressive development of international law and its codification. The need for a greater frequency of meetings with representatives of the States, including, the introduction of more formal meetings was particularly emphasized in this regard. A Panel discussion on sharing experiences with other bodies engaged in an overview of recent meetings with other bodies such as AALCO and its impact and the dialogue on the work of the Commission. The discussions were held on the basis on the Chatham House Rules and no records were kept of the meeting. It is hoped that the Commission will be able to draw lessons from the rich and open discussions which would be subject-matter for consideration in the Commission.

As I mentioned, the first Session of the International Law Commission was held in the year 1948. The Commission was established by a resolution of the UN General Assembly and the first election was held in 1947. Presently, the Commission is composed of 34 Members drawn from the members of the United Nations. The composition of the Commission over the years has undergone significant change because from the original 51 members of the UN, we now have a membership of 192 and the large majority of the Member States now comprise of the newly independent countries which were formerly colonies. So, this is reflected in the composition of the Commission and it is also reflected in the perspective of these members going to the Commission and therefore, it has a significant impact on the work of the Commission and particularly, the substantive discussions, and the conclusions that emerges from the work of the International Law Commission.

The history of codification of international law goes back to quite a long period and the formal efforts were said to have originated at the Congress of Vienna in 1815 when provisions were adopted on the regime of international rivers, the abolition of the slave

trade, and the rank of diplomatic agents. Since then a vast body of international law has been developed at the Diplomatic Conferences either convened by the Governments or convened under the aegis of different International Organizations. Along with these efforts there have also been efforts by private or non-governmental bodies such as the Institute of International Law, the International Law Association, and the Harvard Research in International Law, all of which have significantly contributed to the efforts of States in codifying and developing the rules of international law.

The International Law Commission was established by the General Assembly pursuant to its mandate of codifying the rules of international law as set out in the Charter of the United Nations and the mandate of the international Law Commission is both progressive development and codification of international law. The term codification is understood as codifying those rules where there exists sufficient state practice as evidence of international law that states generally recognize in their relations with one another. Whereas the progressive development is considered as covering those areas where state practice was not sufficient but rules were required for developing new areas of international law. In practice, this distinction has not always been so softly maintained because even where there was great deal of customary state practice available, the practice may not be uniform and support could be found in state practice for different views and accordingly even when codifying state practice there is an element of progressive development in the work of the Commission. Over the sixty years of its work, the Commission has dealt with wide range of issues, prominent among them being the Law of the Sea which was added in the Conferences of 1958 and 1960 and four Conventions were adopted although those Conventions have now been replaced by the 1982 UN Convention on the Law of the Sea. However, major component of the work of the Law Commission has been Law of Treaties, on which we have the Vienna Convention on the Law of Treaties and we also have the 1986 Convention on Treaty between States and International Organizations or Between International Organizations. Along with those two Conventions, we also have a Convention on Succession to Treaties. Another major element has been the work on the Diplomatic and Consular Relations which resulted in the adoption of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Convention on Consular Relations. These were also followed up by Convention on Special Missions and Convention on Representation of States in International Organizations.

Whereas normally the efforts had always been to develop an international convention which is then submitted to the General Assembly of the UN and then considered by Diplomatic Conference and adopted as a Convention. In recent years there has been a change that in some cases States are not ready to adopt the draft articles which the Commission prepares in the form of a Convention and States have favoured adopting principles or guides to practice and one example of this is the “Reservation to Treaties” on which now the Commission is working; and it is intended to be a guide for States in examining the reservation and formulating their own reservations and in considering reservations made by other countries while becoming parties to International Conventions.

The International Law Commission works very closely with the member states of the UN and the other regional bodies, just like AALCO has a working relationship with the International Law Commission, we also have other bodies comprising the Latin American countries, the Committee of Legal Affairs on Public International Law of the European Community (CAHDI). Apart from them, the International Law Commission also interacts with other bodies like the International Committee of the Red Cross, the Human Rights Treaty bodies, and recently this year there was an interaction with the WTO Dispute Settlement Body.

In its methods of working, the International Law Commission, works through a Special Rapporteur who prepares the detailed research reports on a particular topic and makes proposals to the Commission which are then discussed and debated by the Commission on those proposals of the Special Rapporteur, comments of the members and discussion at the Working Group and then the Final Draft emerges from the Commission. The reports of the Commission are transmitted to the General Assembly and at this stage Member Governments have an opportunity to comment on those reports.

Even before this stage, when the Commission is examining topics for consideration, the Commission also seeks information from Governments on the state practice, on the case laws and their views on firstly, whether the topic is suitable for being taken up and secondly, on the practice they may have including domestic law and court decisions and bilateral or other agreements which they may have concluded on those issues.

At different stages, as I had mentioned, the Member States have the opportunity to contribute to the work of the Commission and these comments made by the member states are taken into consideration. The draft articles which are adopted; are adopted in two stages, firstly, they are adopted on first reading, then some time is given to the Governments may be one or two years in which they can come back with further comments and then the drafts are taken up for a second reading and adoption of the Commentary and then they are taken as final drafts which are then recommended to the General Assembly for adoption. While forwarding them to the General Assembly, the International Law Commission would generally recommend whether they consider it suitable for being adopted as a Convention. In recent years, the General Assembly rather than convening a Diplomatic Conference has more frequently been working through a Working Group of the Sixth Committee or by establishing an Ad Hoc Committee to examine the drafts prepared by the International Law Commission. Thus the draft Articles on Jurisdictional Immunities of State and their Property, was finally adopted as Convention in 2004. These draft articles have actually been prepared by the Commission in the early nineties, and were transmitted to the General Assembly. There were differences of views in the Sixth Committee on how to deal with those draft articles. Many countries were not at that time in favour of adopting a Convention; they felt that since the draft articles were a compromise and there were still some doubt on the divergence on the provisions and the substantive content of the draft articles, they favoured only the adoption in the form of principles to guide Member States on the matter. Other countries, however, felt that binding rules were to be preferred and that there was sufficient state practice. After consideration in the Sixth Committee, these draft

articles were again transmitted to the International Law Commission with further queries and questions that were raised in the Committee were transmitted and then again those comments of the International Law Commission were received and finally in the year 2004, after being considered in Ad Hoc Committee, the Convention was adopted on those articles.

Now I would mention that at the Sixth Committee, the International Law Commission also relies on the inputs from the Member States and this is where we need to consider how the AALCO can contribute more effectively to the work of the International Law Commission. The International Law Commission seeks comments at the beginning of its work on a new item by seeking inputs on state practice, treaties, on court decisions of Member States. It also seeks inputs from time to time through its Annual Reports and by seeking comments on the reports of the Commission itself or by highlighting certain issues or separate chapter of the report. It specifically invites comments on these matters by the Member States.

The AALCO Member States are fortunate that twelve members of the International Law Commission are from its Member States. So there are lot of feedbacks that come at Annual Sessions of AALCO. This also provides an opportunity for AALCO to contribute more effectively to the work of the International Law Commission not only through Governments but also through the members and this could be done by AALCO by taking up more actively research on matters which are being considered by the International Law Commission. Both matters which are presently under consideration and also matters on which the ILC had finalized its works, but which are still under consideration of the Sixth Committee. So, on both these cases, the AALCO could contribute by assisting the member States in examining the rules of the Commission and helping them to respond either to the queries on the first reading or on the final draft articles and assisting Member States in formulating a joint position at the Annual Sessions and Special Sessions.

Presently, the work of the International Law Commission is concentrated or focused for over a period of generally five weeks before the AALCO's Annual Session and after the Annual Session. It would be beneficial if AALCO could help the Member States and the ILC members from its member countries in studying the reports of the Special Rapporteurs and in responding and presenting their views by providing them some research back-ups. Some of the drafts which have been completed or which are still under consideration of the Sixth Committee are those on 'State Responsibility', on 'Shared natural resources', on 'Nationality in relation to the succession of States' and 'Effects of Armed Conflicts on Treaties'. So, I think on all these areas the AALCO could play a very useful role in coordinating the views of the Member countries and assisting them to come into some joint formulations or positions.

The role of the International Law Commission has been very highly regarded and the work of the Commission has received compliments from not only Member States during the Sixtieth Anniversary but even the International Court of Justice. From time to time, it has referred to the work of the International Law Commission, not only to the completed Conventions and their Commentaries but even to works which are still in progress and

they have been very favourably commented on by the International Law Commission. The membership, as I mentioned is varied from all the member countries. We have the mix of academics, professionals, diplomats and also practicing lawyers and many of the members of the Commission are also practicing before the International Court of Justice and with this wide experience you have inputs from different perspectives and therefore, the drafts which emerge from the International Law Commission are very carefully considered and are of a very high quality and as I mentioned here, highly regarded. The competence of the members, individual members of the Commission may also be seen in the fact that so far 33 members of the Commission have later been elected as judges of the International Court of Justice who decide disputes between member states.

So with this, I would now conclude my remarks. Thank you.

President: I now invite Dr. Rohan Perera to make his presentation. He will be focusing on two of the specific topics which are presently before the Commission, namely, the “Protection of Persons in the Event of Disasters” and “Immunity of State Officials from Foreign Criminal Jurisdiction”.

Presentation by Amb. Rohan Perera, Member, International Law Commission, and former Legal Adviser, Ministry of Foreign Affairs, Government of Sri Lanka

Thank you very much Mr. President of the Asian-African Legal Consultative Organization, Mr. Secretary-General of AALCO Prof. Dr. Rahmat Mohamad, the Deputy-Secretaries General and Prof. Momtaz, former Member and Chairman of the International Law Commission. First of all I must thank the AALCO for the kind invitation extended to me to participate at this meeting which is the contribution of AALCO to mark the sixtieth Anniversary of the International Law Commission (ILC).

The relationship between AALCO and ILC is unique one which, as has been explained by Mr. Narinder Singh a little while ago, indeed is a mutually beneficial relationship which could perhaps serve as a model for other Organizations. This fact was indeed recognized at the sixtieth anniversary seminar held in Geneva and it underlined the impact of this dialogue on the work of the Commission and perhaps it can be strengthened as Mr. Narinder Singh had already mentioned, the ongoing interactions between these two bodies augurs well for the work of the Commission.

Under the broad rubric of the role of the ILC in the twenty first century, I will focus on the two new topics which is currently before the ILC; *firstly*, the question of Protection of Persons in the Event of Disasters and *secondly*, the Immunity of State Officials from Foreign Criminal Jurisdiction. But before that, in order to look at the current trends of twenty first century, let us briefly look back at what has happened in the past in order to make an assessment of the current trends in the Commission.

Mr. Narinder Singh was outlining what was referred to as the Golden Age of the ILC. This was in the immediate aftermath of the adoption of the UN Charter, at a time when international law largely was dependent on customary rules which required the element

of codification in order to stabilize the newly established global order. You found the Commission playing that role of codification of customary law in key areas; the law of the sea, the law of treaties, the law of diplomatic relations and consular relations and a certain stability was achieved in that immediate aftermath of the establishment of the UN Charter a period going into the 1960s and so on. So that is the past.

What about the future? Here we see a greater need to look into areas which are of practical relevance, of immediate practical relevance in the current context. And we see certain trends emerging in that area some of which Mr. Narinder Singh has already referred to. Now many of the work of the Commission are getting into more in the form of soft law instruments as distinct from Conventions. Let me firstly touch on a new topic which has just been put on the agenda of the Commission in the last Session which concluded in August 2008.

The Commission decided to establish a Study Group on the Most Favoured Nation Clause or the MFN clause as it is called. Now the Commission in the 1970s in a different political environment, in a different economic environment and context had produced a set of draft Articles and that mattered for a number of reasons, both political and economic, was left in abeyance. Now, gradually there is a realization within the Commission that in the context of current developments in the economic field, namely great economic liberalization, regional economic integration, proliferation of free trade agreements both bilateral and regional, proliferation of investment protection agreements, there is a greater need to identify the legal dimensions of these in the economic front. These are areas of immediate relevance to Member States.

Now, the rationale for constituting a Study Group on the MFN Clause was to make an assessment of the impact of the extension of the Most Favored Nation clause hitherto limited to trade in goods into new areas; trade in services, investments, and these agreements, particularly economic integration agreements dealing with trade in goods, services and investments in an integrated manner. So this would be an issue of immediate relevance to Member States who are getting into these type of agreements to know what precisely they are getting into, when they include this clause in this current economic environment. And the recent jurisprudence of the international arbitration and investment agreements have brought to surface new issues, Is the benefit of the MFN Clause limited to getting what is called obtaining non-discriminatory treatment in respect of substantive rights or does it go beyond, does it even apply to dispute settlement provisions? In other words, if you have agreed on a particular disputer settlement procedure vis-à-vis Country A, which may be more beneficial than the dispute settlement provision in a treaty with the Country B, could an investor in Country B make use of the MFN Clause to seek what is perceived to be the better standard of treatment in respect of dispute settlement in terms of the treaty with Country A.

This is what happened in the well known *Maffezine case* where an Argentinean investor argued that Spain had given better standard of treatment under the Spain-Chile Agreement by dispensing the requirement of exhaustion of domestic legal remedies. Therefore there was no compulsion on the Argentinean investor to first go before the

Spanish Courts as required under the Spain-Argentina Bilateral Investment Agreement because Spain had agreed with Chile to dispense with that requirement. And there after, a number of decisions agreeing with the *Maffezine decision* have come. So after preparation of the current quinquennial work programme in the last two years preparation of discussion papers on these aspects the Commission said the time has come in the context of this new economic integration agreements for the ILC to examine the jurisprudence that has emerged specifically in the context of investment agreements, a matter of basic concern and perhaps work out guidelines that will assist Member States of the UN, that will assist arbitrators, so that there is some uniformity in the application of the MFN Clause and perhaps also in that process, develop Model Guidelines. So that work is yet to commence, that will commence next year and it is a Study Group at this point of time and then the Commission, having examined the work of the Study Group, will decide whether or not, to proceed with that topic.

The topic is not formally on the agenda, the decision is to constitute a Study Group to examine the application of the MFN Clause in the context of the current economic environment, in particular investment promotion and protection agreements. So this is the trend in twenty first century. Now we have got to look into as much as the law of the sea as much as it was of tremendous economic importance at that time, now there are other developments in the economic sphere which calls for examination of the legal dimensions of these issues and unless the ILC contributes to that process, perhaps ILC could be marginalized. Now the second aspect of this is that it calls for greater interaction and a multidisciplinary approach on the part of ILC. Mr Narinder Singh referred to the meeting we had with the WTO Appellate Body this year in June and MFN clause was one of the topics for which we need to exchange ideas with the outside specialists bodies in order to make a meaningful contribution. It was an interactive Session with WTO Appellate Bodies. It is not that the ILC is going to take over the WTO Appellate Body work but to identify the public international law issues involved in this area of world trade.

Similarly, Amb. Yamada's work on Transboundary Aquifers was unique in the sense that there was very close cooperation with the UNESCO's international hydrological programme, given the very technical nature of that subject very close interaction, and it brought together an international network of hydro geologists to work with the Commission, Special Rapporteur and the Commission creating expertise in the formulations of the draft articles. Next year we will have the meeting with the legal advisors of the Specialized Agencies in the context of the draft articles under preparation on the responsibility of international organization where there are very complex issues. certain concepts there are applicable in the state relations, such as counter measures which prove to be controversial in the context of State responsibility is sought to be transposed in relation between states and international organizations or the relations between international organizations. Hence, the ILC talking to specialized legal advisors of Specialized Agencies becomes that much important.

Then the topic of "Protection of Persons in the Event of Disasters", in the context of which we have to work very very closely with those United Nations and other

International bodies like ICRC, the IFRC who are active and in the forefront in the event of natural disasters, man-made disasters, so on and so forth. So ILC has to move into certain areas where outside expertise would be required and in this 21st century that interaction between the legal and the specialized bodies becomes a *sine qua non* in the fulfillment of the objectives of the ILC namely, the codification and progressive development of international law.

To get on to the topic of “Protection of Persons in the Event of Disasters”, when I had the privilege of addressing the annual Session in June this year, that was before the second segment when these two topics were taken up by the ILC, this really updates the presentation I made at the Annual Session. On this topic the Special Rapporteur Mr. Eduardo presented a preliminary report for the purpose of identifying the scope of the complex issues ILC would have to deal with. For that reason he went to various part of the world, the tsunamis, hurricanes, cyclones, earthquakes and floods brought focus on the timeliness of the concentration of this topic. Now one of the key issues which arose for discussion on this item was in relation to a possible what is called a rights-based approach, focusing on the rights of the affected persons. In other words, the right to humanitarian assistance and together with that other related topics such as the concept of the Responsibility to Protect if there is a failure on the part of the affected State to render assistance to the victims. Now there is express support for the rights-based approach in the consideration of this topic. Underlining the importance of attaching the permanent value to human needs, giving rights or rights giving way to obligations, the responsibilities of the society and the State towards individual. It’s non fulfillment according to this view was considered a violation of the fundamental rights to life and human dignity.

The contrary trend which emerged in the debate was that while the rights of the affected individuals are indeed a core element to be addressed, that must be addressed in the overall context also of the centrality of the affected State, the role of the affected State, in particular its sovereignty and territorial integrity. In this connection reference was made to what was called the Principle of Subsidiarity, identified in the UNGA Resolution 46/182. The primary role of the affected State in the initiation, organization, coordination and implementation of the humanitarian assistance which should not be taken unilaterally. It is not the unilateral right of States in order to assist. The need for the consent of the affected State in providing humanitarian assistance and in principle on the basis of an appeal by the affected Country as stipulated by the General Assembly. Of course this gave rise to what if a State persistently refuses international aid and assistance.

Now the possible answer to that question is when we use who are devising a framework, a general legal framework, one must address situations that would normally arise. If there are exceptional situations then of course the Charter provides for the remedies under Chapter VI, VII, but in devising of a legal framework, in identifying legal principles one must recognize the totality, the centrality of the affected State, the right of the affected persons. So therefore, what was stressed was the need to underline the primary role of the affected State as a general rule and of course, the contributory and subsidiary role of

other actors namely, NGOs and other Organizations as part of an overarching umbrella of international cooperation do not shut out. This inclusive approach recognizes the centrality as a general principle of the affected State and other actors coming under an overarching umbrella of the principle of international cooperation and solidarity, rather than a right of intervention or a right to humanitarian assistance.

So this was the preliminary debate on the report of the Special Rapporteur to identify the precise parameters of this topic and in concluding observations of course, on this the Special Rapporteur will build up in his next report, the Special Rapporteur emphasized that the codification effort in this area that takes into account the rights of the victim had a strong foundation in international law. He pointed out that it gave rise to justiciable rights with correlative rights and duties on other actors against the backdrop of the principle of the sovereignty, non-intervention and cooperation, principles which were reaffirmed in the Friendly Relations Declarations. The well known UNGA Resolution 2625, adopted in 1970. He emphasized that accordingly the affected State has not only the primary responsibility to provide assistance to affected peoples, but also its concept was essential in the provision for humanitarian assistance. Now I have outlined the general trend of the debate on the preliminary report just to reflect the fact that the issue is a complex one posing many challenges to the Commission in setting out and finally delimiting the precise parameters of this topic.

The topic would necessarily involve an element of progressive development and also careful balancing of competing principles, right to assistance, state sovereignty, non-intervention, duty to cooperate, principles of international solidarity and so on. So it is a timely and vital topic in the context of recent developments in various parts of the world. The response of Member States becomes essential, Member States, particularly Asia and Africa have the experience of dealing with these situations. It becomes very important for the ILC, because these are the areas where state practice could be easily gleaned from publicly available documents. The experience matters and the important interactions between the Member States and the ILC must take place on this type of new areas where ILC is venturing into and the expertise of the outside bodies, experience of Member States affected by this type of phenomenon becomes that much essential and herein lies the role of the Asian African Legal Consultative Organization. It will be of immense value to the future work on this new topic to be embarked upon by the ILC.

Secondly, I come to the topic of Immunity of State Officials from Foreign Criminal Jurisdiction. Here again, a Preliminary Report was presented by the Special Rapporteur Mr. Roman Kolodkin and in delimiting the scope of the topic he underlined the fact the Commission was to examine only immunity of State officials from foreign criminal jurisdiction. In other words, a foreign national court exercising criminal jurisdiction over a state official of another State, a domestic court of a foreign State exercising criminal jurisdiction over official of another State, say a visiting foreign minister, or head of State in a third State warrant being issued for his arrest and attempts to exercise criminal jurisdiction. Hence, by definition, the question of immunity from international criminal jurisdiction like the ICC or the Special Tribunals are outside the scope of this topic because they are governed by special legal regimes.

The Rome Statue specifically excludes a plea of state immunity so that States which have voluntarily accepted the Rome Statue, they have consented to a special regime. Here we are dealing with the immunity of officials from foreign criminal jurisdiction as distinct from international criminal jurisdiction. Of course, it does not deal with immunity from the jurisdiction of the domestic court of the State, a domestic court exercising or attempting to exercise criminal jurisdiction is not the subject matter of this study.

There are two critical issues which arose in the consideration of the preliminary report were firstly, persons covered under the topic (*ratione personae*) and secondly, the question of possible exceptions to immunity. On the scope of the persons to be covered by this topic of immunity from foreign criminal jurisdiction, there was a broad agreement that the well known triumvirate of high rank of state officials namely, Head of State, Head of Government and the Minister of Foreign Affairs. These troika or triumvirate, as they are referred to in the Commission, enjoy immunity, personal immunity from foreign jurisdiction. It was recognized that under international law it is these three category of officials who are accorded special status by virtue of their office and their functions. The special status was evident in the provisions in the key international conventions, in particular the Vienna Convention on Law of Treaties which accords to these three categories, the capacity and the competence to perform all acts relating to the conclusion of treaty without any special powers. This question was also confirmed in the judgment of the ICJ in 2002 in the *Arrest Warrant Case between the Democratic Republic of Congo vs. Belgium*.

Of course some members who formed minority and gave dissenting opinions in that case, questioned whether the enjoyment of such immunity by the Minister of Foreign Affairs did have a firm basis in customary international law. It tried to distinguish a Minister of Foreign Affairs from the head of a State or a head of the Government. On the other hand some members pointed to the centrality about the role the Foreign Minister performs in the conduct in the international affairs on behalf of the State. He has a representative character, he has a functional character. Even the VCLT recognizes that a Minister of Foreign Affairs can commit his government by concluding a treaty on the implicit understanding that he has the standing authority of his head of State or government. So there is very strong support for including the Minister of Foreign Affairs. As a principal intermediary between a State and the outside world, as coming within the triumvirate, he should enjoy immunity from criminal jurisdiction.

The Commission however moved into somewhat unsettled terrain with the issue what other categories of high ranking officials other than this triumvirate enjoys personal immunity. Here the Commission was confronted with the situation that the Conventions like the Special Missions Convention or the Convention on the Representation of States in their Relations with International Organizations acknowledged the existence of a category of "Other Persons with High Rank" without proceeding to elucidate what such categories were. So in this position they have tremendous discussions of course I am referring to the growing role of the Minister of Trade in the post WTO environment covering the Geneva negotiations and suddenly the Minister of Trade is summoned with

arrest warrant, the growing involvement of the trade minister the defence minister and so on. But the recommendation of the Special Rapporteur ultimately the elucidation of the persons to be governed by the domestic law, the Constitutional law.

The recommendation of the Special Rapporteur was that it would be useful if the Commission were to elucidate the criteria that should be adopted in determining other persons of high rank rather than getting into an enumerative approach which we had supported. When moving into the other categories, apart from the triumvirate let's identify the criteria. First, in the identification of such criteria the representation of the State in international relations being an indispensable part of the functions of the officials was stressed as being paramount. After all what is the rationale of granting immunity from foreign criminal jurisdiction is the preservation of the stability of international relations. If a Foreign Minister or other senior high ranking person is to be hauled up before the court while performing his duties that would bring about a state of instability of international relations.

Hence, the degree of involvement in the conduct of international affairs vis-a vis other States or international organizations should be the primary consideration. Reference was also made to the submission of council to the recent case of (Certain Questions of Mutual Assistance in Criminal Matters) *Djibouti vs France* before the ICJ the argument made by Mr. Alain Pellet, a member of the Commission where the element of the representation of the State in international relations being an indispensable and inherent part of the functions of the officials seeking to invoke immunity has been stressed. And indeed during the debate some members underlined the very high degree of involvement in the conduct of foreign affairs by such officials in order to avoid a liberal expansion of the scope of immunity.

The challenge before the Commission is to strike the correct balance, a delicate balance between, on the one hand expansion albeit cautiously, of categories of other high ranking officials who are increasingly involved in the conduct of international relations in the modern world having regard to the need to preserve the stability of inter-state relations and the need to avoid a liberal expansion of such categories of persons on the other hand which would undermine concerns regarding immunity. This balance has to be struck by the Commission and it was generally said that the identification of the criteria approach at this point of time was the priority rather than getting into enumeration.

The other issue which got a lot of attention was what many Members called the staging of Hamlet without the Prince of Denmark. The fact that the Special Rapporteur had not dealt with possible exceptions to immunity, in other words, Is there an exception to immunity where a person has committed or is alleged to have committed international crimes? Of course, the Special Rapporteur mentioned that this would be taken up in subsequent reports, but there were a number of Members who said that Reports must start off also by dealing with the questions of exceptions to immunity. Some members expressed the view that those who favored dealing at this stage with exceptions to immunity, that there are sufficient basis both in state practice and the previous work of the Commission notably the 1996 Draft Code of Crimes Against Peace and Security of Mankind to affirm that

there exists an exception to immunities where a state official is accused of such crimes I therefore contended .the fact that immunity was excluded in the statutes and case law of international tribunals could not be ignored when dealing with immunity from foreign criminal jurisdiction, the argument being that although you are dealing with international tribunals you are not dealing with international criminal jurisdiction but only immunity from domestic jurisdiction of foreign states nevertheless one cannot ignore the Rome Statute, one can not ignore the jurisprudence emanating from the ICC or from the special tribunals of Yugoslavia and Rwanda.

Other members however urged caution in liberally expanding the scope of such exceptions which could undermine and lead to the virtual disappearance of the whole concept of jurisdictional immunity. They urged the maintenance of the current status of international law as expressed in the ICJ judgment in the *Arrest Warrant Case* and according to this view the principle of sovereign equality and stability in international relations reflected substantive legal values such as the protection of weak States from discrimination by strong States. Hence, the approach of the Commission for the future would be towards striking a careful balance between the possible recognition of carefully defined exceptions on the one hand and at the same time preserving the essence of the jurisdictional immunity essential for the conduct of international relations and stability of the global order.

Hence these are the challenges that are before the Commission with regard to the new topics. Moving to new areas, areas which pose immense challenges and as I mentioned it requires great interaction with Member States, Specialized bodies and interactions that have existed between AALCO and the ILC particularly where ILC is breaking new ground, moving into new areas in the twenty first century . So I should stop with these remarks. Thank you very much.

President: I thank Dr. Rohan Perera, for his presentation on some of the new areas which have been taken up recently by the International Law Commission and as he highlighted, these are subjects on which the ILC is at a very early stage of its consideration and that this would also be the best time where Member States of AALCO should provide their inputs so that their inputs could be taken into account right at the stage of formulating the scope of the topic itself, and not only to be brought in at a later stage and I now give the floor to the Secretary-General, Prof. Rahmat Mohamad.

Substantive theme: Inter-Linkages between the work of the International Law Commission and the Asian-African Legal Consultative Organization and Ensuring Adequate Reflection of Asian-African Concerns in ILC's work

Presentation by Prof. Dr. Rahmat Mohamad, Secretary-General, Asian-African Legal Consultative Organization

Mr. President, Distinguished Members of the Commission, Excellencies, Ladies and Gentlemen, at the outset, in my capacity as the Secretary-General of Asian-African Legal Consultative Organization (AALCO), I take this opportunity to convey AALCO's

congratulations to the International Law Commission on the commemoration of its Sixtieth Anniversary this year. The AALCO recognizes the great contribution that the ILC has made, in furtherance of its mandate, to the progressive development and codification of international law during this period of sixty years. During this period ILC and AALCO have shared a longstanding and mutually beneficial relationship.

Mr. President, the AALCO continues to attach great importance to its traditional and longstanding relationship with the Commission. One of the primary functions specifically assigned to the Organization under its statutes is the examination of the questions under consideration by the ILC which contemplates a link between the work of the Commission and that of the AALCO in the progressive development and codification of international law. AALCO has always forwarded the views of the Member States to the Commission. This has been significant in the context that the Commission has embarked upon a programme of reformulation of the existing rule and practices to suit the needs of the changed character of the international society brought about through the process of decolonization and it was necessary to ensure that the work of the Commission should adequately reflect the thoughts and aspirations of the Asian-African community. Fulfillment of this mandate over the years has helped to forge closer relationship between the two Organizations.

AALCO could also be compared with the function of ILC where ILC could be consulted by the UN on any question of legal interest and significance. Similarly, AALCO has a primary mandate of serving as an advisory body to its Member States in the field of international law and as a forum for Asian-African cooperation in legal matters of common concern.

The more important task, however, which was entrusted to the AALCO was to consider legal problems that were referred to it by any of the Member Governments and to make such recommendations to the Governments as may be thought appropriate. This advisory role of the Organization was particularly important at the time of its constitution in view of the fact that the newly independent states in the region were confronted with a series of problems such as matters concerning their borders, succession to treaty rights, treatment of foreigner and their property, contracts and concession in respect of their mineral wealth, etc. It was felt expedite to evolve common approaches on these issues and also to be guided by the views of an expert body. These concerns were reflected in the different subjects which the Members wanted AALCO to consider immediately after its establishment. For example, in the first session of AALCO held in New Delhi in 1957, the Government of India referred to the Organization the question of Restrictions on Immunity of States in respect of Commercial Transactions entered into by or on behalf of States and by State Trading Corporations. After having being considered for long by the ILC, under the stewardship of Sompong Sucharitkul (Thailand), the very first ever Asian Special Rapporteur, and finalized by Motoo Ogiso from Japan, the UN Convention on Jurisdictional Immunities of States and Their Property was adopted in 2001.

Mr. Chairman, the recognition and formalization of the formal relationship between AALCO and ILC came to existence in 1961. In 1960, at the Third Session in Colombo,

AALCO made its recommendations on the question of Diplomatic Privileges and Immunities, on which a United Nations Conference of Plenipotentiaries was due to convene. The AALCO's recommendations on this subject not only contained an evaluation of the provisions of the draft articles prepared by the ILC but suggested certain formulations of its own drawing upon the experience of Latin America and suited to the conditions in the newly independent States in Asia and Africa. At the Conference on Diplomatic Relations in Vienna, the Organization's recommendations on the subject were officially placed for consideration and some of its recommendations found their way into the Vienna Conventions of Law of Treaties 1961.

This paved the way for establishment of the AALCO's official relationship with the ILC in the following year and its recognition as the competent regional body in the field of international law. Further, it ensured the Organization's participation on a regular footing in Plenipotentiaries Conference convoked by the UN in the coming years.

Since then AALCO has made recommendations on a number of subjects. Most topics actively considered by the ILC for codification and progressive development have consistently been on the Agenda of the AALCO where the report and studies made by the Commission would be discussed and opinions exchanged among Members of the Organization, with the AALCO Secretariat Report containing an analysis of ILC's work, as a facilitating document. Also it has become an established practice for the Secretary-General of the AALCO to attend the annual session of the ILC and make oral presentation on the work of the AALCO and present the views of the Member States on particular topics under the consideration of the ILC. In return, the ILC is represented by its Chairperson or his representative at the annual meeting of the AALCO. Through these interchanges, the AALCO has been contributing to the work of the ILC and vice-a-versa.

Mr. President, AALCO has made substantial contributions in many areas of international law which was considered by the ILC from time to time. Some of these works was finalized and adopted by the States as landmark Conventions.

For instance, one of the substantial contributions was made in the case of United Nations Convention on Law of the Sea. Law of the Sea was among the first items which got referred to the agenda of AALCO. During the first session of AALCO held in New Delhi (1957), Sri Lanka and India took the initiative to refer to the AALCO the question relating to the Regime of the High Seas including questions relating to the rights to seabed and subsoil in open sea; and Law of the territorial sea. Nepal referred the rights of land-locked States and the seabed and ocean floor by Egypt and Indonesia. These references were made in conjunction with the ILC's finalization of four conventions for consideration by the UNCLOS I in 1958. Other aspects of law of the sea considered by the AALCO include, continental shelf, international straits, Archipelagoes, fisheries, Exclusive Economic Zone (EEZ), Marine pollution etc. During the entire course of the negotiations on the law of the sea, intensive studies have been made by the AALCO Secretariat, particularly, for all issues before UNCLOS II and UNCLOS III. This contribution of AALCO on the process of codification and progressive development of the law can scarcely be exaggerated, much less overlooked.

Mr. President, another instance where AALCO has made notable contribution pertains to the law of diplomatic privileges. Four Conventions prepared by the ILC in this field has already been adopted. Several Member countries have been assisted by the AALCO in its advisory capacity on the preparation of appropriate legislation to give effect to the provisions of these Conventions. In the Conference of the Plenipotentiaries convened by the UN for considering the subject of Diplomatic Intercourse in 1961, the AALCO formulated its stand and the draft Articles was placed before the Conference. The Vienna Conference accepted the recommendations of the Committee in preference to the ILC in regard to the freedom of communication for diplomatic missions and on the question of inclusion of a provision regarding the compulsory settlement of disputes by referring the matter to the International Court of Justice (ICJ) if conciliation or arbitration has failed. AALCO recommendation that permission of the receiving state would be necessary in case of installation or use of wireless communications; and that the ICJ's jurisdiction must be optional, respectively, was accepted.

Another important area where the discussions in the AALCO forum have changed the course of discourse relates to the Law of Treaties. Asian African States have always felt that during the colonial period they were forced to enter into a number of unequal treaties which retarded the development of these countries. The Vienna Convention on Law of Treaties held in 1968 and 1969 adopted an international convention on the basis of the draft articles prepared by the ILC. The concerted support of the Asian-African group resulted in the adoption of the Part V of the Commission's draft on Invalidity of Treaties, which lays down a series of grounds on which a treaty could be impeached as invalid. These ground also embodied principles which can be said to remove or minimize many of the drawbacks and deficiencies which were inherent in traditional international law.

Excellencies, these are only few instances where the AALCOs distinctive and indelible imprints have been made. These instances amply demonstrate the role of AALCO and the Asian African contributions has been much more than apparent and far more substantial than generally appreciated. In most of the work of the ILC, whether finally adopted in the form of Convention, or principle or annexed to a Resolution adopted by the United Nations General Assembly, AALCO has expressed its views and put forwards the views of our Member States during different stages of the formation and articulation of the evolving norms and practical rules of international law.

Mr. President, in this context, I recall the words of one African jurist "The aim of the 'Asian African Community' is not to establish a separate system of international relations, but to obtain general agreement upon a just law administering to the interests of the whole world community". In this quest towards the establishment of a universal international law and just solution of problems, the Asian-African community has a vital role to play.

Mr. President, the International Law Commission is one forum which our Member States must actively participate and ILC presents an opportunity to redefine international law. First of all, this is because, ILC is involved in the process of codifying and progressively

developing various and important aspects of international law. The primary work on codification is the codification of the customary international law, and State practices. It is often criticized that the current rules of international law and in particular customary rules are not favourable to the developing countries in the Asia and Africa. This is principally because, most of the practices which has become part of customary international law has evolved for the practices of the European states and its relations with the former colonies. The understanding of law in the old and well established legal systems of the Asian and African continents were never considered relevant and their practice evidence of the customary international law. Because of this constricted understating of the international law, particularly customary international law, developed mostly by the Western world, the Asian African states are denied the chance of contributing towards the formation and development of international law.

Secondly, irrespective of the legal character of the final product of the work of the ILC, the draft rules and principles developed by the ILC commands high respect. Only some work of the ILC has successfully reached the stage of being adopted as convention. However, other principle and norms developed by the ILC have tremendous impact on the legal thinking of the most international courts and tribunals, and they have convincingly relied upon by the judges and the parties alike in developing a rational argument and in reaching a logical conclusion. For example, the ILC Draft Articles on State Responsibility and its commentaries, though not adopted as a Convention already have exerted considerable impact as a subsidiary means of determining the content of international law. The Articles have been relied upon and cited by several parties in recent cases at the ICJ, the ITLOS, the WTO Panel and Appellate Body and other international tribunals. Most often this is done without questioning the logic and reasoning of the articles itself. This indeed proves the authority and legal status of the articles.

Mr. President, given this tremendous impact of the ILC work, all our Member State must sit and take note of the developments very seriously. Failing which, the States in Asia and Africa must also bear responsibility for failing in contributing to the evolution of international law. In practice, the ILC receives practically very little inputs from these States compared to the significant and useful contributions from Western and Latin American states.

At the same time, the ILC serves as a body of independent legal experts elected for a five-year term to serve the Commission in their individual capacities, has its share of problems. Firstly, Members are elected from each of the UN Regional Groups representing the world's various legal, political, economic and cultural traditions. However, it has been viewed by a large majority of the Member of the General Assembly that the ILC is not representative of all the cultures. Currently the total Membership of ILC is thirty-four. In other words, only 14 Member are from the Asian African region. According to the provision of article 8 of the Statute, requiring "in the Commission as a whole representation of the main forms of civilization and of the principal legal systems", it has been suggested that representation could be better assured by increasing the size of the Commission. Secondly, there is a tendency of the domination of the work of ILC by

the Western Members. Thirdly, because the ILC sits at Geneva Headquarters of the United Nations, most of the Asian African Members find it extremely difficult to sustain the heavy cost and at the same time find research assistance for them.

I need not further elaborate on the importance of the role that AALCO could play in the context of the work of ILC. AALCO is the only Organization in the Asian African continent which considers and seriously deliberates on the work of ILC. The AALCO offers useful forum and channel to make known the views and positions of the Asian and African states to the ILC which is playing the central role for codification of international law. The AALCO forum could be used by all member States, their view duly presented before the ILC by the Secretariat. Further, AALCO could do more by providing research assistance to Asian-African Members participating in the ILC; Organizing expert group meeting to discuss, identify and consolidate the common interests of Asian and African States etc. Furthermore, ILC work should not be the concern of only the foreign offices of our Member States, but should also sensitize our academia in deliberating these issues along with the modern and specialized areas of international law, all of which find its roots in the rules and principles developed under the ILC fora.

Mr. Chairman, I am optimistic that in the years to come AALCO will achieve greater success in identifying and consolidating the common interests of Asian and African States particularly in the work undertaken by the ILC. I am sure our relationship with ILC would get strengthened. I congratulate the ILC on its 60th Anniversary. Thank you.

President: I thank our Secretary-General for his statement and may I now invite the distinguished delegate of the People's Republic of China to address us.

The Delegate of the People's Republic of China: Thank you Mr. President. The Chinese Delegation is very glad to participate in this particular meeting to commemorate the Sixtieth Anniversary of the International Law Commission. Mr. President, since the ILC was founded sixty years ago. It has been playing a very important role in the publication and development of international law and has made tremendous contribution to the shaping and development of modern international law. The treaties drafted by the ILC greatly facilitated in the negotiations on concluding treaties between non-contracting parties. Many important treaties on intergovernmental relations are also originally drafted and supported by the ILC. Some draft treaties done by the ILC are yet to become the conventions had provided important reference to countries dealing with relevant issues. The ILC has also contributed a lot to the research and publicity of various items on international law by organizing seminars, workshops and so on. The Chinese Government highly appreciates the extraordinary work done by the ILC in the last sixty years and continues to attach great importance to the work of the ILC and pay closer attention to it and support the concrete achievements of the ILC and accord necessary assistance to it.

Mr. President, we are very glad to see that presently one-third of the Members of the ILC are from the AALCO Member States. We very much appreciate the efforts made for the functioning of the ILC and hope that strengthened cooperation paid up consensus and

join hands in pushing forward the work of the ILC. We also support AALCO continuously reviewing and following the work of the ILC. We also support AALCO continuously reviewing the work of the ILC and sharing views on issues of common concern, and making sure that the results of the ILC are more compliant with common interests of the African and Asian countries through the Sixth Committee of the UN General Assembly and other appropriate channels.

To conclude, the Chinese Government stands ready to work with the African and Asian countries and make further contribution to the development of international law. With this, Mr. President, I thank you.

President: I thank the distinguished representative of China. May I now invite Professor Momtaz, former Chairman of the International Law Commission to address us.

Presentation by Prof. Djamchid Momtaz, former Chairman, International Law Commission and Legal Adviser of the Ministry of Foreign Affairs, Islamic Republic of Iran

Mr. Secretary-General of AALCO, Excellencies, Ladies and Gentlemen; it is indeed for me a great honor and a real pleasure to participate at this commemorative seminar on the occasion of the Sixtieth Anniversary of the International Law Commission.

We hear from time to time that the International Law continues to be euro-centric and the newly independent States does not play an active role in the process of the codification of international law and its progressive development. This question has been tackled few minutes ago by our Secretary-General Dr. Rahmat Mohamad.

I think it will be interesting to know if that is the case with the work done by the International Law Commission during the last years. In other words, what is the real input of the third world States in the work of the International Law Commission and how we can enhance their participation in this process.

The first question that I want to raise is the role played, of course by the members of the International Law Commission in choosing the topics to be included in the programme of work of the International Law Commission. As you may know, every member of the Commission is free to propose topics to be included in the work of the Commission and I can say that the members of the Commission from the Member States of AALCO played a very important role during the last years. I want to give two examples. It is good to know that the topic regarding the “Expulsion of Aliens” and its inclusion in the agenda item of the International Law Commission was proposed by a member of the Commission from the AALCO Member States. It is Mr. Addo from Ghana.

I can give you another example also. It is the question studied by my good friend Mr. Rohan Perera, regarding the Protection of Persons in the event of Natural Disasters. This subject was proposed by Mr. Kamto Maurice from Cameroon, a Member State of AALCO.

Generally, the members who propose a subject is adopted by the Commission to be included in the topic of the International Law Commission is chosen as a Special Rapporteur. It is good to know for instance that Mr. P.S. Rao from India was chosen as a Special Rapporteur on the question of liability of States regarding acts not prohibited by international law and he played a very important role in drafting the principles with the two Declaration principles on this subject.

It goes without saying that the preparations of reports by the Special Rapporteur of the Commission to be discussed by the Commission it is very time-consuming but also it needs lot of skill and dedication from the Special Rapporteur. As it has been said by our Secretary-General that these members from AALCO are not always in a position to have research assistance and I have to say that they don't receive any funds from the Commission to make the necessary research. And the members of the Commission do not receive any honorarium during their presence in Geneva due to the financial crisis of the United Nations during these last years. I think that is a very important question and also that when presenting candidates to the election of the Commission at the General Assembly, the Member States must take into account not only the qualifications of the candidates but also the necessity to help these Members when at Office in Geneva.

Taking into account the fact that the Special Rapporteurs in preparing the draft articles on these respective topic must rely on practice of states, and that is the reason why all the Special Rapporteurs in preparing the reports send a questionnaire to the Member States asking from all United Nations Member States some information regarding their practice on the question under discussion.

I have to confess that the newly independent states are generally very reluctant to answer to these questionnaires and generally Special Rapporteur must rely on the information given particularly by the developed states that is the European States and the Latin-American States. That is perhaps one of the reasons why the international law still is a Eurocentric law. Of course, it is important to know what would be the reason for reluctance of the States to answer to this questionnaire. One of the reasons given is the lack of expertise in their respective capitals. But I think that is not the sole and the unique reason of this reluctance. I think personally that the main obstacle that the newly independent states are facing is the absence of transparency of their own practice.

For instance, in certain domain the State concern is not able to give information because there is lack of legislation regarding topic included in the work of the Commission. I can give an example regarding the question of Jurisdictional Immunity of State and their Property and generally developing states has legislation regarding the question of immunity of States. It is also the case regarding the national law case. National tribunal as the organ of the State can also play a very important role in drafting the state practice. Unfortunately, generally the decisions taken by the judiciary in developing countries is not always well argumentative and the judges are not always able to explain the reasons behind their decisions.

For all these reasons and the fact that in the third world states the doctrine that is the scientific work of the academicians are not well developed and will represented these States cannot play an important role in the formation of customary international law which constitutes the basis of the work of the International Law Commission.

Mr. President, I am confident that our Organization as a Consultative Organization can give to Member States useful advice not only in preparing them to answer to the questionnaire presented by the International Law Commission members but also giving them advice in the elaboration of their legislation on the subject relating to International law.

To be more helpful to the member States, I think that the debates on the work of the International Law Commission during the annual session of our Organization must take place before the meeting of the Sixth Committee of the General Assembly. It will give more time to member States the opportunity to take advantage from the expertise of our Organization.

During the last session of our Organization, the Islamic Republic of Iran proposed to hold our annual sessions sometimes between the end of the annual session of the International Law Commission and the beginning of the Sixth Committee meetings. I am of course aware that this proposal would raise some difficulties but it will be better to constitute during the annual session those topics studied by the Commission during the last session of the Commission and not during the session of the Sixth Committee. That's the due concern that I have as a former member of the Commission and I want to thank once more for giving me this opportunity to address at this Sixtieth Anniversary of the International Law Commission. Thank you very much.

President: Thank you Professor Momtaz for your comments and especially for the unique perspective you brought as the former Member and Chairman of the International Law Commission. You have highlighted the issue of assistance to the ILC Members from AALCO States when they are in Geneva for the Sessions of the Commission. You also highlighted issues regarding the lack of responses from the ILC from the AALCO Member States and other developing countries to the questionnaires which were sent out by the International Law Commission, either on taking up new topics or at the early stages of the consideration of the different agenda items. These all are very relevant and I am sure that the Secretariat and the Secretary-General would take these into consideration. On the timing of the AALCO Annual Session, I think you raised a very important point that we need to have our views reflected in the UN General Assembly. But having an AALCO Annual Session between the ILC and the UN General Assembly, I think rather very difficult, because already the UN General Assembly feels that the ILC Report comes very late because the Session ends in August and only after it is translated, final reports are prepared. Even the Member States are always feeling that they have very short time to consider this and it may not be possible to have an AALCO Session just before the UN General Assembly. But, of course, this is a very important element which I think the Secretariat would examine how they can help the Member States in either through electronic means or smaller meeting in New Delhi which could look at this issue

and see that how best to ensure that the views of the Member States are presented to the UN General Assembly in time at the very first opportunity. I thank you and now I give the floor to India.

The Delegate of India: Thank you Mr. President. We are very glad to have the kind of discussion on the commemoration of the Sixty years of the ILC, especially what is the role of ILC in the 21st century is really an important topic and it is timely to discuss. Now we listened very carefully the insider's view of the working of the ILC and the critical analysis of the recently tabled topics by Dr. Rohan Perera and also Professor Momtaz on how even the members are allowed to decide new topics. The contribution of AALCO is also now well known because it is on record now. In addition to that, apart from the contribution of the Members, because they are supposed to sit in an individual capacity as experts. They are not supposed to reflect the views of the State. So in two ways you can reflect: one is to respond to the Questionnaire; second, to participate in the debate of the ILC reports in the Sixth Committee and in the Afro-Asian countries, very few countries would always intervene when the topics are taken in the Sixth Committee. Either they don't have the kind of expertise or sometimes they don't have the kind of practice on that particular area. Apart from that if we take even the very topics that have been taken of and some of them are discussed here, the State practice on this area you can find only through the bilateral agreements more and more and the court decisions. Of course, in MFN, we can see the court decisions, there are a lot of literature available, that would be helpful.

In some of the areas, especially on the immunity of State Officials from foreign criminal jurisdiction we will find increasingly that the jurisdiction is conferred by bilateral agreements and most of the bilateral agreements will not be publicized and the people may not have access to that. While at the same time, the representatives of the States have access to that. They will have some idea about how jurisdiction is exercised and at what level. An interesting question has been raised in the Commission regarding the immunity of the Head of the State and Head of the Government and whether it extends beyond that. The category beyond it goes, we will find, I believe, only in inter-governmental agreements, not naturally it is reflected because in the doctrine of *par in parem imperium non habet* we can find and on that basis lot of literature that has been worked on in the national court decisions. But that is not sufficient. One has to go beyond that. Another interesting thing that has been discussed is the protection in the event of disaster and pointed references have been made to a particular UNGA Resolution. It is a politically hot topic, in the UN, we can find whenever this topic is taken, in that matter we can find that the Afro-Asian community, only one or two countries will speak very often and not many. It is a highly sensitive issue because the national sovereignty is involved in that, there is a possibility of interventionist attitude by bringing in a rights based approach. Now what is happening here is that the responsibility to protect and linking this with the individualistic right of the victims across the boundaries and this would undermine some of the very principles which are almost settled now in the UN Charter. So it is a very critical issue. Here also we cannot find any literature available openly. Most of the time we have to just listen to the political debates or the UN General Assembly resolutions or the summary record of the transactions that have taken place. References have been made

now in your speech, Mr. Secretary-General that academics should be involved in that. We are not denying that. Academia should be involved. But there is a limitation that some of the transactions where academia it is very difficult to them to involve because the precedence you can find is only in the closed literature but not in the open literature. So perhaps we would have this kind of seminars where the academics as well as the institutions and the governmental people across the countries in AALCO Membership can participate in exchange of ideas. Where there is a possibility of identifying the issues that would be helpful for the AALCO Secretariat to formulate a view, if at all, by taking into consideration of all the views expressed by the cross section. Finally, I would like to thank all the panelists and they are very good in disseminating the effective information which are all needed for the membership countries. Thank you Mr. President.

President: I thank the distinguished representative of India. Now I give the floor to Uganda

The Delegate of Uganda: Mr. Chairman. I thank you all for this opportunity to say something. I would like to thank Dr. Perera for his presentation on the Work of the International Law Commission. I was very interested in the question of immunity for State Officials from foreign criminal jurisdiction. First, we are not talking about punishing genocide, war crimes or crimes against humanity. Because those have been assigned to the International Criminal Court and the Rome Statute. So I regret that I haven't seen this report by Special Rapporteur on this matter. What are the goals to be achieved by this criminal jurisdiction, where has the crime committed. Because this foreign official of a country which presumably has a criminal law and is subject to the criminal jurisdiction of his country. Now I have a fear myself especially when you mentioned the scope and categories of people to be covered. I am not a Head of State or Head of Government or Minister of Foreign Affairs or Minister of Trade. I am simple Attorney General and I came to India in good faith to participate in the Meeting of AALCO and in the meeting about the ILC. As I get out of here, in the gate there, I found the policeman with an arrest warrant says that "Sir, can you follow me to the police station". May I know what the goal is and whose law we are applying and its consequences on relations and operations and so on. Of course I would look for this report and read it for myself and inform my country accordingly. But I really wonder what the objective is? And what is a crime? Currently France and Uganda disagree politically. This is very well known. These all are political. Government officials in Uganda traveling in Germany and he is arrested on the warrant issued by a Magistrate in France and deported to France and so on and so forth. It is known that France and Uganda disagree politically over some other matters. What crime are we talking about?

Now again I am happy to hear two views on the International Law Commission. One, is by the Secretary-General of AALCO, and the other is from Professor Momtaz. I am sorry, but for me personally, not for my country, as a senior citizen I still think that international law is the wheel of the rich and powerful countries. I am still convinced that it is euro centric, that it is American centric and there is a western value system which this international law is propagating and enforcing. Yes, you can ask for inputs from Asia and Africa. But will we be listened to? Where are those examples that we have been

listened to? Now there are new problems. You send a questionnaire. There is no limit on the use to which the responses will be put. The enemies of sovereignty of Asia and Africa can also visit against you. I have nothing against whites. But I would have been happy in some discourses to hear about the duties of this people who enjoyed these rights. The value systems, for example, I use to know what human rights were, first generation, second generation, third generation. I use to know these. Now you hear that human rights mean, the rights of gays, the right to single sex marriages and so on. Many problems are now conditioned in these. You know the right of gays, you must open up our systems to rights of gay people, to single sex marriages as part of human rights! My dear friends, I have to be careful. Where will the value system go if two men can marry. And we say it is their right for two men to get married. If I fully expose totally to this system because at the end of the day they are going to say, if you don't protect gays, then we can't give you this and that and so on and so forth. This is my view as a human being in a small and powerless country. I know families have been attacked in the name of human rights.

The ILC is a good institution but it must come away from Geneva. We don't live in Geneva. So many of us live in Accra, Nairobi, New Delhi, Jakarta, Beijing, etc. What is the future programme of the ILC must be to come away from Geneva and find us where we live and we know that our views have been incorporated into the system. But if we have to go to Geneva, we take 12 hours to reach there and give 7 minutes. Then they say we have listened to you. The ILC should also come down from Geneva and listen to us. I am very glad that I was able to participate in this Session. I thank Dr. Perera, Professor Momtaz, Secretary-General and all colleagues who are participating in this meeting. The world cannot be for the powerful and rich only, it is for all of us. The problem of the ILC for the future must find some ways to accommodate us substantively rather than nominally. I thank you sir.

President: I thank the distinguished Attorney-General of Uganda for his remarks and for making important point about ILC being more accessible to Member States especially to developing countries and more responsive to their views and to their interests. I now give the floor to Ghana.

The Delegate of Ghana: I thank you Mr. President for giving me the floor and am thankful for your presentation which enumerated what have been done by the ILC as well as the current subjects on the work programme of the ILC. I also thank Dr. Perera for his presentation, particularly on the new subjects that ILC is considering and also comments made by the Secretary-General concerning the importance of the ILC's work. We equally share the concern with that has been very well expressed by the distinguished Attorney-General of Uganda concerning the work being done on immunity in respect of foreign criminal jurisdiction. Certainly, the nature of foreign jurisdiction is mostly applied to weaker countries. So certainly we believe ILC work is more important and it should a sort of mitigate the impact that is coming from that direction. Certainly, we believe that whether you would consider some of the procedure while issuing warrants of arrest. I believe that it may be helpful if the systematization of practices in that regard to help bring some predictability on that account. But the other aspects of question I would like to pose is that in your view, on your wide legal experiences do you think that we are

entering an era where legislating the international regime, a great amount of legal framework coming up. Arising from that also, particularly several international criminal tribunals coming up, sometimes conflicting international criminal jurisprudence being developed. How far the ILC looked at these things and what can we expect to come out of this areas. I thank you.

President: I thank the distinguished representative of Ghana. You have raised two very important issues on the question of over legislation, whether there is too much of law in international area. I think this is an issue which I think very important and we need to examine whether we can go on creating more and more laws or should we focus on proper implementation and proper acceptance of law already been adopted. Because as you know a number of international conventions which have been adopted in the UN and other bodies but which do not enter into force for a very long period of time because they don't receive the sufficient number of ratifications. I think this was a very important issue whether we should continue to legislate on new areas or whether we should focus on strengthening areas which already has been considered conventions that have been adopted. The other issue you have raised is the issue of conflicting jurisprudence especially in the case of various tribunals on criminal matters. This is an issue which already been raised, initially by the former President of the International Court of Justice. Earlier when he referred to the number of international courts and tribunals which have been established. All of them have final binding jurisdiction. They are not subject to any appeal and their area of jurisdiction also overlaps in many cases. However, the current President of the ICJ is not as concerned about the possibility of conflicting judgments by different courts because in our view there is a need for better coordination between different courts and she has tried to do this by having annual meetings between the Presidents of different tribunals in which they discuss the areas which are coming up before them for consideration and they also look at the judgments of other courts to try and see that, if possible to avoid any conflicts. However, there is a possibility as you mentioned that States may go forum shopping by looking which court would give a more favorable opinion. This is a reality with number of courts. Now more than 20 international and regional courts or tribunals around the world. This is a real possibility that there was a concern that some of the decisions of the Security Council were being now challenged in some of the regional courts or the human rights courts. So we have to see how the jurisprudence emerges in this area and how the practice emerges and how States would deal with those issues.

Any further requests from the floor? Now I would ask some of Panelists to respond. I will give the floor to Dr. Rohan Perera.

Amb. Rohan Perera: Thank you Mr. President. Very briefly to respond to two important points you have raised: one by the Distinguished Attorney General of Uganda, on the question of the scope of crimes as possible exceptions to immunity. As I did mentioned this matter is not dealt with in the preliminary report of the Special Rapporteur. But despite that it did figure in the debate with number of Members raising the central question whether the State Officials enjoy immunity on the case of "Crimes on International Law". Now what those crimes would be is a matter that the Special

Rapporteur would have to devote his attention and deal with in the next report. The so called core crimes in international law: genocide, crime against humanity, war crimes and so on. Of course, number of views were expressed by Members as the type of crimes that should form an exception to immunity, including non-official character crimes and international law. The *jus cogens* nature of the norm prohibiting such crimes or the condemnation of those crimes by the international community as a whole. These are just benchmarks or criteria , but the future reports of the Special Rapporteur identify what those criteria are going to be and that will also lead to complex questions. The interplay between the *jus cogens* character of a norm criminalizing particular conduct. On the other hand, *Jus Cogens* character of immunity enjoyed by certain categories of persons. These will be very complex questions that will have to be dealt in the future. At the moment, the question is what are the types of crimes that should form exceptions to immunities. At the same time there was also a view, that I mentioned that exceptions should not ultimately result in the virtual disappearance of the concept of immunity which is essential and represent certain legal values which is essential for the stability of inter-state relations. So that really is the challenge before the commission. The second point made by the distinguished representatives of Ghana about over legislating which Mr. Singh also referred to. Here I would like to refer to the growing trend in the present stage towards soft law. If we would take the draft articles on State responsibilities, the request to the UNGA was to take note of the draft articles and in a future date to consider the possibility of a Convention on the subject. This year, the same approach with regard to the draft articles on transboundary aquifers. Because the Commission is conscious of the fact that States now tends to look more towards a soft law approach in these areas. Having had the series of conventions governing the core areas in the past the States appears to be more comfortable as we get into other areas to have soft law instruments. But nevertheless it constitute important benchmark or guidelines on which draft articles which have been discussed thoroughly in the International Law Commission and hence enjoy the authority of the law commission. They serve as important guidelines for State conduct. As Mr. Singh have mentioned ICJ have referred to this draft articles, particularly on State Responsibility. So they serve a purpose. But I think the last conventions adopted in 1978 based on draft articles. So there is a clear trend towards soft law approach. These are points that may be taken note. Thank you

Prof. Momtaz: Thank you Mr. President. First of all I want to ensure that Attorney-General of Uganda that while in India he is protected by the Headquarters Agreement signed between the AALCO and the Government of India. On the question of fragmentation of international law, the question has been raised by the distinguished delegate from Ghana, I think personally that fragmentation of international law is not a bad thing. It is a good thing. It is good to have opinions of different international tribunals regarding the customary international law. This question has been raised after the decision taken by the ICTY, in *Tajic* case in 1995 regarding the criteria to use acts attribute to a State. This difference between the effective control of the State on a group or the overall control of a State on a group. I think the question has been solved by the late decision of the ICJ in 2007 in the case between Bosnia Herzegovina and Serbia. Regarding the question of forum shopping, I think that is also not a bad thing. For example, all the question regarding the limitation of maritime zones, the State prefers to

go to the ICJ. Perhaps the ITLOS is not ready to tackle this kind of question. If you allow me Mr. President, I have a question addressed to Perera. I really appreciate very much his presentation. I want to know if the question on the fight against impunity has been tackled during the debate in the International Law Commission. As you may know that the ICJ in arrest warrant expressed very clearly that you have to make a difference between immunity and responsibility and immunity doesn't mean responsibility and after the end of the Office, of course the person responsible for all acts during his term of office. I want to know if this question has been raised by the Members of the Commission during the debate. Thank you very much.

Amb. Rohan Perera: Thank you very much Professor Momtaz for raising that issue. Issue indeed figure in the debate and it is bound to resurface as it continue to consider this question. There was also a tendency on the part of some to bring the whole question of jurisdiction from a black and white perspective in the sense: immunity verses impunity. If you expand the scope of immunity to undesirable degree, on the other hand, a more balanced approach was to carefully weigh the considerations involved. Well defined exceptions to immunity at the same time the scope of such exceptions should not be broad so as to lead to impunity. So what is required is the balancing of two important vital contenting principles. Preserve the concept of immunity. Do not expand the scope of exceptions to a point that the whole concept disappears. Because it is essential for the balanced inter-state relations. At the same time certain conduct cannot be condoned because it is condemned by the international community. So where we strike the balance is a challenge before the ILC.

President: I thank Dr. Perera for the clarifications. Since there is no further request from the floor we would conclude the consideration of this topic. Before that I would like to thank all the panelists. I would like to thank the Secretary-General, Dr. Rohan Perera, and Professor Momtaz for their presentations. I would also like to thank all the delegations which participated in the discussions and contributed to our consideration and to the commemoration of the Sixtieth Anniversary of the International Law Commission. The Secretary-General proposes to send a message to the ILC on this occasion. I would now give the floor to the Secretary-General.

Secretary-General: Thank you Mr. Chairman. I have the honour to place for consideration of this meeting the following message. If it is deemed appropriate then it may be adopted by this meeting and later it could be sent to the Chairman of the International Law Commission. The text of the message reads as under:

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 1958 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.

President: I thank the Secretary-General for reading out the message which he proposes to send to the International Law Commission though I take it that we all agree with this message and this will be duly communicated by the Secretary-General to the International Law Commission. With this we now come to the close of our Special Meeting on the work of the International Law Commission and I now give the floor to the Deputy Secretary-General for delivering the vote of thanks.

Vote of Thanks by Amb. S. R. Tabatabaei Shafiei, Deputy Secretary-General of AALCO: Thank you Mr. President. His Excellency Mr. Narinder Singh, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India and Member of the International Law Commission and our President for the Forty-Seventh Session of AALCO; His Excellency Amb. Rohan Perera, Legal Adviser, Ministry of Foreign Affairs, Government of Sri Lanka and Member of the International Law Commission; His Excellency Prof. Rahmat Mohamad, our able Secretary-General of AALCO; and

His Excellency Prof. Dr. Djamchid Momtaz, as the meaning of the name in Persian as well as in Arabic means “Excellent”, Legal Advisor of the Ministry of Foreign Affairs of the Government of Islamic Republic of Iran and Former Member and Chairman of the ILC;

Ladies and Gentlemen, Excellencies; permit me to express my sincere gratitude on behalf of the Member States of the AALCO, the Secretariat and on my own behalf to the distinguished Members of the International Law Commission for having accepted the invitation to deliver their valuable expert opinions at this meeting on Commemoration of the ILC on its Sixtieth Anniversary. I take this opportunity to convey that the presentations by the Members of the ILC were very informative in terms of the current work programme of the ILC, besides explaining the possible areas of research for AALCO in promotion of Asian-African perspective that would cater a unanimous approach in international law making process.

Excellencies, framing a unanimous approach is possible only when both the Institutions work in close cooperation with each other. Objectives of the Commission as well as AALCO coincide in matters relating to the codification and development of International law. Affirmatively, I may say that the topics for today’s discussion on role of ILC in 21st century; Inter-linkages between the work of ILC and AALCO; and measures to strengthen solidarity within the ILC and ensuring adequate reflection of African-Asian concerns in its work have helped the Member States understand the necessity for a unified stance and framing an approach. This approach in the long run has two major objectives to attain, firstly, it would transform AALCO’s role as not mere representative of its Member States at the international law making bodies, but also would be regarded as a mark of Asian-African perspective that would stand united to uphold the common concerns of the developing countries. Secondly, propagating such a perspective through an Organization like AALCO would be highly beneficial for our Member States since addressing their issues of legal nature would add strength to the ‘Spirit of Bandung’ which still stands significant in the contemporary world.

I once again thank the Members of the ILC for their excellent presentations on the diversified issues on cooperation between ILC and AALCO. The Secretariat would take due note of such issues that are of contemporary relevance to the Member States of AALCO. I express my sincere gratitude to my colleagues, the Secretariat Staff and all others who had made this event successful.

Excellencies, AALCO looks forward for working in close cooperation with ILC and exchange views of the Member States on the current work programme of AALCO. Thank you very much.

President: Yes, with this I declare the meeting closed and the lunch is served behind this building at the same place, where we had lunch yesterday. Thank you.

LIST OF PARTICIPANTS AT THE COMMEMORATIVE SEMINAR ON THE SIXTY YEARS OF THE INTERNATIONAL LAW COMMISSION HELD AT PERMANENT HEADQUARTERS, NEW DELHI ON 2ND DECEMBER 2008

- 1. Bahrain**
Mr. Salah Matar Al-Buflashah
First Secretary, Embassy of Bahrain,
New Delhi.

- 2. Bangladesh**
Mr. Shah Asif Rahman
Liaison Officer of AALCO

- 3. Brunei Darussalam**
Mr. Mahari Bin Sulaiman
First Secretary
High Commission for Brunei
Darussalam

- 4. People's Republic of China**
Ms. Jun Jun Qian
Attache (P), Embassy of China

Mr. Zhao Ming Hu
Political Counsellor
Embassy of China, New Delhi

Mr. Lin Shiguang
Third Secretary

- 5. Republic of Cyprus**
Mr. Kyrillos Nikolaou
Second Secretary
Cyprus High Commission, New
Delhi.

Mr. K.S. Rautela
Admn. Officer, Cyprus High
Commission, New Delhi.

- 6. Republic of Ghana**
Mr. Harold Adlai Agyeman
Acting High Commissioner
New Delhi.

- 7. India**
H.E. Mr. Narinder Singh,
Joint Secretary,
Legal and Treaties Division,
Ministry of External Affairs, New
Delhi

- Dr. Manimuthu Gandhi
Director (L&T), MEA, New Delhi.
- 8. Republic of Indonesia**
- Mr. Rizali W. Indrakesuma
Minister Counsellor, CdaI
- 9. Islamic Republic of Iran**
- Dr. Jamshid Momtaz
Legal Adviser, MFA
- Mr. Manouchehr Sobhani
Counsellor
Islamic Rep. of Iran, New Delhi
- 10. Japan**
- Mr. Toshikatsu AOYAMA (Head)
Counsel for International Legal
Affairs
International Legal Affairs Division
International Legal Affairs Bureau
Ministry of Foreign Affairs of Japan
- Mr. Yuzi Suzuki
Second Secretary, Embassy of Japan.
- 11. Jordan**
- H.E. Mr. Mohamed Ali Daher
Ambassador of Jordan, New Delhi
- Mr. Abdul Rahman Abu Laban
Embassy of Jordan, New Delhi
- 12. Republic of Kenya**
- Mr. Symon Kipngeny Koima
First Secretary (P), Kenya High
Commission
- 13. Democratic People's Republic of
Korea**
- Mr. Si On Pang
DPR Korea
- Mr. Il Kim Hyon
DPR Korea, New Delhi
- 14. Republic of Korea**
- Mr. Junghe Song
Second Secretary, Rep.of Korea
- 15. Kuwait**
- Counselor Sultan N.S.Brousli
Under Secretary,
Ministry of Justice

Mr. Mohammed Gh. Al-Awadi
Director
Department of World Trade
Organization
Kuwait.

16. Malaysia

Mr. Mohd. Radzi Harun
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17. Mauritius

Mr. Khemraj Jhingree
Head of Mission/First Secretary
Mauritius High Commission,
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18. Sultanate of Oman

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Ambassador of the Sultanate of
Oman
New Delhi.

Mr. Ahmed Salim Al-Shanfari
Minister Plenipotentiary
Embassy of the Sultanate of Oman

19. Islamic Republic of Pakistan

Mr. Irfan Ahmed
Counsellor

20. Singapore

Mr. Kien Pin Chen
First Secretary
Singapore High Commission,
New Delhi.

Mr. Ding Yong Tan
First Secretary,
Singapore High Commission

21. Democratic Socialist Republic of Sri Lanka

Dr. Rohan Perera,
President's Counsel,
Member of the International Law
Commission

22. Thailand

Ms. Tanguirat Sasirit
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23. Uganda

Hon'ble Khidhu Mukubuya
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Ms. Dora Kutesa
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24. Republic of Yemen

Mr. Mohamed Ali Al-Wali
Director General of the
Official Journal of the State

Mr. Abdullah Mohammad Al
Hamadi
Director General of
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Ministry of Legal Affairs

Mr. Abdullah Khulob Hussain
First Secretary
Embassy of Rep. of Yemen

AALCO Secretariat

H.E. Prof. Dr. Rahmat Mohamad
Secretary-General

Dr. Xu Jie
Deputy Secretary General

Amb. S. R. Tabatabaei Shafiei
Deputy Secretary General

Dr. Yuichi Inouye
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Mrs. Anuradha Bakshi
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Mr. Shikhar Ranjan
Senior Legal Officer

Mr. R. Rajesh Babu
Senior Legal Officer

Mr. Mohammed Hussain K. S
Senior Legal Officer

Mr. S. Senthil Kumar
Legal Officer

Ms. Shannu Narayan
Legal Officer

Mr. S. Pandiaraj
Legal Officer

Mrs. Neelam V. Mathur
Librarian

Mrs. Rachna Soni
Asstt. Admn. Officer

Mrs. Manju Gupta
Documents Officer

Mr. Sunil Kumar
Computer Technician

Interpreters

Prof. Zubair Ahmad Farooqi

Dr. Bassam Naasan

Dr. Habibullah Khan