

FIFTY-FIFTH CONSTITUTION DAY CELEBRATIONS (11 NOVEMBER 2011)

In commemoration of the Fifty-Fifth Constitution Day of AALCO, on 11 November 2011, an Interactive Meeting with the Heads of Missions of Member States of AALCO was convened by the Secretary-General of AALCO, at Taj Palace Hotel in New Delhi. The Ambassadors/High Commissioners and Liaison Officers from 25 Member States of AALCO and 2 Non Member States participated in the meeting. The meeting was inaugurated by H.E. Mr. Prasad Kariyawasam, the



SG addressing the Round Table Meeting.

High Commissioner of Sri Lanka to India, on behalf of H.E. Mr. Rauff Hakeem, the Minister of Justice of Sri Lanka and the current President of AALCO. After the inaugural address, the Secretary-General of AALCO in his presentation highlighted the outcome of the Fiftieth Annual Session and the Plan of Action for the year 2011-2012.



H.E. Mr. Prasad Kariyawasam, the High Commissioner of Sri Lanka to India during the the Round Table Meeting.

The Honourable High Commissioner of Sri Lanka to India, at the occasion released an AALCO publication titled "Report of the Meeting of Legal Experts on the Rome Statute of the International Criminal Court: Issues and Challenges" which was held in Putrajaya Malaysia from 19 to 20 July 2011.



Releasing AALCO Publication at the Round Table Meeting. From L to R: SG and H. E. Mr. Prasad Kariyawasam, the High Commissioner of Sri Lanka to India.

After the Presentation made by the Secretary-General of AALCO, the Ambassadors/High Commissioners and senior officials from the following Member States presented their comments/suggestions: Republic of South Africa, Japan, State of Kuwait, Democratic Socialist Republic of Sri Lanka, Arab



Ambassadors of Member States of AALCO to New Delhi at the Round Table Meeting

Republic of Egypt, Sultanate of Oman, Turkey, Malaysia, India, and Nigeria. Dr. Xu Jie, the Deputy Secretary-General of AALCO proposed a vote of thanks to the distinguished audience.

SECRETARY-GENERAL'S AUSTRALIA TRIP (NOVEMBER 2011)

An international workshop entitled 'Institutional Supports For Strengthening The International Rule of Law' was convened in Brisbane from 21 to 22 November 2011 by the Institute for Ethics, Governance and Law (IEGL). At the invitation of the Institute for Ethics, Governance and Law (IEGL) Australia, the Secretary-General of AALCO, Prof. Dr. Rahmat Mohamad presented a paper on "International Criminal Court in the Development of international rule of law: a Reflection of Asian-African views" on 21 November 2011.

On 25 November 2011, The Human Rights and Governance Colloquium, Queensland University of Technology, Brisbane, Australia organized an international conference on "Shifting Global Powers: Challenges and Opportunities for International Law". At the invitation of the organizers, a keynote address was delivered by Prof. Dr. Rahmat Mohamad, on the topic "The Role of the International Criminal Court and Rome Statute in International Criminal Justice Standard Setting: Some Reflections".

DEPUTY SECRETARY-GENERAL'S PARTICIPATION AT THE 19TH SATS (27 NOVEMBER 2011)

The 19th South Asia Teaching Session (SATS) on International Humanitarian Law (IHL) was jointly organized by the International Committee of the Red Cross (ICRC) and the National Law School of India University, Bengaluru from 27 November to 5 December 2011. Dr. Xu Jie, the Deputy Secretary-General of AALCO was invited to be the Distinguished Guest at the Inaugural Session of the SATS programme and he delivered a statement on behalf of AALCO.



Ambassadors of Member States of AALCO to New Delhi at the Round Table Meeting

Prof. Dr. R. Venkata Rao, Professor of Law and Vice-Chancellor National Law School of India University, Bengaluru; Mr. Francois Stamm, Head of Regional Delegation for South Asia, ICRC, New Delhi; and Mr. Christopher Harland, Regional Legal Adviser, ICRC, New Delhi were the other speakers at the inaugural session of the SATS programme.

NEW APPOINTMENT



Dr. Yasukata Fukahori from Japan has joined the AALCO Secretariat as Deputy Secretary-General replacing Dr. Yuichi Inouye who has successfully completed his two-year tenure with the Secretariat. Dr. Fukahori holds a Doctor of Philosophy (Ph.D) in Political Science and Economics (Environmental Economics) from Vietnam National University. He joined the Ministry of Foreign Affairs, Japan in the year 1983 ■



NEWSLETTER

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FIFTIETH ANNUAL SESSION OF AALCO (27 JUNE TO 1 JULY 2011)

The historic Fiftieth Annual Session of the Asian-African Legal Consultative Organization (AALCO) was held in Colombo at the invitation of Democratic Socialist Republic of Sri Lanka from 27 June to 1 July 2011. H. E. Mahinda Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka inaugurated the Annual Session. Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO delivered the welcome address and the Keynote address was made by H. E. G. L. Peiris, the Minister of External Affairs, Sri Lanka.



H. E. Mahinda Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka delivering his inaugural address at the Inaugural Session of the Fiftieth Annual Session.



Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO (SG) delivering his welcome address at the Inaugural Session of the Fiftieth Annual Session.

President and Vice-President respectively of the Fiftieth Annual Session of the AALCO. 13 delegations were led by Ministers/Attorney-Generals/Solicitor-Generals. Ms. Sriyangini Fernando, Former Additional Legal Draftsman and Current Consultant to



Group Photograph of the Heads of Delegations at the Fiftieth Annual Session

the Ministry of Justice, Democratic Socialist Republic of Sri Lanka and Mrs. Indika Demuni de Silva, Deputy Solicitor-General, Attorney General's Department, Democratic Socialist Republic of Sri Lanka were appointed as Chairperson and Co-Chair respectively of the Drafting Committee to steer its activities relating to preparation of the drafts of Resolutions, Summary Report and the Message of Thanks to the President of Sri Lanka.

The Fiftieth Annual Session witnessed the deliberations on Organizational matters and substantive matters like: (i) Report on Matters relating to the Work of the International Law Commission at its Sixty-second session; (ii) Law of the Sea; (iii) Deportation of Palestinians and other Israeli Practices Among Them the Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law Particularly the Fourth Geneva Convention of 1949; (iv) Environment and Sustainable Development; and (v) Expressions of Folklore and its International Protection.

The Fiftieth Annual Session mandated the Secretariat to explore the possibility of convening workshops, seminars or inter-sessional meetings on 5 topics during or before the next Annual Session, namely: (1) One day special meeting on ILC during the next Annual Session; (2) Special meeting on piracy during next Annual Session; (3) Seminar jointly organized with the UNCITRAL; (4) Expert Meeting in cooperation with WIPO on Expressions of Folklore; and (5) Constitute an open ended working Group of Experts to enhance mutual legal assistance in criminal matters among Member States.

On 26 June 2011, a preliminary meeting of the Eminent Persons Group (EPG) was held at Hotel Cinnamon Lakeside, the venue of the Fiftieth Annual Session of AALCO. Mr. Rohan Perera, Member of the ILC from Sri Lanka was unanimously elected as the Chairman of the EPG. Besides the Chairman, there were six distinguished members to the EPG. Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO; Dr. Xu Jie and Dr. Hassan Soleimani, Deputy Secretaries-General, AALCO were also the other distinguished members. From the AALCO Secretariat, Mrs. Anuradha Bakshi, Assistant Principal Legal Officer, Mr. Mohammed Hussain K.S., Senior Legal Officer and Mr. S. Pandiaraj, Legal Officer, assisted the Members of the EPG.



Preliminary Meeting of the EPG.

Present at the meeting were: H.E Dr. Abdullah Mohamad Said Al-Saidi, Minister of Legal Affairs, Sultanate of Oman; Hon. Amos Wako, Attorney-General of Kenya and Member of ILC; Dr. Rohan Perera, Member of ILC, Sri Lanka; Prof. Shinya Murase, Member of ILC, Japan; Mr. Narinder Singh, Member of ILC, India; Prof. Djamchid Momtaz, Former Chairman of ILC, Islamic Republic of Iran; Mrs B. Kiondo, Liaison Officer of the United Republic of Tanzania (Representing Ms. Celina Kombani, Minister of Constitutional and Legal Affairs and the President of the Forty-Ninth Annual Session of AALCO); Prof. Dr. Rahmat Mohamad, Secretary-General, AALCO; Dr. Xu Jie and Dr. Hassan Soleimani, Deputy Secretaries-General, AALCO

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E-mail : mail@aalco.int, www.aalco.int

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The Major Highlight of the Fiftieth Annual Session of AALCO was the two Half-Day Special Meetings. These meetings were:

“Trafficking in Women/Children, Migrant Workers and Protection of Children”

A Half-Day Special Meeting on “Trafficking in Women/Children, Migrant Workers and Protection of Children” was jointly organized by Government of Sri Lanka, AALCO, International Organization for Migration (IOM) and United Nations Children’s Fund (UNICEF) on 30 June 2011. The Secretary-General of AALCO made a brief introductory remark. Keynote address was delivered by Hon’ble Justice Shiranee Tilakawardane, Judge of the Supreme Court of Sri Lanka on “The Legal Framework on Human Trafficking”. The distinguished panelists for this meeting were: (i) Mr. Richard Danziger, Chief of Mission, IOM, Sri Lanka who made a presentation on “Combating Human Trafficking, the Exploitation and Abuse of Migrants: A Systemic Approach”; and (ii) Mr. Ron Pouwels, Regional Advisor-Child Protection, UNICEF Regional Office for South Asia who gave a brief account of the work of UNICEF in the area of child Trafficking. In the ensuing deliberations the delegations from Thailand, United Republic of Tanzania, People’s Republic of China, Ghana, Uganda, Arab Republic of Egypt, United Arab Emirates, State of Kuwait, Japan, Sultanate of Oman, Republic of Indonesia, India, Kenya, Bahrain, Bangladesh, Myanmar, Malaysia, Republic of Korea, Democratic People’s Republic of Korea, Nepal, Nigeria, Kingdom of Saudi Arabia, Republic of Iraq and State of Qatar made their statements.

“International Commercial Arbitration”

A Half-Day Special Meeting on “International Commercial Arbitration” was jointly organized by the Government of Sri Lanka and the AALCO on 1 July 2011. Following the introductory remarks by the Secretary-General of AALCO, two working sessions were held. In Working Session – I: two panelists presented their papers. Hon’ble Mr. Salim Maroof, Judge, Supreme Court of Sri Lanka on the topic “Recent Developments of UNCITRAL: New York Convention on the Rules of Arbitration”; and Mr. Sundra Rajoo, Director of the Kuala Lumpur Regional Centre for Arbitration on the topic, “Current Role and Functions of AALCO’s Regional Arbitration Centres: The Revitalization Process”.



From L to R: Dr. Xu Jie (DSG), SG, H. E. Rauff Hakeem, President of the Fiftieth Annual Session; and Her Excellency Mrs. Ifeyinwa Rita Njokanma, Vice- President of the Fiftieth Annual Session.

Mrs. Eunice Oddiri, Director, Lagos Arbitration Centre and Dr. Abdel Raouf, Director, Cairo Regional Centre for International Commercial Arbitration (CRCICA) presented on the theme, “The Arbitration Experience in the Asian-African Region” in Working Session – II. After the presentations by the Panelists, the Delegations from Arab Republic of Egypt, Kingdom of Bahrain, Sultanate of Oman, Thailand, Republic of Indonesia, Islamic Republic of Iran, People’s Republic of China, Uganda, Japan, Sri Lanka, Ghana, India and Nigeria made their statements.

SECRETARY-GENERAL’S PARTICIPATION AT THE APRAG CONFERENCE (9 – 10 JULY 2011)

Asia Pacific Regional Arbitration Group (APRAG) Conference was convened from 9 to 10 July 2011 on the theme “International Arbitration in a Challenging Region” in Kuala Lumpur, Malaysia. The APRAG Committee during its General Meeting in Kuala Lumpur on 8th July 2011, appointed Mr. Sundra Rajoo, Director of the Kuala Lumpur Regional Centre for Arbitration (KLRC) as the President of APRAG and KLRC as its Secretariat for the period of 2011-2013. The objectives of the Conference were: (i) To foster a conducive environment for dialogue, knowledge sharing and to promote APRAG’s outstanding contribution in raising the standards of transnational and regional arbitration practices, (ii) To provide a platform for sharing of best practices and innovative approaches in view of challenges arising in arbitration and other forms of alternative dispute resolution; and (iii) To position Malaysia as a preferred venue for alternative dispute resolution.



SG at the APRAG Conference



SG chairing Session-6 at the APRAG Conference.

Perspective, Arbitration-Consistent with the Spirit of Islamic Banking? The Benefits and Challenges of Arbitrating in Islamic Banking and Finance Disputes; and the Role of the Shariah Advisory Council in Arbitration – A friend or foe.

EXPERT GROUP MEETING ON ROME STATUTE OF THE ICC (19-20 JULY 2011)

Pursuant to the mandate received from the Forty-Ninth Annual Session of AALCO held in Dar es Salaam in 2010, which was also reaffirmed by the Fiftieth Annual Session held in Sri Lanka in 2011, the AALCO Secretariat in collaboration with the Government of Malaysia and the Secretariat of the International Criminal Court (ICC) organized a two- day Meeting of Legal Experts on the Rome statute of ICC : Issues & Challenges in Putrajaya, Malaysia from 19 to 20 July 2011. Thirteen Member States of the Asian-African Legal Consultative Organization (AALCO) participated in that meeting. The Welcome address was delivered by the Secretary-General of AALCO, the Inaugural address by H.E. Tan Sri Abdul Gani Patail, Attorney-General of Malaysia; and the Keynote address by H.E. Judge Sang-Hyun Song, President of the International Criminal Court. Dr. XU Jie, Deputy Secretary-General (DSG) and Mrs. Anuradha Bakshi, Assistant Principal Legal Officer attended the meeting.

Seven sessions were held on the following important topics, namely: 1) Challenges Facing Arbitral Institutions in the Region, 2) Evolving Arbitration Rules in the Region, 3) Perspectives in Managing Arbitration in Different Jurisdictions, 4) Supervisory Jurisdiction of Courts in the Region, 5) Problems Encountered in Enforcement of Awards in the Asia Pacific Region, 6) Arbitrating Islamic Banking and Finance Disputes, and 7) Protecting Cross Border Investments.

On 10 July 2011 the Secretary-General of AALCO chaired Session-6 on the topic “Arbitrating Islamic Banking and Finance Disputes”. The session focused on various aspects of Islamic Banking including an Overview of Islamic banking and finance in Asia Pacific, Islamic Finance Arbitrations Application and Enforcement: A Shariah

The Expert Meeting had three Working Groups. The First Working Group was chaired by Judge Motoo Noguchi, from Japan, a Judge of the Supreme Court Chamber, the Extraordinary Chambers in the Courts of Cambodia (ECCC). It took up the following issues: (i) Preconditions for the exercise of jurisdiction and Bilateral Immunity Agreements. The lead discussant in that segment was Mr. David Koller, Legal Officer, ICC Appeals Chamber. The Second Working Group was chaired by the Secretary-General of AALCO and discussed (i) Principle of Complementarity; (ii) Criteria for the Selection of Situations and the Opening of Investigations and (iii) the relationship between Peace and Justice. The lead discussant was Mr. Rod Rastam, Legal Advisor, ICC Office of the Prosecutor. The Third Working Group was again chaired by Judge Noguchi and it took up the following issues: (i) Post Kampala review Conference: An update and (ii) Implications of ratification of the Rome Statute.



Group Photograph

ADDRESS AT THE SIXTY-THIRD SESSION OF THE INTERNATIONAL LAW COMMISSION (26 JULY 2011)

Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO addressed the Sixty-third Session of the International Law Commission (ILC) at the United Nations Offices in Geneva on 26 July 2011. The Verbatim record of the agenda item and the deliberations on “Report on Matters Relating to the Work of ILC at its Sixty-Second Session” at the Fiftieth Annual Session of AALCO held in Colombo, Sri Lanka from 27 June to 1 July 2011, was also circulated for discussion. With special reference to the matters relating to the work of the ILC, it was informed that one of the significant achievements of the Session was the constitution of an Eminent Persons Group (EPG) with the aim to serve as an “Advisory Body” for the Secretary-General to steer the work of the Organization. There was an in-depth deliberation, followed by question and answer session.

SECRETARY-GENERAL’S MEETINGS WITH WIPO AND UNCTAD OFFICIALS (27 JULY 2011)

The Secretary-General during his visit to Geneva on 27 July 2011, held a meeting with the officials of the WIPO and UNCTAD, Geneva and discussed about future cooperation and close working relationship with the two organizations. There were also suggestions to conduct joint programmes in the form of seminars/workshops/inter-sessional meetings with the support of Member States of AALCO which would be mutually beneficial to both the organizations.

LIAISON OFFICERS MEETINGS

From July to November 2011, two meetings of the Liaison Officers of the AALCO Member were convened, namely, 312th and 313th Meetings that took place on 24 August 2011 and 5 October 2011 respectively.

The 312th meeting of the Liaison Officers of AALCO Member States was convened on 24 August 2011, which was chaired by the Secretary-General of AALCO. It was attended by Liaison Officers from 16 member States of AALCO along with Deputy Secretaries-General, Dr. Yasukata

Fukahori and the legal staff of the Secretariat. The Secretary-General narrated the agenda items for the meeting, which were: (i) Detailed outcome of the Fiftieth Annual Session held in Colombo, Sri Lanka, from 27 June to 1 July 2011, (ii) Report on the APRAG Conference on “International Arbitration in a Challenging Region”, held in Kuala Lumpur, Malaysia on 9-10 July 2011, (iii) Report of the Expert Group Meeting on the Rome Statute of the ICC: Issues and Challenges, held in Putrajaya, Malaysia on 19-20 July 2011, (iv) Report on Secretary-General’s Participation in the Sixty-third Session of the International Law Commission, Geneva on 26 July 2011, and Report on Secretary-General’s meetings with WIPO and UNCTAD officials in Geneva.

Dr. Fukahori, newly appointed Deputy Secretary-General on deputation from Japan who assumed charge on 10 August 2011 was introduced to the Liaison Officers by the Secretary-General.

The 313th meeting of the Liaison Officers of AALCO Member States was convened on 5 October 2011, which was chaired by the Secretary-General of AALCO. It was attended by Liaison Officers from 19 Member States of AALCO along with Deputy Secretaries-General, Dr. Xu Jie, Dr. Hassan Soleimani and Dr. Yasukata Fukahori and the legal staff of the Secretariat. At the meeting, the Secretary-General informed about the “AALCO Meeting and AALCO-ILC Meeting” which were to be held on 31 October 2011 in New York; and the Luncheon Meetings that were scheduled on 28 October 2011 and 1 November 2011. The Secretary-General also informed about the Interactive Meeting with the Heads of Missions of Member States of AALCO to commemorate the Fifty-Fifth Constitution Day Celebrations of AALCO that were supposed to be held on 15 and 16 November 2011. However, in accordance with the suggestions and observations made by the Liaison Officers at the meeting, the date of the meeting was changed to 11 November 2011.

AALCO MEETING AND AALCO-ILC MEETING IN NEW YORK (31 OCTOBER 2011)

AALCO Meeting and the AALCO-ILC Meeting were convened on 31 October 2011 in New York on the sidelines of the Sixty-Sixth Session of the United Nations General Assembly (UNGA). It is an annual event where the Legal Advisers of the AALCO Member States and non-Member States deliberate on some of the important issues of international law. The opening remarks were made by H. E. Mr. Rauff Hakeem, Minister of Justice of Sri Lanka and the President of the Fiftieth Annual Session of AALCO. Thereafter, presentations were made by Ms. Patricia O Brien, UN Under-Secretary-General for Legal Affairs and United Nations Counsel on the topic “Promoting International Law”; and Ambassador Christian Wenaweser, the President of the Assembly of States Parties of the ICC on the topic “Crime of Aggression”.

The Legal Advisers meeting was followed by the AALCO-ILC Meeting. Mr. Maurice Kamto, Chairman of the ILC, chaired the meeting. Following topics, namely; Expulsion of Aliens, Responsibility of International Organizations, and Protection of Persons in the Event of Disasters were presented by the respective Special Rapporteurs and Member of the ILC – Mr. Maurice Kamto, Mr. Giorgio Gaja, and Mr. Eduardo Valencia-Ospina. Mr. Mahmoud D. Hmoud and Dr. Rohan Perera, Members of the ILC were the discussants for the meeting.

LUNCHEON MEETINGS IN NEW YORK (28 OCTOBER 2011 and 1 NOVEMBER 2011)

As a new feature to this year’s AALCO-ILC Meeting, there were two Luncheon meetings held on 28 October 2011 and 1 November 2011 held in New York. At the first Luncheon Meeting, presentations were made by H.E. Mr. Hernán Salinas Burgos, Chairperson of the Sixth Committee of the UNGA on the topic “Protecting Democracy in the Americas” and by Prof. David Caron, President of the American Society of International Law on the topic “Judicial Independence and Impartiality in International Law”.

At the 1 November 2011 Luncheon Meeting, presentations were made on the topic of “Investment Law and Intellectual Property” by experts invited by Dr. Roy S. Lee, Permanent Observer of AALCO to the United Nations, New York. A fruitful deliberation ensued after the presentations.