

**STATEMENT BY PROF. DR. RAHMAT MOHAMAD, SECRETARY-GENERAL, AALCO AT THE LEGAL ADVISERS' MEETING & JOINT AALCO-ILC MEETING**

**(Friday, 24<sup>th</sup> October 2008, UN Headquarters, New York)**

Thank you very much Madam Chairperson.

Distinguished Legal Advisers of AALCO Member States,

Her Excellency Judge Rosalyn Higgins, the President of the International Court of Justice,

His Excellency Mr. Scott Sheeran, Vice Chairman of the Sixth Committee,

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

Ladies and Gentlemen:

Madam Chairperson,

I thank you for your kind words to me. It is indeed an honour and privilege for me to be have given this opportunity to serve as the Secretary-General of AALCO. Our Organization is an outstanding symbol of Asian-African solidarity in cooperation on legal matters and I am very proud to stand before you as the new Secretary-General of this august body.

Convened on the sidelines of the annual session of the United Nations General Assembly, this meeting renders a valuable opportunity to the Secretary-General to seek guidance from the eminent Legal Advisers of AALCO Member States for steering the work of AALCO. The valuable guidance and inputs so received have time and again proved to be very beneficial for the work of AALCO.

Madam Chairperson, has in her opening statement informed this distinguished gathering about the very successful convening of the Forty-Seventh Annual Session of AALCO in New Delhi. I take this opportunity to profoundly thank the Government and people of India for providing all support to the Secretariat for convening the Session at the Headquarters.

**Enhancing the Role and Activities of AALCO in the coming Years**

Since, as the Chief Executive of the AALCO, this is my first formal Meeting with the eminent Legal Advisers of our Member States, as well as several other high-ranking dignitaries present here who have wide experience in handling

international law matters, we at the Secretariat considered that it would be highly appropriate to solicit guidance from this meeting in formulating an “Action Plan” for enhancing the role and activities of AALCO in the coming years.

Madam Chairperson,

Guided by the Bandung spirit, the AALCO has in fifty-two years of its journey, established itself as an outstanding forum of Asian-African solidarity. As a truly unique regional organization, it has aimed to disseminate through its research-oriented work, wider appreciation and application of international law by organizing annual meetings, seminars and workshops on topics of international law. The voice of the Asian-African States is quite often reflected in the progressive development and codification of international law taking place in various UN fora, by the AALCO.

This dynamic Organization needs to be nurtured and strengthened by its Member States, so that it is able to render them a better service. In addition, to the existing role it performs, I suggest that in the coming years, AALCO should take more proactive measures to:

- Promote Capacity-building among its Member States to address International Law issues, including assisting them in strengthening their respective legal systems;
- Organizing training programmes in various streams of International Law for the benefit of officials of its Member States;
- Conduct special studies of topics of contemporary relevance in international law, particularly, in the area of International Trade Law;
- Taking up of Legal Advisory Services for interested States or Inter-governmental Organizations;

It is my duty to inform our Legal Advisers that the Secretariat is at present seriously handicapped by the precarious state of finances. It is presently functional with bare minimal facilities. Many of the initiatives that we visualized taking up have been hampered for lack of monetary resources. I request our eminent Legal Advisers to take up with their Governments on a priority basis the cause of AALCO and provide it with sufficient financial resources and put it on a firm financial footing.

Madam Chairperson, our President has convoked an Extraordinary Meeting of AALCO Member States on Monday, the 1<sup>st</sup> December 2008, in New Delhi to address AALCO’s acute financial crisis, as well as to formulate an action plan to put the Organization on a sound financial footing, so that it serves its Member States in a better manner. This would be followed by a one-day seminar to commemorate the sixtieth anniversary of the International Law Commission. On

behalf of the Secretariat, I request you all to kindly participate in both these meetings.

### **International Criminal Court**

The next topic identified for our discussion is about the International Criminal Court. Proceedings by the Office of the Prosecutor of the ICC against the Head of one of our Member States, has been a cause of grave concern. Proceedings against that State are taking place, despite it not being a Party to the Rome Statute of the ICC. In claiming jurisdiction over nationals of countries that are not members of the court, it displaces the State as the conduit of democratic representation without providing an alternative.

One of the most important tasks of defining the mother of all crimes the “Crime of Aggression”, despite all efforts, remains elusive. As the Review Conference of the ICC is fast approaching, there are many tasks that need to be accomplished, including the “Definition of the Crime of Aggression”. The Review Conference is scheduled to be held in the year 2010. It is felt that the success of the Review Conference should not solely rely on amendments and that it should also be an opportunity for stocktaking, benchmarking and evaluating the work of the international criminal justice system established by the Rome Statute. One of our Member States Uganda has offered to host the Conference and the choice of location could have a significant impact on the scope, influence and result of the Review Conference.

Excellencies, as regards hosting the Forty-Eighth Session, we are at an advanced stage of negotiations with one of our Member States and I am very hopeful that these arrangements would be finalized very soon and then accordingly Secretariat would inform the Member States about it.

Madam Chairperson, as regards, the tentative topics for deliberations at the forthcoming Annual Session, I would like to bring to the attention of this august Assembly that there are at present 15 items on the agenda of our Organization. However, based upon the policy of rationalization of agenda items and available time at the Annual Session about 8-9 of these items are normally discussed. The agenda items would be finalized in consultation with the Liaison Officers of the AALCO Member States and host Government. On my part, I would suggest the consideration of the following items:

- International Law Commission
- Deportation of Palestinians and other Israeli Practices among them the Masive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949

- The International Criminal Court: Recent Developments
- Establishing Cooperation Against Trafficking in Women and Children
- Human Rights in Islam
- An Effective International Legal Instrument Against Corruption
- WTO as a Framework Agreement and Code of Conduct for World Trade
- Environment and Sustainable Development

Finally, I would like to recall that AALCO was created as a medium for articulating and conveying the Asian-African perspectives on international legal matters. In this connection, identifying and renewing our common purpose must be linked to the expansion of our membership. Together we can become a strong advocate of our regional concerns, sharing our expertise and defending our interests in the international legal arena.

I thank you. Madam Chairperson.