

**REMARKS BY PROF. DR. RAHMAT MOHAMAD, SECRETARY-GENERAL,
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION AT THE
OPENING CEREMONY OF THE REGIONAL TRAINING ON TREATY LAW
AND PRACTICE¹**

*(Wednesday, 13 October 2010, Nusantara Room, Ministry of Foreign Affairs, Jalan
Taman Pejambon 6, Jakarta, Republic of Indonesia)*

Distinguished Representative of the Ministry of Foreign Affairs of the Republic of
Indonesia,

Distinguished Representative of the Office of the Legal Affairs of the United Nations,

Eminent Experts and Dear Participants,

It is a matter of immense honour and privilege for me to make remarks during the
opening ceremony of this highly focused and relevant capacity-building Regional
Training on Treaty Law and Practice. Programmes such as these are very timely and
enable in enhancing the potential of our diplomats and legal professionals engaged in
international law-making and implementation.

I am particularly delighted to be here in Indonesia, amidst, you all, the representatives of
the Member States of the Asian-African Legal Consultation Organization (AALCO)
participating in this Regional Training. The reasons are manifold, however, I would
venture to highlight a few.

¹ The Regional Training on Treaty Law and Practice was jointly organized by the Ministry of Foreign Affairs,
Republic of Indonesia, United Nations-Office of Legal Affairs and the Asian-African Legal Consultative
Organization (AALCO) from 13 to 15 October 2010 in Jakarta, Republic of Indonesia.

Firstly, the ideological moorings of the Third World cooperation, are here in this great land. Hailing from the Asian-African region we very well know that the historic 1955 Bandung Afro-Asian Solidarity Conference that brought together for the first time New States of Asia and Africa has had no parallel in history. It gave a unique message to the world- it highlighted that whatever may be the differences in our political, economic systems or the legal systems, the states of these regions are linked together as an Asian-African identity. This Bandung spirit has an emotional appeal, and for years, the name Bandung has provided a magical effect in bringing us together in various world fora, such as the United Nations, Non Aligned Movement (NAM) and the Group of 77 (G-77). I recall, in this context, H. E. Dr. Susilo Bambang Yudhoyono, the Hon'ble President of Republic of Indonesia in his address to the "The Asian-African Summit 2005 and the Commemoration for the Golden Jubilee of the Asian-African Conference 1955", has rightly remarked, and I quote,

"Bandung spirit has been a guidance, and a rallying cry, for generations of Asian and African leaders."

Secondly, the Ten Principles of Bandung or the *Das Sila Bandung* adopted by the Bandung Summit restated and reemphasized the importance of "Respect for fundamental human rights and the purposes and principles of the Charter of the United Nations". The Summit also proclaimed a number of principles that were to become recurring themes in Third World discourse: a denunciation of colonialism and demand for decolonization, a call for dialogue between North and South in relation to economic issues, with an emphasis on the need to promote economic development, and an assertion of the need to avoid military alliances with the superpowers. These principles, I wish to emphasize are of eternal value, serving as the "Guiding Principles" for Afro-Asian States, in the conduct of their international affairs and contributing immensely over the years in the maintenance of international peace and security.

Thirdly, established in November 1956, the AALCO was the first institutional outcome of this Bandung spirit. The establishment of the Non-Aligned Movement in 1961 and the Group of 77 in 1964 to promote the political and economic aspirations of the countries of South further embodies this spirit.

Fourthly, Indonesia as one of the founding Member States of AALCO, has steadfastly supported the growth and development of AALCO; and

Lastly, but more importantly for those of us participating in this Training Programme, it is important to know that this programme has materialized thanks to our generous host—the Ministry of Foreign Affairs of the Republic of Indonesia for readily agreeing to host this programme, as also in making all organizational and administrative arrangements and extending to all of us the warmest of hospitality, thereby making our stay in the beautiful city of Jakarta pleasant and memorable.

In this context, I would also like to profoundly thank the Office of Legal Affairs of the United Nations for promptly acceding to my request for organizing a training programme on Treaty Law and Practice for the officials of AALCO Member States. I envisage, this programme would in due course become a regular feature in the AALCO calendar of activities, and herein the positive inputs, that I hope, after this programme concludes, that you the participants would provide to your Governments would enable us at the AALCO Secretariat in close collaboration with the United Nations Office of Legal Affairs and possibly with the financial and technical support of another Member State to pave the way towards it.

Ladies and Gentlemen,

Allow me now to proceed to make some remarks on the importance of International Law in the contemporary world. International Law plays a significant role in bringing together the nation states, in realizing the common aspirations for international peace, security, prosperity, sustainable development and human rights for all. It shapes our lives in myriad ways and influences us in a range of contexts, from daily life to leisure and travel, to commerce, to health and the environment, personal liberty, public safety and situations of armed conflict, and advancement of human rights. Suffice it to say that some of these ways had their origin in the past century, while others are long-standing.

Bandung taught to us the imperative of Third World cooperation. Fifty five years have elapsed, since then, however, the importance of promoting third world solidarity remains relevant. Julius Nyerere, the father of the Nation of Tanzania wrote, way back in 1983, and I quote:

“The Third World consists of the victims and the powerless in the international economy... Together we constitute a majority of the world’s population, and possess the largest part of certain important raw materials, but we have no control and hardly any influence over the manner in which the nations of the world arrange their economic affairs. In international rule-making we are recipients not participants.”

It is important for us to ensure that this stark reality of merely being a “recipient” of the international legal process is over-turned. Our States have to be equal partners in such process and should not continue to remain a mere recipient.

If the challenges of 1955 were the war against colonialism and apartheid, in 2010 one may identify the following challenges: fight against poverty, access to clean water, proper education, energy, healthcare, environmental degradation, armed conflict, global

financial crisis, rise in terrorism and transnational crimes, corruption, and the deprivation of an independent and sovereign state for the People of Palestine.

Facing these challenges, in view of the globalized and uni-polar world, and the increasing proliferation of international institutions, in all realms, be it monetary, development, transport, environment, health, or so on and so forth demands from us that we effectively consolidate and synergize to work towards the ideal laid down by Julius Nyerere for “transforming international law as an instrument of justice for all mankind.” To do so, he viewed the founding of AALCO as a “turning point in organizing the struggle for justice of the peoples of two continents,” and had hoped the impact of AALCO’s work on international legal issues would become greater.

Thus, in my opinion for the participants for this Training Programme, coming from the AALCO Member States, who in course of their work regularly represent their respective Governments in various multilateral, regional and bilateral forums engaged in the creation of uniform global rules have to ensure that such a process includes the aspirations of the people of third world for a just, peaceful, and egalitarian rule of law based society, and that such rules contribute to promoting and protecting the interest of all, particularly, the oppressed and marginalized sections of the society.

The task for you all is not simple. It is full of challenges. You have to ensure that the sovereign economic, social and political space to the third world states is not relinquished in the adoption of the relevant treaty regimes or in the decision-making afterwards. This would require you to besides mastering the substantive and procedural aspects of international law-making to nurture yourself in the understanding of the ideological dimensions of the dynamics for protecting the interests of the Third World countries.

Allow me to say a few words on your role as Legal Advisers to your respective Governments for international law matters, particularly in relation to treaties. Your role and responsibilities in treaty-making and its implementation are multifarious. Tasks would include:

First, preparing the governmental apparatus for participation in the treaty-making conference;

Second, carefully examining and scrutinizing the negotiating text of the treaty;

Third, after the adoption of treaty ensuring that the procedural rules relating to signature and ratification are compiled with accurately;

Fourth, if concerns of your Governments are not duly taken into account, in the adopted text, particularly in the context of multilateral treaty making, you are in a position to advise and draft an appropriate reservation or declaratio;

Fifth, following the appropriate constitutional / legal procedure in accordance with the practice followed by your respective State for ratification of the treaty; and

Sixth, preparing the Instrument of Ratification and Reservation, if any, in the correct format and transmitting it to the Depository, in most cases to the Secretary-General of the United Nations.

The exercise may not necessarily end there. Compliance with treaty obligations at times requires national legislation. As the nodal officer, your task would entail coordination

with respective national bodies entrusted with the subject so that the necessary domestic legislation to comply with the treaty obligations is taken up.

Training Programmes such as these, serve a very useful purpose. In a friendly and cordial atmosphere, with some of the best experts on the subject, you will in the coming days learn the nuances of the subject and I sincerely become better equipped professionally to meet the requirements of your office. I wish the Training Programme all success.

Thank you.