



**PRESIDENTIAL ADDRESS
BY
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(AALCO)**

(O. P. Jindal Global University, Sonapat, Haryana, Friday, 18 March 2011 at 4:00 PM)

Prof. C. Raj Kumar, Vice Chancellor, O. P. Jindal Global University,

Dr. Sreeram Sundar Chaulia, Vice Dean, Jindal School of International Affairs and Jindal Global Law School,

Prof. Adiren Katherine Wing, the key speaker for this evening's lecture,

Prof. Jonathan Burton-Macleod, Assistant Professor, Jindal Global Law School,

Prof. D. K. Srivastava, Pro Vice Chancellor (Academic), O.P. Jindal Global University,

Distinguished Faculty Members of the O.P. Jindal Global University,

Dear Students,

Ladies and Gentlemen:

Good Evening,

Allow me first of all, thank the Vice Chancellor of your esteemed University Prof. C. Raj Kumar for inviting me here on this solemn occasion of the Release of the Report on *Rethinking International Institutions: A Global South Agenda*".

I am indeed honoured to be asked to deliver Presidential Address and share some of my thoughts with you all.

Fifty-six years ago, in 1955, leaders of 29 nations representing over half of the world's population gathered in Bandung, Indonesia to deliberate and determine a new vision and path for the people of Asia and Africa. These newly independent States shared the common past, of subjection to colonial rule or foreign domination that had manifested itself in the problems of emancipation from backwardness, oppression and economic and social inequities. It was at this first ever Asian-African Conference that President Soekarno of Indonesia proclaimed, and I quote:

For long years we Asian and African people have tolerated decisions made in our stead by those countries which placed their own interests above all else. We lived in poverty and humiliation. But tremendous changes have taken place in the past years. Many peoples and countries have awakened from centuries of slumber. Tranquility has given way to struggle and action. This irresistible force is sweeping the two continents.

[end of quote]

The determination of the Asian-African leaders to work together with a keen sense of kinship came to be known as "Bandung spirit". The Conference gave a unique message to the world – whatever may be the differences in political, economic or legal systems, the states of Asian-African region were inextricably linked as an Asian-African identity. Their common concern was

not limited to political and economic questions but also included a desire to effect the progressive development of international law with a view to adapting traditional international law and existing treaties to the requirements of newly independent States. Moreover, it was felt that African and Asian States should have an adequate say in the formulation of the new law of nations.

Based upon the core principles of solidarity, friendship and cooperation the first generation of Asian-African leaders laid down the ethics for international relations the “Ten Principles of International Peace and Cooperation” – the Ten Principles of Bandung or *Das Sila Bandung*. This political statement containing the basic principles in the efforts to promote peace and cooperation in the world became the underlying inspiration for these nations to continue to strive towards the attainment of a just, peaceful, progressive and prosperous world order.

Bandung spirit gave rise to the new wave of Third World consciousness that led the basis for collective mobilizations by the Third World at the United Nations, through the Group of 77 and China and the Non-Aligned Movement (NAM). In addition, Bandung underlines two cardinal principles that would organize third world politics in the coming decades: decolonization and economic development.

Since the time of Bandung Conference, the Asian and African countries have attained significant political and economic advancement, and today, 106 countries grace the continents of Asia and Africa, comprising more than half of the membership of the United Nations, encompassing an area that is

almost half of the world in which 4.6 billion people or 73 % of the world's population lives. However, 33 of these nations from the African continent and 14 from the Asian continent are what the United Nations describes as the Least Developed Countries.

The countries of these two regions face multiple problems, to name just a few: exponentially growing populations; widening disparity between the rich and poor; shrinking resource base; fast deteriorating environment; scourge of international terrorism; the rising threat of global warming; proliferation of weapons of all types; economic and ecological migration; famine and hunger; digital divide, inequitable market access; and foreign debt to name only a few, defy the borders of nation-states.

Solving these problems calls for concerted international cooperation and collective action in which South-South cooperation is of vital importance.

This shift from the era when North-South cooperation was considered pertinent for economic development, to self-sufficiency where countries from the Global South realised the strength within their region and territory to unite in solidarity towards helping each other has been a tremendous transformation. Any student of international relations and international law would analyse such a paradigm shift as a move towards self-sufficiency and inter-dependence that is more grounded on the common historical past of countries from the Global South.

While deciphering the developments taking place since establishment of United Nations, one can witness how developing countries and least

developed countries have become more supportive and encouraging in trading among themselves and walking hand-in-hand in solidarity to attain economic development. Sharing of information and technical know-how, cooperating towards capacity-building, learning from each other's experiences in terms of the foreign direct investments, have all been added benefits.

Amongst many developing countries, certain countries have taken the lead position like China, India, Brazil, Malaysia, South Africa and so on, at various international forums. Many facets of their dealings at international forums like being representative of the voice of the Global South are very important. States from the Global South have become more vigilant at negotiating table because they understand the prominent role played by diplomatic, economic and trade relations between and within their region. Bilateral and regional cooperation which has strengthened due to their continued participation at various intergovernmental organizations have been a benefactor. It must be understood that through widening their trade relations, many of those leading countries have opened doors for not only giving place in their own markets but also lead to creating an economic space for other developing and least developed countries.

Today, countries realize that they can afford for technology transfer, creating market space, enhancing skills of their citizens, etc., from their counterparts in other regions as well. We see many of the cities within Asia, Africa and Latin America being raised to the status of global cities wherein people, companies, educational institutions, health care system etc, have become affordable, and of world-class quality.

In this regard, I feel that we must strive for a peaceful, prosperous and equitable world where people across the world especially from the Global South could attain a better standard of living that includes safety and security. Welfare of the common man must be kept as a benchmark in understanding whether south-south cooperation has reached the grass-root level.

As international law and international institutions play a critical role, it therefore becomes imperative that there is a rethinking of role of international institutions which are increasingly intrusive in nature and are decreasingly accountable to the international legal system and sovereign states. Hence, for them there is a greater need for democratizing, so as to ensure transparency and accountability in their functioning.

In this regard, the Report prepared by the Centre for Global Governance and Policy of your University is a valuable resource for the policy makers to rethink about the role of international institutions and how the interests of the global South can be better realized. I look forward to reading it.

Ladies and Gentlemen;

Let me now seize this opportunity to apprise this august gathering about the Asian-African Legal Consultative Organization, popularly known as AALCO, as the genesis and fifty-five years of the work of this Organization is demonstrative of the vision of its founding fathers - the first generation of the leaders of the post-colonial countries of Asia and Africa to realize the

aspirations of global South in the progressive development and codification of international law. It represented a re-thinking on their part to change the nature of international law from its Euro-centric origin to a universal international law that was truly reflective of the voices of the people of global South and encompassed their values and aspirations.

Seven States of Asia joined hands in 1956, to lay the foundation of the Asian Legal Consultative Committee, that a year later, at the call of Pt. Jawaharlal Nehru, the then Indian Prime Minister became the Asian-African Legal Consultative Committee (AALCC). He laid down the agenda for this Committee, and I quote:

“it is desirable that the various aspects of international law should be considered objectively and in a scholarly manner by the eminent lawyers and jurists of Asia-Africa.”

[End of quote]

Such an objective examination was required as Julius Nyerere, the father of social justice and former President of the United Republic of Tanzania, a nation that currently holds the Presidency of AALCO, puts its perceptively and I quote:

“For many years International Law has been in many respects Eurocentric and thus geared to serve only the interests of States in Europe. It has failed to serve as an instrument of justice and peace for the rest of the world whose interests were not taken into account at the time of its development.

[End of Quote]

He considers, the founding of the AALCO as a turning point in organizing the struggle for justice of the peoples of two continents. He hoped that the struggle enunciated and pursued by the Committee to transform International

Law to an instrument of justice to all mankind will be kept up so that its impact in international legal issues becomes greater.

Thus, the establishment of AALCO has to be seen in the larger backdrop of assertive agenda of the under developed South vis-à-vis the developed north. The fact that AALCO was one of the tangible outcomes of the historic Bandung conference underlines the fact that newly independent States were aware of the significance of international legal structures and also the necessity of subjecting it to thorough appraisal from the perspective, alternative to the dominant view i.e., views from the North.

History of international law in the last century largely has been the history of confrontation. Though the combination of groups that have involved in this confrontation has not been static, even if it is not fluid, the primary concerns that decided and guided the rules of this confrontation are colonialism, underdevelopment, sovereign equality, non-discrimination etc. Thus the confrontation is strongly premised on certain ideological and material bases which may broadly be called developing and the developed countries' perspectives. The taxonomy of 'developing and developed countries' is not intended merely to denote economic deprivation but also encompasses differences involving political, social and cultural spheres.

Last fifty-five years have also seen a phenomenal growth of international law attempting to cover as many aspects of international relations as possible. During this period international law also broke opened itself from the traditional shell of 'instrument to regulate inter-state relations' and today individual constitutes an important subject of international law by way of international human rights law and also because of the recent developments

in the field of international criminal law. Many important conventions covering areas like law of treaties, law of the sea, human rights law, environmental law and trade law have come into existence along with a parallel growth of adjudicatory bodies of varied nature. States from South and North have taken part in most of these developments. However, the negotiating process of almost all these instruments has not been smooth and they have all along reflected the uneven economic development and political, social and cultural dissimilarities between various groups of states.

While taking active part in the international treaty law making process, the developing countries from South have also attempted to bring radical transformative measures on to the agenda of the international community. Some of the most conspicuous and controversial issues of this nature were the concept of permanent sovereignty over natural resources (PSNR) and the new international economic order(NIEO). These concepts as they emerged in the backdrop of right to self-determination of peoples were the attempts of the newly independent States from the developing south to assert their economic sovereignty over their natural resources. As international law played an instrumental role in the furtherance of colonial policies, the newly independent countries attempted to convert the mere political slogans into legal language with a view to debunking the content of international law that was predisposed to colonial expansionism.

AALCO as one of the earliest outcomes of developing countries solidarity provided an active platform for many of the discussions on issues of international law which led to the emergence and concretization of alternative views on many issues of international law. For example the

concept of Exclusive Economic Zone (EEZ) which today constitutes an important concept of the law of the sea emerged from the deliberations at the AALCO sessions. Similarly Bangkok principles on refugees adopted by AALCO are a valuable reference in the field of refugee studies. Along with these, on many issues AALCO is considered as a forum for eliciting views from African and Asian countries which largely constitute the developing countries' perspectives. Suffice it to say, that the AALCO in its own and unique way has influenced considerably in many changes that took place in the field of international law.

With the objective of bringing in a greater level of academic input into AALCO's work as well as utilize the expertise of our eminent scholars for promoting Afro-Asian perspectives to international law, since my assuming office as the Secretary-General of AALCO, in June 2008, along with my colleagues in the Secretariat, I have been striving to built a solid relationship with various academic bodies engaged in the learning of international law in our part of the world. As I come from the academic world, this allows me to remain firmly attached to my roots, and I sincerely believe in the long run would enable the Organization to enhance its stature and profile. In this regard, it would be mutually beneficial to promote the cooperation between the AALCO Secretariat and your esteemed University.

Let me conclude by saying that our planet Earth is today described as "global village", in which the marvels of technology and instantaneous means of communication have ensured that whatever happens in one part of the world is known to the entire globe. Thus, the fragrance of 'Jasmine

Revolution' that started in the tiny State of Tunisia is now spreading in the Middle-East. Prof. Wing will, as the title of her lecture reflects would explain its ramifications to us in greater detail, hearing to which I am keenly waiting.

Therefore, without much adieu, I conclude my address. I thank you for your kind and patient hearing.