

Asian-African Legal Consultative Organization



**Verbatim Record of
Discussions**

Fifty-Fourth Annual Session

13-17 April 2015
Beijing, People's Republic of China

AALCO Secretariat
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Diplomatic Enclave, Chanakyapuri
New Delhi – 110021
INDIA

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PREFACE

The Asian-African Legal Consultative Organization has played a pivotal role in promoting the interests and aspirations of post-colonial Asian and African countries. It upholds the true letter and spirit of sovereignty and independence of countries in the Asian and African regions, as pledged at the historic Bandung Conference. AALCO has continuously been the voice of the common concerns of Asian and African nations in international fora, and has true adherence towards its commitment, focusing on transparency and providing legal consultation to its Member States. It has continuously worked for the progressive development and codification of international law for the establishment of peace and harmony across the globe. The recent work programme of AALCO includes many contemporary legal issues and precisely tracks the items of agenda of the International Law Commission and the Sixth Committee of the UN General Assembly.

The Fifty-Fourth Annual Session of AALCO, which started with a special event commemorating the 60th Anniversary of the Bandung Conference, was held with great success in Beijing, People's Republic of China, from 13 to 17 April 2015. The Session witnessed participation from forty-three Member States, representatives from the four Regional Arbitration Centers of AALCO, observers from five non-Member States, and representatives from various other intergovernmental organizations, specialized agencies, subsidiary organs, and inter-regional organizations.

The Fifty-Fourth Annual Session focused on deliberations addressing both organizational and substantive matters such as: (i) Environment and Sustainable Development; (ii) The Work of UNCITRAL and other International Organizations in the Field of International Trade Law; (iii) Law of the Sea; (iv) Deportation of Palestinians; and, (v) Violent Extremism and Terrorism (Legal Aspects).

The major highlights of the Fifty-Fourth Annual Session included the convening of two half-day special meeting on previously mandated topics: (i) "International Law in Cyberspace"; and (ii) "Selected Items on the Agenda of International Law Commission."

This comprehensive Verbatim Record, as mandated according to the rules of AALCO, presents to the Member States the discussions and deliberations on the above stated items as well as on the details of organizational matters. On the Concluding Session, the Member States adopted the Summary Report, Resolutions on the Organizational and Substantive Matters, including Resolutions on the three half-day Special Meetings followed by the vote of thanks of Asian and African Member States and representatives of International Organizations, and the closing remarks were delivered by His Excellency Mr. Liu Zhenmin, the President of the Fifty -Fourth Annual Session of AALCO.

This verbatim record of the Fifty-Fourth Annual Session contains mainly the text of statements and records of the proceedings of the inaugural session, the five General meetings, three Meetings of the Delegations of Member States; the three half day special meetings, the Summary Report of the Fifty-Fourth Annual Session; the Resolutions on

both Organizational and Substantive matters that were adopted at the Session; and the list of participants who attended the session.

I wish to extend my heartfelt appreciation, gratitude and respect to the people and the Government of the People's Republic of China, for their valuable assistance in convening the Annual Session of the Organization and hosting it in the majestic city of Beijing, and for their cooperation in administrative arrangements, which were very helpful in conducting the proceedings of the Session successfully.

I would also like to extend my heartfelt appreciation and special thanks to my friends and colleagues Mr. Feng Qinghu, Ms. Yukiko Harimoto, Mr. Mohsen Baharvand, the Deputy Secretaries-General, for their support and effort in making the session a grand success. I also wish to express my deep appreciation to Mrs. Anuradha Bakshi, Principal Legal Officer; Mr. S. Pandiaraj, Senior Legal Officer; Mr. Kiran Mohan V., Mr. Rahul Srivastava, Mr. Ashutosh Kumar, and Mr. Parthan S. Vishvanathan, Legal Officers; along with the entire staff of the Secretariat for their tireless efforts to assist me in accomplishing my mandate. Their professionalism and responsibility contributed greatly towards ensuring the success of the Annual Session.

Prof. Dr. Rahmat Mohamad
Secretary-General

I. AGENDA OF THE SESSION

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I. Organizational Matters

1. Consideration and Adoption of the Agenda
2. Election of the President and Vice-President
3. Admission of Observers
4. Admission of New Members
5. Report of the Secretary-General on the Work of AALCO
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3. Violent Extremism and Terrorism (Legal Aspects)

III. Matters under Article 1 (b) of the Statutes: Matters of Common Concern having Legal Implications

Environment and Sustainable Development

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Report on the Work of the UNCITRAL and other International Organizations in the field of International Trade Law

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1. Special Meeting on "Selected Items on the Agenda of the International Law Commission"
2. Special Meeting on "International Law in Cyberspace"

VI. Any Other Matter

1. Special Event on "Commemorating the Sixtieth Anniversary of the Bandung Conference"
2. Parallel Side Event: "Colloquium on UN Charter and the Post-War International Order " (Co-hosted by the Ministry of Foreign Affairs of China and the Chinese Society of International Law)

II. BUREAU OF THE SESSION

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PRESIDENT

H. E. Liu Zhenmin,
Vice Minister of Foreign Affairs,
People's Republic of China

VICE-PRESIDENT

Hon'ble Prof. Githu Muigai,
Attorney-General of Kenya

SECRETARY-GENERAL

H. E. Prof. Dr. Rahmat Mohamad

DEPUTY SECRETARIES-GENERAL

Mr. Feng Qinghu
Ms. Yukiko Harimoto
Mr. Mohsen Baharvand

III. VERBATIM RECORD OF THE INAUGURAL SESSION

III. VERBATIM RECORD OF THE INAUGURAL SESSION OF THE FIFTY-FOURTH ANNUAL SESSION HELD ON MONDAY, 13 APRIL 2015 AT 10.00 AM, AT DIAOYUTAI STATE GUESTHOUSE, BEIJING, THE PEOPLE'S REPUBLIC OF CHINA

Master of Ceremony: Ladies and Gentlemen, please welcome H.E. Mr. Li Keqiang, Premier of the State Council of the People's Republic of China. Now I have the honour of inviting H.E. Dr. Danesh Yazdi, President of the Fifty-Third Annual Session of AALCO and Deputy Foreign Minister of the Islamic Republic of Iran to chair the Session.

(i) Welcome Address by H.E. Dr. Danesh Yazdi, President of the Fifty-Third Annual Session of AALCO and Deputy Foreign Minister the Islamic Republic of Iran

In the name of God, the Merciful, the Compassionate.

H.E. Mr. Li Keqiang, Premier of the State Council of the People's Republic of China,

H.E. Mr. Liu Zhenmin, Vice Foreign Minister of the People's Republic of China,

H.E. the Ministers and Heads of Delegations of Member States of AALCO,

H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO,

Distinguished Delegates, Ladies and Gentlemen.

At the outset, let me take this opportunity to thank our gracious hosts, the Government and the People of the People's Republic of China, for hosting the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization (AALCO) in the amazingly beautiful city of Beijing, which has a rich history and culture. I am sure that all the delegates would agree with me that ever since we set foot on the Chinese soil, we have been made to feel totally at home with the kind hospitality and meticulous arrangements made for each one of us, and the excellent preparations made for the Session.

We are extremely honored to have among us H.E. Mr. Li Keqiang, Premier of the State Council of the People's Republic of China and a very distinguished leader of the Asian-African region who will very shortly inaugurate the historic Fifty-Fourth Annual Session of AALCO. Excellency, I am confident that your presence and guidance would definitely be a huge inspiration for us.

Distinguished Delegates, Excellencies, Ladies and Gentlemen, I now invite H.E. Li Keqiang, Premier of the State Council of the People's Republic of China, to kindly inaugurate the Fifty-Fourth Annual session of AALCO.

(ii) Inaugural speech by H.E. Li Keqiang, Premier of the State Council of the People's Republic of China¹

Mr. President, Mr. Secretary-General, Distinguished Delegates and Guests, Ladies and Gentlemen,

¹ Speech was delivered in Chinese. Translation provided to the AALCO Secretariat by the Ministry of Foreign Affairs of the People's Republic of China.

It gives me great pleasure to address the 54th Annual Session of the Asian-African Legal Consultative Organization (AALCO) held in Beijing. This year's Annual Session is highly significant as it coincides with the 60th anniversary of Bandung Conference. China was an active participant of the meeting and a proponent of its principles. Countries in Asia, Africa and the rest of the world have worked together to maintain world peace and promote common development, and are forging a community of common destiny. Here I wish to express, on behalf of the Chinese government, our warm congratulations on the opening of the meeting and warm welcome to all of you.

It has been nearly 60 years since the founding of AALCO. Six decades ago, the Bandung Conference established ten principles governing state-to-state relations, leaving us the invaluable legacy of solidarity, friendship and cooperation. Set up after the Bandung Conference, AALCO bears witness to the unyielding and concerted efforts of the Asian and African countries have made to secure a fair and equitable international order and achieve national development and renewal. The international community and China will commemorate the 60th anniversary of the Bandung Conference with a series of events which will be attended by Chinese leaders including President Xi Jinping. Our meeting today, as a part of the commemoration, demonstrates to the world that China is ready to work with countries in Asia, Africa and beyond to carry forward the Bandung Spirit and uphold the post-war international order and system.

In the past six decades, we have fought hard in pursuit of independence, freedom and equality. By waging the heroic anti-imperialist and anti-colonialist struggle, we Asian and African countries have won liberation and independence and forged profound friendship through mutual support. We will never forget that it was our brothers in Asia and Africa who carried new China into United Nations. China, on this part, has always stood up for Asian and African brothers and given sincere help to their just causes. Today, 46 Asian countries and 54 African countries have become member states of the United Nations, making up more than half of the total UN membership. The voice of the Asian and African countries is needed by the entire world.

In the past six decades, we have worked tirelessly to achieve development, progress and prosperity. We Asian and African countries have explored development paths suited to our respective national conditions; the rights to survival and development of our peoples have never been so respected and protected; and Asian and African, two poor continents in the past, are full of vibrancy today. Asia is now one of the most dynamic regions in the world, and the African continent is unleashing great development potential. In 2014, the combined GDP of Asia and Africa reached US\$29 trillion, accounting for 37.5% of the global total and representing a 47-fold increase over that of 1970. Asia and Africa are home to most of the emerging economies. With broad prospects, Asia-Africa cooperation for development is growing into an important force for global economic growth.

In the past six decades, we have worked hard to strengthen the international order and rule of law. We Asian and African countries have boosted the rule of law at home, shared best practices and promoted cooperation on enhancing international rule of law. We jointly championed the Five Principles of Peaceful Coexistence, which enriched the basic principles of international law based on the UN Charter. By promoting South-South cooperation, we worked closely to uphold our legitimate rights and interests, and call for respect for the

independence, sovereignty and territorial integrity of all countries, played an important role in advancing world peace and development.

Ladies and Gentlemen, as a member of the Asian-African family, China has come a long way. In the past six decades since the founding of new China, and particularly in the past three decades since reform and opening up, China has undergone enormous changes, and grown into one of world's major economies. On the other hand, China remains a huge developing country with the world's largest population. Its per capita GDP is just over US\$ 7,600, lower than the world's average of US\$10,000 and ranking behind the 80th place in the world. There is still imbalance in the development of rural and urban areas and among regions. As you can see, Beijing, Shanghai and some coastal cities in Eastern China are quiet modern. But many places in Central and Western China are still underdeveloped. According to China's own standards, more than 70 million Chinese are still living in poverty. China remains the world's largest developing country, and Asia and Africa are home to the largest number of developing countries in the world. Growing the economy and improving people's lives is a common task facing China and other countries in Asia and Africa. We will continue to work together to bring the benefits of development to our people.

Ladies and Gentlemen, in today's world, peace and development remain the call of our times. Win-win cooperation has become the prevailing trend, and international rule of law the shared aspiration of people. But the world is not yet a peaceful place. Asia and Africa still face many challenges in pursuing economic development and the legitimate rights and interests of developing countries are not yet fully guarded; but none of these goals can be achieved without rule of law and order. Under the new conditions, we Asian and Africa countries should carry forward the Bandung Spirit and work together to advance world peace, development, equality and justice.

With this in mind, we should work on the following areas: First, we should work to make the international political order more just and equitable. This year marks the 70th anniversary of the victory of the World Anti-Fascist War and the founding of the United Nations. The post-war order has provided the foundation for world peace and development. Countries will live in harmony only if they treat each other with respect and as equals. As the founding member of the UN, China believes that the international system based on sovereign states must be strengthened and the law of the jungle under which the weak is bullied by the strong must be rejected. We Asian and African countries should jointly safeguard the UN-based post-war international order and the sanctity of the UN Charter and stay committed to the fundamental principles of sovereign equality, non-interference in other's domestic affairs and non-use of force. We Asian and African countries are becoming an important pole in the process of moving towards global multi-polarity. As a responsible major country, China is committed to peaceful development. We will continue to work with other Asian and African countries to promote greater democracy and rule of law in international relations and play an active role in maintaining and improving the international order.

Second, we need to work for more open and institutionalized world economy. With economic globalization deepening and countries' interests converging, common development can only be realized by pursuing mutual benefit. The international community should hold high the banner of free trade, oppose protectionism, refrain from trade wars, observe international trade laws and the basic principles of the World Trade Organization, uphold and improve the international financial system and build a more balanced and inclusive global trade regime. At the same time, trade and investment liberalization and facilitation should also be promoted

at the regional level to complement and reinforce the global system, thus supporting global growth with two wheels. With Asian and African countries both at a crucial stage of industrialization and urbanization and a community of shared interests emerging, active efforts should be made to carry out South-South and North-South cooperation. It's just like the dragon boat race during China's traditional Dragon Boat Festival. Only when everyone rows at top speed and at the same pace can the boat sail fast and steadily towards victory. Asian and African countries need to continuously improve the legal environment for investment and trade, and be a more proactive participant in the formulation of the rules concerning international economy and trade to secure more institutional rights for their own development. China stands ready to work with Asian and African countries to improve existing cooperation platforms and mechanism, encourage closer linkages and cooperation platforms and mechanisms, and encourage closer link and cooperation among industries to draw on each other's strengths for common development. We stand ready to align our "Land and Maritime Silk Road" Initiatives with the development plans and needs of countries along the routes so as to bring new opportunities for greater cooperation in Asia and Africa.

Third, we need to uphold international and regional peace and stability. Nothing can be achieved without peace and security. Asian and African countries are neighbors connected by mountains and seas. It is all the more important that we are ready to help each other and be good friends. Regional conflicts and historical issues should be resolved peacefully through consultation rather than by force. And differences and disagreements should be addressed by understanding and accommodating each other and seeking common ground wherever possible. China has made vigorous effort to uphold regional peace and stability, and conducted intensive diplomatic activities to facilitate peace talks and peaceful settlement of hotspot issues such as those in South Sudan and the Middle East.

On the issue of the South China Sea, China advocates a "dual-track" approach. We believe disputes should be addressed between countries directly concerned through dialogue and consultation and China and ASEAN countries should work together to promote stability in the South China Sea. The freedom and safety of navigation in the South China Sea are fully guaranteed. As long as we pursue peace with sincerity, there will be no problems or difficulties between us that cannot be overcome. The friendship between Asian and African people will only be further deepened and strengthened.

Fourth, we need to work together to meet global non-traditional security challenges. No country can stay immune to challenges such as climate change, terrorism, cyber security, pandemic disease and natural disaster. Given our vulnerability to such threats, countries in Asia and Africa must come together and coordinate our response. On tackling climate change, every country must do its part. We must uphold the principle of common but differentiated responsibilities and work for a fair and equitable post-2020 agreement on emission reduction. Terrorism is a global scourge. Whatever its form, it must be dealt with through joint efforts. Cyberspace is a new frontier for human society. We need to narrow the digital gap and develop an order in cyberspace based on peace, security, openness and cooperation. Epidemics respect no borders. All countries have a stake in the prevention and control of such diseases. Financial and medical assistance from China has contributed to the joint fight against recent epidemic such as Ebola outbreak. China stands ready to continue to provide assistance to African countries most heavily affected by the epidemic to the best of its ability. China will continue to work with other Asian and African countries to help each other in times of need and together overcome non-traditional security threats and challenges.

Fifth, we need to deepen exchanges and cooperation on the international legal system. Good laws are the foundation of sound governance. In our global village, international law is crucial to telling right from wrong and mitigating differences and conflicts. Asian and African countries need to increase exchanges and coordination on international rule of law and stay involved in international law making to better reflect the aspirations and interests of developing countries. The authority and effectiveness of international law must be upheld. Asian and African countries need to, under the framework of international law, deepen judicial and law enforcement cooperation, jointly fight against smuggling, drug trafficking, financial fraud and other trans-national crimes and strengthen international cooperation to combat corruption. China is an active contributor to international rule of law. It has acceded to more than 4000 multilateral treaties and concluded over 20,000 bilateral treaties. Commitment to the five principles of peaceful coexistence and to international law in general has been a cornerstone and defining feature of China's foreign policy. As China strengthens the rule of law at home, it will make greater contribution to building rule of law at the international level.

Ladies and Gentlemen, since its inception nearly 60 years ago, AALCO, as a major platform for Asian-African legal exchanges and cooperation, has played a vital role in strengthening regional governance and safeguarding our common rights and interests. This has been made possible by the extraordinary dedication and intellect of generations of legal experts from Asia and Africa. One of them is Secretary-General Dr. Rahmat Mohamad, a renowned jurist serving his second term as Secretary-General. I commend you and members of AALCO for your efforts to expand the organization's areas of focus and raise its profile. Going forward, we hope to see more exchanges between Member States to help build consensus and allow this valuable platform to flourish and serve its cause. China will remain a firm supporter of AALCO. We will set up a China-AALCO research and exchange program on international law to facilitate AALCO's growth and international cooperation on the rule of law in general.

Ladies and Gentlemen, three thousand years ago, the oldest written code of law in human history, the Code of Hammurabi, was enacted in Mesopotamia in an area where our two continents meet. At around the same time in China, known as the Western Zhou Dynasty, the ancient Chinese character which means "law" was invented. It is a pictograph composed of two parts. Its left part means "water", which indicates impartiality of judgment; its right part contains a pictograph for "the mystic goat-unicorn", as a symbol of justice and authority in China. These two milestones are perfect examples of the rich legal heritage of Asian and African civilizations. Today, it is our duty to carry forward this tradition and the spirit of respecting the rule of law and work even harder to build up the international legal system.

Let us join hands to usher in a brighter future for Asian-Africa unity and cooperation and together create a better world of lasting peace, justice and win-win cooperation.

To, conclude, I wish the Fifty-Fourth Annual Session of AALCO full success.

Thank you all very much.

(iii) Vote of thanks by H.E. Mr. Danesh Yazdi, President of the Fifty-Third Annual Session of AALCO and Deputy Foreign Minister of the Islamic Republic of Iran

Distinguished Delegates, Excellencies, Ladies and Gentlemen, I would like to take this opportunity once again to thank H.E. Li Keqiang for sparing his invaluable time to inaugurate the Fifty-Fourth Annual Session of AALCO. I believe all of you will agree with me that the

inaugural address rightly captured the spirit and echoes of Bandung. Asian-African solidarity is vital for promoting friendship, peace and stability in the regions and constructive engagement with AALCO in the progressive development of International Law. I wholeheartedly welcome the initiative of establishing the China-AALCO Research and Exchange Program in International law which I'm sure will perform a path breaking role in the future of international law among our two regions of Asia and Africa as His Excellency has expressed in his speech.

Master of Ceremony, Mrs. Anuradha Bakshi, Principal Legal Officer, Asian-African Legal Consultative Organization (AALCO): Distinguished Guests, Ladies and Gentlemen, the Inaugural Session will begin in a few minutes please remain seated, Thank You. The session is resumed. Now I invite Prof. Dr. Rahmat Mohamad, the Secretary-General of the Asian-African Legal Consultative Organization to deliver his welcome address.

(iv) Introductory Remarks by H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of the Asian-African Legal Consultative Organization

H.E. Dr. Danesh Yazdi, President of AALCO's Fifty-Third Annual Session;

H.E. Mr. Liu Zhenmin, Vice Foreign Minister of the People's Republic of China;

Honourable Ministers, Excellencies;

Distinguished Participants, Delegates, Ladies and Gentlemen.

At the outset, let me first express my gratitude to H.E. Mr. Li Keqiang, Premier of the State Council of the People's Republic of China, for his presence to inaugurate the Fifty-Fourth Annual Session of AALCO. Needless to say that His Excellency's presence reflects the importance of this august gathering. I'm also grateful to H.E. Mr. Li for his enlightening and inspiring inaugural address wherein he clearly highlighted the significance and relevance of the "Bandung Spirit" among the Asian-African countries, the contemporary challenges being faced by the international legal fraternity in the 21st century and the way forward. The proposal to set up the center by Honorable Premier Li is another major milestone for AALCO as I'm very sure that it will benefit the Member States of AALCO immensely. Once again, I would like to express our heartfelt gratitude to the Premier.

I would like to take this opportunity to sincerely thank Your Excellencies for having spared your valuable time to participate in the Fifty-Fourth Annual Session of AALCO. The presence of Honorable Ministers and Attorney Generals heading the delegations at this Annual Session is a matter of immense importance to us. This is a definite indicator that AALCO and its initiatives remain valuable to you all. I am sure we would immensely benefit from your insightful comments and are eagerly looking forward to your proactive participation.

It is indeed an honor for me to take this opportunity to profoundly thank our host country, the People's Republic of China for the excellent arrangements made for this Session. Excellencies, I would also like to bring to your kind attention that the People's Republic of China joined the Organization in 1983 and ever since then it has made valuable contributions to the growth and development of the Organization, endeavored to improve its substantive and organizational efficacy. It has on one earlier occasion also hosted the Twenty-Ninth

Annual Session of AALCO in 1990 which was held on the eve of the 35th Anniversary of the Bandung Conference.

Over the years, the Chinese Government has taken an active part in and rendered strong support for the work of AALCO. It has been regularly making its annual contributions in a timely manner, in addition it has made voluntary contributions including contribution in the form of deputation of its officers in the capacity of Deputy Secretaries-General to the Secretariat. It may be recalled that when the Organization faced severe financial crisis in 2009, China along with other Member States adopted the action plan to avert that crisis and bring back to normalcy the financial condition of AALCO. Besides this, the third Secretary-General of AALCO, Mr. Tang Chengyuan (1994-2000) was from China. His efforts during his tenure immensely contributed in enhancing the profile of the Organization and are greatly appreciated.

During the Annual Sessions the Chinese delegation has always made very valuable contributions to the subjects deliberated upon, including the agenda items particularly pertaining to the International Law Commission. To cap it all, last year during the Fifty-Third Annual Session of AALCO, the Chinese delegation proposed the addition of a new and contemporary topic on the work program of AALCO, “International Law in Cyberspace”, which will be thoroughly deliberated upon during this Session.

Agreements of Cooperation and Memorandum of Understandings have been signed between prestigious academic institutions in China, which have enhanced the research activities, initiatives and training at AALCO.

In sum and substance, China has all along demonstrated unwavering commitment to AALCO by working with other Member States of AALCO in order to promote solidarity among the peoples in Asia and Africa, and build a harmonious world looking forward to greater peace and development.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, unfortunately, violent armed conflicts across our continents have taken a heavy toll on the population and property of many of our Member States. Scores of men, women and children are injured or killed in many parts of Asia and Africa. They are forced to move away from their own homeland. International legal norms and the “rule of law” are flouted with impunity in these conflicts. Therefore, it is imperative for us to strongly denounce the absence or breakdown of constructive dialogue based on “rule of law” between the conflicting parties.

Additionally, the world in the 21st century is confronted by many other challenges like increasing incidence of natural disasters and extreme climatic events in recent years. There has been growing stress on the importance of enhancing the resilience of human societies.

During this time of immense turmoil, we need to reaffirm our commitment to adhering to the principles of international law. The principle of “rule of law” is predominant among them. It is my firm belief that respect for the rules of international law would determine the future of our world. In this context, the crucial role that AALCO plays in building and consolidating the Asian and African solidarity needs to be emphasized. Collectively, we must move forward towards an era where international legal instruments become the cornerstones of national and international dealings of Nation States all over the world.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, the work and functioning of AALCO has evolved and expanded over the years. In earlier years, AALCO's activities, as envisioned in its Statutes, primarily concentrated on consideration of legal problems referred to it by the Member States and follow-up of the work of the International Law Commission and other bodies of the United Nations system related to international law and to the progressive development, codification and dissemination of international law. However, gradually AALCO reoriented itself towards assisting its Member States to prepare themselves for the Plenipotentiaries Conferences convened to develop and codify international law, both customary and conventional, by the United Nations.

In this process, AALCO's participation through its Member States has also contributed immensely to a number of international legal regimes with which the Asian-African States have been most concerned. Another area of international law where AALCO has made its presence felt both regionally and globally is in the field of "Alternate Dispute Resolution Mechanisms".

As an inter-governmental organization AALCO has endeavored to live up to the expectations of its Member States, despite its limited human and financial resources. So long as Member States remain supportive of AALCO's objectives, the Secretariat will tirelessly work and dedicate its human resources to the work of AALCO particularly in the progressive development of international law.

Respected Excellencies, I would like to share with you all the proposed course of action which we have planned for the next few days. We would be touching upon areas of common concern of Asian-African Member States in terms of international legal issues. After the Inaugural Session gets over, the Heads of Delegations of the participating delegations, would be making their 'General Statements' through which they would share their experiences and perspectives on a number of contemporary areas of international legal matters that are of vital concern to the Asian-African States.

Thereafter, following the past practice we would have two Half-Day Special Meetings devoted to exploring in detail two important issues; Firstly, the Special Meeting on "*International Law in Cyberspace*"; the second Special Meeting would be on the topic "*Selected items on the agenda of the International Law Commission*". As the situation stands today, in a world that is governed by virtual connectivity in cyberspace, it is important to ensure the security and sovereignty of States as well as other areas like militarization of cyberspace and cybercrime. Therefore, this is an issue that has assumed very serious dimensions, and as a legal consultative body we need to deliberate on this issue and see how at our level we can contribute towards bringing out a coordinated response in the legal perspectives. To make these meetings successful, a number of legal experts would lead the panel discussions.

However, before all this, we will also have a special event on commemorating the 60th Anniversary of the Bandung Conference and thereafter, a parallel side event on 'Colloquium on UN Charter and the post war International Order'. Additionally, the Heads of Delegations would also be reviewing the organizational matters, including the financial situation of AALCO.

During the Annual Session we would also be discussing the following topics that are on the work program of AALCO: *The Law of the Sea; 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; Environment and Sustainable Development; Work of the UNCITRAL and other International Organizations in the field of International Trade Law; and Violent Extremism and Terrorism (Legal aspects).

Before concluding, I would like to express my profound gratitude to His Excellency Ban Ki Moon, the Secretary-General of the United Nations. His Excellency, Mr. Miguel de Serpa Soares, Under-Secretary General for Legal Affairs and Legal Counsel of the UN, despite his busy schedule, has graced this occasion with his presence. I would like to express my heartfelt appreciation for this gesture.

Once again, I welcome you all to this Fifty-Fourth Annual Session of AALCO and thank the Government of People's Republic of China, the gracious host for this Annual Session. I sincerely hope that with your meaningful cooperation, this Session would be a grand success.

Thank you very much.

Master of Ceremony: Now may I invite Mr. Miguel de Serpa Soares, Under Secretary General for Legal Affairs and Legal Counsel of the United Nations to deliver a message on behalf of the Secretary-General of the United Nations.

(v) Message to the Fifty-Fourth Annual Session of AALCO by H.E. Mr. Ban Ki Moon, Secretary General of the UN, delivered by Mr. Miguel de Serpa Soares, Under Secretary General for Legal Affairs and Legal Counsel of the United Nations

Mr. President, Secretary-General, Your Excellencies Distinguished Delegates.

I have the distinguished honour to read out a message on behalf of the United Nations Secretary-General H.E. Ban Ki Moon.

It is a pleasure to greet the governments, international legal practitioners and academics gathered in Diaoyutai State Guesthouse. I thank Mr. Rahmat Mohamad, Secretary-General of AALCO, for the invitation to address this important session, which will focus on some of the most pressing legal challenges facing the world today.

As an advisory body of legal experts, AALCO is an essential venue for exchanges of views on matters of common concern. AALCO has also forged many close connections with the United Nations. To cite just one example, your planned discussions on the rule of law, environment and sustainable development is of great interest for the ongoing deliberations of Member States on the post-2015 sustainable development agenda.

The international community confronts many complex crises, from international terrorism and armed conflict to environmental harm, poverty and infectious disease. Adherence to international law is central to our efforts to address these challenges and build a safer and more just world for all.

International law has been at the foundation of United Nations since its creation. In the Preamble of the Charter, the Member States express their determination "to establish conditions under which justice and respect for the obligations arising from treaties and other

sources of international law can be maintained”. The Charter also calls for the General Assembly to initiate studies and make recommendations “encouraging the progressive development of international law and its codification”.

Seventy years into its existence, the Organization is actively engaged in promoting and ensuring respect for the rule of law both at the international and at the national levels. The International Law Commission, established by the General Assembly, has also been active in drafting international conventions and formulating rules of international law in various fields.

Such activities are not possible without the continuous support and guidance of United Nations Member States and the organizations in which they participate. The United Nations will continue to count on AALCO to generate new ideas on how we can work together to achieve our mutual objectives. In that spirit of partnership, I wish you all a fruitful and enriching discussion. Thank you.

Master of Ceremony: Thank you Your Excellency. Next let us welcome H.E. Mr. Mehdi Danesh-Yazdi, President of the Fifty-Third Annual Session of AALCO and the Deputy Minister of Foreign Affairs of the Islamic Republic of Iran to deliver his speech.

(vi) Inaugural Speech by H.E. Mr. Mehdi Danesh-Yazdi, Deputy Minister of Foreign Affairs of the Islamic Republic of Iran and President of Fifty-Third Annual Session of AALCO

In the Name of God, the Compassionate, the Merciful

Excellencies,

Mr. Rahmat Mohamad, Secretary-General of AALCO,

Honorable Ministers, Attorneys General, Heads of Delegations,

Distinguished Delegates and Observers,

It gives me immense pleasure to address this august gathering. First, as the President of the Fifty-Third Annual Session and also on behalf of my Government and my delegation, I deem it imperative to especially thank, again, the Government of the People’s Republic of China, for the gracious hospitality extended to us and for the excellent arrangements made for the Fifty-Fourth Session. I should also thank again H.E. Mr. Liu Zhenmin, Vice Foreign Minister of the People’s Republic of China, and H.E. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations who have graced the Fifty-Fourth Annual Session of AALCO with their presence.

I would like to take this opportunity to express my appreciation to his Excellency Mr. Rahmat Mohamad, Secretary-General, and the Secretariat for their efforts during the past year. Without their devoted work, we would not have definitely managed to achieve what we did, especially during the New York and Delhi sessions. And I should also thank Mrs. Agimba Anyango, Deputy Solicitor General of Kenya and Vice President of the Fifty-Third Session, for her kind support and assistance during the Fifty-Third Session. I am also grateful to all the

AALCO Member States for the support extended to me as the President of the Fifty-Third Session with a strong spirit of cooperation and dedication.

Ladies and Gentlemen, today, coinciding with its 60th anniversary, the Bandung Conference has evolved into the most important legal consultative forum in Asia and Africa. In 1956, we witnessed the inception of a forum with limited capabilities, then a newborn baby; throughout years, we nourished, nurtured, protected and cared for it until it grew up and gained strength. Once a delicate being serving as a potential platform for its Member States, AALCO has now gained a prominent role in international law issues in our two continents, and our voice echoes and reverberates more deeply than ever, the result of the will and action of many Member State.

During the Fifty-Third Annual Session, Member States had productive and creative deliberations on old and new issues of concern with significant consolidation. Many of them shared common concerns over such important items on the agenda of our Organization as terrorism, sanctions, the issue of Palestine, protection of the environment, the law of the sea and the status and treatment of refugees. More important was, however, the inclusion of “Violent Extremism and Terrorism” and “International Law in Cyberspace” which was indicative of the strong resolve of the Member States to face arising challenges affecting diverse aspects of the life in the community of all nations all over the world.

During the past year, AALCO Legal Advisors Meeting and AALCO-ILC Meeting were held in New York in late October 2014 where, like every year, ILC members and AALCO legal advisors exchanged views on issues of top priority to both bodies. I was privileged to attend those events. Once again, we proved that AALCO can have a significant contribution to the law-making processes at the international level through the enhancement of the existing collaboration it has with the ILC. As I mentioned in the New York Meeting, all States, big or small, are entitled to play their part in, and contribute to, the law-making processes. Through such inclusiveness all nations feel ownership towards international law and tend to respect it and promote respect for it. Year by year, AALCO is proving to contribute more tangibly to respect for, and promotion of, values upheld by traditional international norms, and at the same time to leave a more lasting mark on the monopolized spheres of international law.

On 9th February 2015, by the kind invitation of the Secretary General, I visited the Organization’s Headquarters in Delhi, and besides discussing the issues dear to AALCO with Secretary General and the Secretariat, I delivered a speech to a select gathering of Ambassadors and High Commissioners, Liaison Officers and academics on the topic entitled “New Challenges in International Law and the Role of AALCO in Enhancing Asian-African Solidarity”. The speech was followed by a panel discussion that included the distinguished President of the Fifty-Second Annual Session and the Secretary General. In our panel discussion, we concurred that tackling the new and emerging threats and challenges requires respect for, and promotion of, international law through hard work, systematic cooperation and synergy by all Member States. Despite all the differences and divergent views on miscellaneous issues facing the international community, AALCO Member States can build upon the existing blocks to further contribute to codification and progressive development of international law in line with their common interests and objectives.

Ladies and Gentlemen, hard days are yet to come. International peace and security is seriously jeopardized by new turbulent movements targeting the most sacred principles of humanity. Foreign terrorists have infiltrated into some countries, especially in our

neighborhood, and with the help of their local partners, have created cesspools of sins and disorder leaving the human conscience utterly shocked by claiming the lives of hundreds of innocent civilians, including children and women in the name of religion. Every day new instances of crimes against humanity prove that the war thus far fought by the international community against terrorism is far from being won or over. In this regard, the adoption, by the UN Security Council, of resolutions 2170, 2178 and 2199 against ISIL formally put the concept of foreign terrorist fighters on the agenda of the fight against terrorism. The trans-boundary nature of terror violence these days calls for a trans-boundary solution; and this can be achieved by a harmonized and consolidated stance taken in such forums as AALCO. The Half-Day Special Meeting and the deliberations held in Tehran on 17 September 2014 on the topic of “Violent Extremism and Terrorism” and the resolution adopted thereafter was a significant step towards the serious consideration of the issue by AALCO which is to be complemented by the formulation of Guiding Principles as decided at the Fifty-Third Session.

That said, another serious challenge we are all faced with, that of threats resulting from cyber space, emanates from the contamination of our infrastructures by miscellaneous aspects of cyber technology. The timely inclusion of “International law in cyberspace” on the agenda of our Organization during the last Annual Session is evidence of our resolve and vigilance to tackle arising challenges; and a more thorough consideration of the issue during the Half-Day Special Meeting on the topic at this year’s Session can pave the way for drawing clear outlines for such an elusive concept which is fraught with ambiguities and uncertainties.

Furthermore, the Half-Day Special Meeting on Selected Items on the Agenda of the International Law Commission every year provides the opportunity to scrutinize and debate the *travaux* of the ILC and to reach a well-defined position with regard to the issues discussed at the Sixth Committee of the UN General Assembly. The item is especially important in that it ultimately contributes to codification and progressive development of international law. This year, Member States are equipped with the outcome of the Sixth Committee deliberations held in late October and early November 2014 and can therefore hold fruitful discussions on items such as “Identification of Customary International Law”, “Protection of Environment in relation to Armed Conflict” and “Protection of Atmosphere”. In this respect, discussions held at the AALCO Informal Expert Meeting in Kuala Lumpur on 24th March 2015 can specifically enrich the debate on customary international law.

Distinguished Participants, ladies and gentlemen, perhaps all the challenges we are facing today are the result of the inaction, or lack of solidarity, of our ancestors yesterday. Thus, our indifference or lack of coordination could have adverse ramifications in future. The more actively we take part in the deliberations and discussions held in forums of international law and the more seriously we engage in the law-making processes, the more confidence we gain and the more truly we believe that we, all the AALCO Member States, do have a role in modern procedures of international law.

To close this note, I wish the incoming President all the success and wish all of us brilliant moments during the Fifty-Fourth Annual Session here in the beautiful city of Beijing, and a rewarding outcome.

Thank you all.

Master of Ceremony: Thank you President Danesh. Next let us welcome Dr. Pradip Choudhary, Director, Legal and Treaties, Ministry of External Affairs of India on behalf of the President of the Fifty-Second Annual Session of AALCO to give the vote of thanks.

(vii) Vote of Thanks by Honourable Dr. Pradip Choudhary, Director, Legal and Treaties Division, Ministry of External Affairs of India

Good Morning. The President of the Fifty-Third Annual Session of AALCO, H.E. Dr. Danesh Yazdi,

H.E. Prof. Rahmat Mohamed, Secretary General of AALCO,

Under-Secretary General for Legal Affairs and Legal Counsel of the United Nations, H.E. Miguel de Serpa Soares,

Honourable Ministers, Attorney Generals, Heads of Delegations,

Distinguished Delegates, Ladies and Gentlemen,

It is my privilege and honour, in my capacity as India being the President of the Fifty-Second Annual Session of AALCO, to propose a vote of thanks at the inaugural session of this historic Fifty-Fourth Annual Session. The Annual Sessions of AALCO have offered a unique platform to the Asian-African States to articulate their views on a wide range of international law issues. In this process, AALCO has emerged as the only inter-governmental organization that brings together two continents of Asia and Africa in the progressive development of international law. AALCO now occupies an important position in the international legal community, as a think tank on contemporary international law issues and as an advisory body to its Member States and as an important mechanism for interregional co-operation and the exchange of information and views on important matters with an international legal dimension. It is my earnest wish that AALCO would continue to perform this role in times to come as well.

The presence of His Excellency Premier Li Keqiang with us this morning is a testimony of the significance of AALCO in advancing the causes of the Member States in the two continents.

Distinguished delegates, please allow me to express my gratitude, on behalf of the Member States of AALCO, to the Government of the People's Republic of China for hosting the Fifty-Fourth Annual Session of AALCO here at Beijing and for the excellent arrangements made for this purpose. The fact that this session coincides with the 60th anniversary of the Bandung Conference makes it all the more important. My country would like to extend its full support and cooperation to the incoming President to the Fifty-Fourth Annual Session of AALCO, and I am sure that we would make good progress during his leadership.

I would like to thank His Excellency Dr. Danesh Yazdi, Deputy Minister of Foreign Affairs, Islamic Republic of Iran and the President of the Fifty-Third Annual Session for his stewardship and excellent conduct of business during the Fifty-Third Session and since then.

I also take this opportunity to thank H.E. Miguel de Soares, Under-Secretary-General for Legal Affairs & Legal Counsel of the United Nations, representing H.E. Ban Ki-moon , the

Secretary- General of the United Nations for sparing his invaluable time and coming all the way here to address us and conveying the message of the Secretary-General of the United Nations.

I appreciate the role played by the Secretary-General of AALCO His Excellency Prof. Dr. Rahmat Mohamad in managing and conducting the affairs of the AALCO Secretariat. The Secretary-General, the Deputy Secretary-Generals and the other Officials of the Secretariat should be commended for their untiring efforts in discharging their duties in an effective manner and carrying out the mandates and the realization of the objectives of AALCO.

Last but not the least, I would like to thank the Honourable Ministers, Attorney-Generals, Heads of Delegations, Distinguished Delegates and Observers for coming here to participate in the forthcoming important deliberations. I hope that this Annual Session will continue the legacy of past Sessions and would produce tangible outcomes of our collective efforts.

Thank you all very much.

Master of Ceremony: Thank you Mr. Choudhary. This concludes the Inaugural Session of the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization. Thank you for your attention. Now we will have a twenty minute tea-break.

IV. VERBATIM RECORD OF THE FIRST MEETING OF DELEGATIONS

IV. VERBATIM RECORD OF THE FIRST MEETING OF DELEGATIONS OF AALCO MEMBER STATES HELD ON 13 APRIL 2015 AT 12.10 PM

His Excellency Dr. Danesh Yazdi, President of the Fifty Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran in the chair.

Master of Ceremony: Good afternoon Excellencies, Ladies and gentlemen. We will now proceed with the First Meeting of Delegations of AALCO Member States.

President: Good morning again to all of you. Well, we resume our session and I am very glad to see you all, charming, radiant and ready to continue our business and on our agenda the first item is the adoption of the “**Provisional Agenda and the Tentative Schedule of Meetings and Events**”. Are there any comments, remarks, any views anybody would like to make on this agenda item? I see none. In that case, I regard it as adopted. The “**Provisional Agenda and the Tentative Schedule of Meetings and Events**” has been adopted. And now I move to the second agenda of the item which is the “**Admission of New Members**”, which as I understand, we don’t have new members.

Then we can move on to the next agenda item, which is the “**Admission of Observers**”. The observers who wish to participate in this meeting include Benin, Ethiopia, Namibia, New Zealand, Portugal, the Russian Federation and Vietnam. I see no objection and the observer status of these States is adopted.

The International Organizations which wish to be observers in this session include ASEAN, the International Court of Justice, International Criminal Tribunal for the former Yugoslavia (ICTY), International Committee of the Red Cross (ICRC), the League of Arab States, The Shanghai Cooperation Organization, the United Nations, UNICTRAL, the United Nations High Commission for Refugees (UNHCR), the United Nations Environment Program and (UNEP). Any comment? Any view? I see none; the observer status of these International Organizations is adopted.

The next agenda item is the “**Election of the President and Vice-President**” of the current session. Is there any proposal for the nomination of the President? I see the distinguished Representative of Kenya. You have the floor sir.

The Leader of Delegation of Kenya: Mr. President, Kenya is extremely pleased to propose the name of H.E. Mr. Liu Zhenmin, Vice Foreign Minister of the People’s Republic of China to be the President of the Fifty-Fourth Annual Session of AALCO, being held in Beijing of the People’s Republic of China. H.E. Mr. Liu Zhenmin is a man of many parts and has held many positions in his long and eventful career with great distinction. He has been an Associate Member of the Institute of International Law, Professor of law of China, Foreign Affairs University, former Ambassador and Permanent Representative to the United Nations office in Geneva and Other International Organizations in Switzerland, former Ambassador and Deputy Permanent Representative of China to the United Nations, former Director General of the Department of Treaty and Law, Ministry of Foreign Affairs. Besides holding all these positions, he has also authored numerous books and articles on International Law issues and International Relations. Thank you.

President: Thank you. Are there any remarks or any comments? I recognize the distinguished Representative of Pakistan.

The Leader of Delegation of Pakistan: Pakistan would like to second this proposal and would like to request our members to have the election of the honorable Chinese delegate.

President: I thank the distinguished Representative of Pakistan and now I recognize the distinguished Representative of Indonesia. You have the floor.

The Leader of Delegation of Indonesia: Mr. President and distinguished delegates, I am proud to announce the Indonesian delegation's endorsement of the Kenyan delegation's nomination of H.E. Liu Zhenmin of the People's Republic China for the President of the current session of AALCO. I believe that under his leadership AALCO will move forward. As an expert in international law, I trust that AALCO will contribute to build strong international law in the future. Thank you very much.

President: I thank the distinguished Representative of Indonesia. Are there any other comments? I recognize the distinguished Representative of Cyprus.

The Leader of Delegation of Cyprus: Thank you Mr. President. First, I would like to congratulate you on a very successful achievement. You led us to today's meeting in a very magisterial way and a very strong support to dear friend Deputy Minister Liu Zhenmin for presiding over our current session.

President: I thank the distinguished Representative of Cyprus for his comment. Any other comment? I see none and in that case I understand that the house is fully agreeable on the nomination of H.E. Mr. Liu Zhenmin, the Vice Foreign Minister of the People's Republic of China to become the President of the current session and that is the case. I warmly congratulate H.E. Mr. Liu Zhenmin for becoming the President of the current session of AALCO. As a matter of fact he's a good old friend of mine. I know him for a long time. He is a very high class, top class diplomat and lawyer. I congratulate you Mr. Minister. We now move on to the election of the Vice President. I recognize of the distinguished Representative of Malaysia.

The Leader of Delegation of Malaysia: Thank you, Mr. President. Excellencies, we would like to propose the name of honorable Professor Githu Muigai, the Attorney General of Kenya to be the Vice President of the Fifty-Fourth Annual Session of AALCO being held here in Beijing. A little bit of background of the Professor. The Professor has held various positions in his long and successful career in the legal profession. The professor has been a professor in the University of Nairobi. He is a former judge of the African Court of Human Rights. He has been a United Nations Rapporteur on Contemporary Forms of Racism, Racial Discrimination and Xenophobia and Related Intolerance. He was appointed Attorney General in 2011. He is also a Senior Counsel of the Bar in Kenya. Ladies and Gentlemen H.E. is definitely an appropriate Vice Presidential candidate. Thank you.

President: I thank the distinguished Representative of Malaysia. Is there any comment? If I see none, I understand that the nomination made by the distinguished Representative of Malaysia for the Vice President, the honorable Professor Githu Muigai. The distinguished Representative of Cameroon has the floor.

The Leader of Delegation of Cameroon: Thank you, Mr. President. I would like to second the nomination of Prof. Githu Muigai for the post of Vice-President for this Session.

President: With this I have the pleasure to announce that H.E. Mr. Liu Zhenmin, Vice Minister of Foreign Affairs of the People's Republic is elected as the President of the Fifty-Fourth Annual Session and Prof. Githu Muigai, Attorney General of Kenya is the Vice President. I now invite them to take their positions on the dais and wish them all the best.

The meeting was thereafter adjourned.

**V. VERBATIM RECORD OF THE FIRST GENERAL
MEETING**

V. VERBATIM RECORD OF THE FIRST GENERAL MEETING HELD ON MONDAY, 13 APRIL 2015 AT 12.15 P.M.

His Excellency Mr. Liu Zhenmin, Vice Minister of Foreign Affairs of the People's Republic of China and the President of the Fifty-Fourth Annual Session of AALCO in the Chair.

President: Good afternoon, dear participants who have gathered here to mark the Commemoration of the Sixtieth Anniversary of the Bandung Conference. Before we begin I would like to invite the Secretary-General to release the AALCO Publications.

Prof. Dr. RahmatMohamad, Secretary-General: Thank you Mr. President. I now have the honour to release the AALCO Publications.

The Yearbook of the AALCO, which was previously known as the '**Report and Selected Documents**', has been published since 2003. The Twelfth Volume (2014) of the Yearbook has been prepared by the AALCO Secretariat and is being released at the Fifty-Fourth Annual Session of AALCO.

The Yearbook remains the most comprehensive and authoritative reference work of the Organization in a particular year. More specifically, the Yearbook provides comprehensive information about AALCO, its activities, the studies prepared by the Secretariat on the agenda items during the year, summary of deliberations and the resolutions adopted at the Annual Session. In addition, it contains statements delivered by the Secretary-General and the Deputy Secretaries-General at various forums and countries. In the last ten years, the Yearbook has established its place firmly among the publications as an important reference material not only for the Member States of AALCO, but also for other international organizations, international lawyers and academics who work in the field of international law.

The second publication is the AALCO JOURNAL OF INTERNATIONAL LAW, VOL. 3, Issue 2, 2014 on "*Cyber Warfare and International Humanitarian Law*"

With a view to contribute towards a better knowledge and understanding of international law, which in turn can influence the discourse of the global policy debates, AALCO has been publishing "Quarterly Bulletin" since 1976. In the year 1997 its name and periodicity were changed to "AALCO Bulletin" brought out bi-annually, till the year 2001. The Secretariat felt the need to re-structure the format and mode of this publication and after careful discussions and study, a totally overhauled publication in the new title, i.e.; 'AALCO Quarterly Bulletin' was launched by beginning once again with Volume 1, Issue No. 1 dated January-March, 2005 and was published until 2011.

Beginning from 2012, the name of the Bulletin was changed to *AALCO Journal of International Law*, and in an effort to improve further the quality of it so that it does contribute to the Third World legal discourse in an effective manner an "International Advisory Board" had been constituted.

The newly launched AALCO Journal of International Law features topical and well-researched articles written by renowned legal experts and write-ups on selected current

developments. The publication provides appropriate information to scholars and academics who are keen to obtain insights to the Organizations' work in promoting research in international law matters. This special issue of the Journal is a thematic one devoted to addressing a wide variety of legal issues emanating from cyber warfare that has become a hot topic in international law in recent times. It is also a joint collaboration between AALCO and International Committee of the Red Cross (ICRC) to gather scholarly articles that examine different aspects of the law relating to the conduct of cyber warfare.

I take this opportunity to request that the Member States support this publication by way of encouraging their international law scholars, law faculty, research scholars to contribute articles for this publication, especially reflecting the international law issues which are of concern to the Asian and African Countries.

The third publication is entitled *SECRETARY-GENERAL'S HAND BOOK ON BASIC ENTITLEMENTS AND OBLIGATIONS UNDER THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA*

The agenda item "Law of the Sea" is a subject of vital importance to the Member States of AALCO as well as other countries of the region. The United Nations Convention on the Law of the Sea (UNCLOS or the Convention) which was adopted by the UN General Assembly on December 10, 1982, is one of the most significant accomplishments of the twentieth century in international law.

The Convention clearly sets out the basic legal structure or framework for ocean use and management within which all States must operate. In doing so it has contributed immensely to the global system of peace and security of which the Charter of the United Nations is the foundation. In reviewing the old law and revising it, or where necessary replacing it and by introducing new concepts and norms to meet the current needs of the international community, the Convention has revolutionized the international law of the sea. No wonder, it is very often referred to as the "constitution for the oceans".

The most significant achievement of the Convention is that it brings precision to limits of national and international jurisdictions as well as clarity in the exercise of sovereignty, sovereign rights and jurisdiction by States. For the first time in the history of the Law of the Sea, developing countries stand assuredly to benefit from a legal framework concerning the oceans. This was evident from the fact that of the first 60 ratifications required for its coming into force, 59 states were developing countries. Amongst the first 60 States to ratify the Convention, were 34 States from the Asian-African region.

The thirtieth anniversary of the adoption of the Convention celebrated in 2012 afforded us with an opportunity to revisit the legal regime of the oceans under the current circumstances and with mandate from the Member States AALCO had convened many workshops and experts meeting to do the same. Upon the support given (and the interest shown) by the Member States on continuing to explore this issue, I had appointed Mr. H. P. Rajan as a Legal Adviser who had worked at AALCO more than four decades ago and who worked at the United Nations for a very long time on law of the sea issues.

This Hand Book, which provides in simple terms the entitlements of Coastal States, their corresponding rights and obligations as well as the rights of other States in the various maritime zones is a result of his advice and efforts. It is my sincere belief that this work will

be very useful to the Member States in their various capacity building efforts on this complex subject. Thank you.

President: Thank you Secretary-General. Now we break for lunch. I wish to remind you that we will gather here at 2.00 PM for the Special Event to mark the 60th Anniversary of the Bandung Principles. This event has been co-organized by the Chinese Government and AALCO. I encourage all the delegations to partake in the deliberations on this subject.

**VI. THE SPECIAL EVENT COMMEMORATING
THE 60TH ANNIVERSARY OF THE BANDUNG
CONFERENCE**

VI. VERBATIM RECORD OF THE SPECIAL EVENT COMMEMORATING THE 60TH ANNIVERSARY OF THE BANDUNG CONFERENCE, MONDAY, 13 APRIL 2015 AT 2.10 P.M.

President: Good afternoon everybody. We have gathered here to mark the 60th Anniversary of the Bandung Conference. Before we begin I would like to welcome our Guest of Honour H.E Mr. Zhang Yesui, Executive Vice Foreign Minister of China, H.E. Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel. Thank you Excellencies for joining us at this very important event today. Distinguished delegates, as you all are aware the Asian-African Legal Consultative Organization (AALCO) is a tangible outcome of that conference. Over the years AALCO has been inspired by the Bandung Spirit in its work of facilitating exchanges and cooperation in legal matters among Asian and African countries. In today's world Asian and African countries have expression in the world affairs it becomes broader and deeper more than ever. We play a more active part in the development of international rules and make positive contributions to the rule of law at the international level. Therefore, it is very timely that we commemorate the 60th Anniversary of the Bandung Conference this year in this special event. In my view this occasion offers us an excellent opportunity not only to look back at the contributions of AALCO but also to chalk out the future course of action for the peoples of Asia and Africa. So this event is aptly received carrying forward the Bandung Spirit actively into the rule of law. Before we open the floor let us first watch a commemorative video made in collaboration of some agencies of China to kick start our special event.

President: With this refreshing memory of the Bandung Conference I now invite H.E. Mr. Zhang Yesui, Executive Vice Foreign Minister of China to address the gathering.

H.E. Mr. Zhang Yesui, Executive Vice Foreign Minister of the People's Republic of China²: "Carry Forward the Bandung Spirit and Advance the International Rule of Law in Today's World".

Distinguished Ministers, Delegates, and Friends,

Sixty years ago, delegates from 29 Asian and African countries gathered in Bandung, Indonesia, for a conference to decide their own future and destiny. They proclaimed to the world the emergence of developing countries on the world stage as a new, important force, thus, opening a new chapter in the history of Asia and Africa.

The Conference gave birth to the Bandung Spirit, calling for solidarity, friendship and cooperation and recognizing the common mission of Asian and African people to fight imperialism and colonialism, seek common ground while shelving difference, and pursue common development. The Bandung Spirit had since served as an important intellectual and political foundation for building a new international political and economic order that is just and equitable, provided brilliant guidance for developing countries to seek strength through unity and work together for world peace as well as national independence and prosperity.

² Speech was delivered in Chinese. Translation provided to the AALCO Secretariat by the Ministry of Foreign Affairs of China.

The Conference released a *Final communiqué*, and the Ten Principles of Bandung on handling State to State relations was put forward in the well-known *Declaration on the Promotion of World Peace and Cooperation* contained in the *Communiqué*. The Ten Principles underscored sovereignty, human rights, equality and cooperation, and embodied the purpose and principles of the UN Charter. The Ten Principles and the Five Principles of Peaceful Coexistence became a widely recognized set of norms in international relations and international law. The Ten Principle represented a just call for independence, dignity and equality from the oppressed nations, serving as a guiding principle for countries with the same or different social systems to build and grow friendly relations, pointing out an effective way for those seeking peaceful solution to outstanding historical issues between countries and dispute in the world, and making historic contributions to the solidarity and cooperation among Asian and African countries.

Sixty years on, the world once again finds itself at a historical juncture amidst profound and complicated changes. In today's world, multipolarity and globalization are gathering momentum. Democracy and the rule of law are gathering growing support. And countries are becoming increasingly interdependent with a stronger sense of community of common destiny. In today's Asia and Africa, developing countries are rising as a group. The two continents are leading the world in terms of both development potential and dynamism. This is attributable to the united efforts of Asian and African countries. We have every reason to be proud of ourselves.

Nevertheless, the international security situation still faces a lot of uncertainties. Traditional and non-traditional security threats are intertwined. The digital divide has compounded the development gap. The North-South gap is yet to be narrowed. And development issues are becoming more acute. Asian and African countries are all faced with the daunting tasks of upholding national security and social stability, accelerating economic and social development, improving people's living standard and raising our voices and influence in the world.

At this historical moment, we Member States of Asian-African Legal Consultative Organization are gathered here to celebrate the 60th anniversary of the Bandung Conference. The purpose of this event is to carry forward the Bandung Spirit, implement the Ten Principles of Bandung, advance the international rule of law, and uphold institutional rights and interests of developing countries, promote peace and development, pursue equity and justice, and build a new type of international relations featuring win-win co-operation.

First, we need to uphold peace and stability through the international rule of law. International law must provide countries with the basic survival and security guarantee. Since the end of WW II, the world has maintained overall peace for 70 years. The collective security regime with the UN at the core and norm of international law has played an important role. However, unlawful use of force in international relations exists, and there are still attempts of taking one's own values or judgment criteria as an excuse for arbitrary interference in other countries' internal affairs, or even stirring up domestic turmoil and division and overthrowing legitimate governments. The international community must continue to firmly uphold the authority of the UN Charter, respect countries sovereignty and territorial integrity, stand fast for the basic principles of international law such as national independence, sovereign, equality, non-interference in internal affairs and peaceful settlement of disputes, oppose war, aggression and threat and use of force, and uphold the safeguard mechanisms established by the UN Charter to prevent war and preserve peace.

Second, we need to promote win-win cooperation through the international rule of law.

In a globalized world, countries are more interdependent than ever before with their interests increasingly intertwined. It is vital to forge a sense of community and seek benefits to all through cooperation. Therefore, the international rule of law should move beyond ensuring peaceful coexistence toward promoting cooperation. Steps should be taken to build a sound system of rights and obligation featuring equality, mutual benefit and cooperation. Currently, the discussion on the post-2015 development agenda is at a crucial stage. The international community as a whole need to pay more attention to the right to develop and the issue of poverty alleviation, improve the international legal system and ensure that developing countries benefit from globalization and achieve common development. It should also, through formulation and application of rules of international law, effectively tackle non-traditional challenges such as terrorism, climate change, natural disaster, pandemics, and transnational crime and work more actively to build sound institutional arrangements for a new frontier of human development like cyberspace, seabed, Polar Regions and outer space to address common challenges of mankind through concerted efforts.

Third, we need to uphold inclusiveness and mutual learning through the international rule of law.

As we often say in China, a single flower does not make spring, while one hundred flowers in full blossom bring spring to the garden. The fundamental spirit of the international rule of law is mutual respect. It is vital to reflect different voices and common interests of the international community in a comprehensive and balanced manner and ensure the right of people in different countries to independently choose their political and social systems and development paths that suit their own history, culture and tradition. It is necessary to advocate inclusiveness and mutual learning between different civilizations and legal system. While ensuring universal application of basic principles of international law, the concerns and uniqueness of different regions must be considered and reflected.

Fourth, we need to realize equity and justice through the international rule of law.

In history, mostly reflecting the will of major powers, international law failed to fully accommodate the aspirations of developing countries. Today, developing countries, as a whole, have heightened their sense of seeking strength through unity, made bigger contribution to world peace and development, and gained more weight and influence in international affairs. As such, they should have more important responsibilities in the new international order; the international rule of law needs to be responsive to the changing times to further address flaws in the international political and economic order, promote democracy in international relations and due process of international mechanisms, and increase the representation and participation of developing countries. It is vital to stress the importance of the procedural transparency and due process of international mechanism, increase the representation and participation and decision making as developing countries.

Ministers, Delegates, and Friends,

China, as a member of the developing world, cherishes its brotherly relations with other developing countries and takes friendship and cooperation with them as the bedrock of its foreign policy. Whatever changes may take place in the international landscape, China will stand firmly with other developing counties.

China will continue to follow the independent foreign policy of peace and the path of peaceful development, implement the Five Principles of Peaceful Coexistence and Ten

Principles of Bandung and endeavor to build a new type of international relations featuring win-win cooperation.

Ministers, Delegates, and Friends,

In a few days' time, the Asian- African Summit to commemorate the 60th anniversary of the Bandung Conference will be held in Indonesia. And in September, we will gather in New York to commemorate the 70th anniversary of the founding of the UN. To achieve greater unity, cooperation, development and revitalization in Asia and Africa is a noble mission bestowed upon us by our times. Let us work together to carry forward the Bandung Spirit and work tirelessly for common dignity and wellbeing.

Thank you.

President: I thank H.E. Mr. Zhang Yesui, the Executive Vice Minister of Foreign Affairs of China for his enlightening remarks and now I have the pleasure to invite Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel to address this gathering.

Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel: Mr. President, Excellencies, Ladies and Gentleman, It is a pleasure to have the opportunity to say a few words in recognition of the 60th anniversary of the Bandung Conference. While others here today involved in the inter-governmental process will certainly be able to address this subject in much greater detail, I will speak briefly to what I consider to be two of the main legacies of the Bandung Conference. The **first** is its contribution to multilateralism; and the **second** is the importance of principles as touchstones for effective international relations among States.

On the first point—its contribution to multilateralism—Bandung represents an example of what can be achieved by coming together to deliberate on issues of mutual concern in an open, transparent and constructive manner.

The inter-governmental conference was a landmark in this regard. It was attended by representatives from twenty-nine highly diverse States, convening at a time of great complexity and uncertainty in international affairs. The final communiqué of the Bandung Conference—and the “spirit of Bandung” that it represented—has served as the principled basis for the non-aligned movement, which has of course been very influential in international affairs, including in the deliberative fora of the United Nations.

It is notable in this regard that while the Bandung Conference took place outside of United Nations auspices, the outcome of the deliberations served to strengthen and significantly reinforce the multilateral, Charter-based order.

This is reflected in the principles adopted at Bandung, which reference the Charter specifically, as well as in the exchanges of the conference participants, where ample support for the purposes, principles and institutional processes of the United Nations were expressed. The final communiqué explicitly calls for universal membership in the United Nations—as well as heightened representation for States from the Asian-African region in the Security Council.

It was through commitments such as those made at Bandung that the Organization was able to strengthen its legitimacy and universal membership and deepen its institutional foundations in all corners of the world. The result has been an ongoing commitment and deliberation, within the multilateral discussions and consultations of the United Nations, on the substantive issues raised by the participants in the Bandung Conference.

The Bandung Conference also led to the establishment of the Asian-African Legal Consultative Organization, which has served as a constructive and important venue for mutual consultation and exchange between AALCO and the United Nations on issues of shared concern. The present consultative session is just another example of this long history of fruitful cooperation.

I would also like to say a few words about a second legacy of the Bandung Conference, namely the importance of principles as touchstones for effective international relations.

The final communiqué from Bandung famously enshrined ten principles aimed at “effectively contributing to the maintenance and promotion of international peace and security”, including respect for fundamental human rights, respect for sovereignty and territorial integrity, non-intervention and non-interference in the internal affairs of another country, individual and collective self-defense, the prohibition on aggression or the use of force against the territorial integrity or political independence of any country, the peaceful settlement of disputes and respect for international obligations.

The UN, of course, has also adopted a number of principles that guide its action, including those reflected in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation between States in accordance with the Charter of the United Nations, which is enshrined in General Assembly resolution 2625 (XXV) of 24 October 1970. The Friendly Relations Declaration, as it is known, and the deliberations among Member States that led to its adoption, greatly contributed to shared understandings about principles of international law at the United Nations.

In my view, principles, such as those put forth in the final communiqué from the Bandung conference and those reflected in the Friendly Relations Declaration, are essential. They guide us and frame the answers to complex questions. They serve as important sources of stability—clarifying, for all States, what they might expect, and what is expected of them.

Importantly, principles also provide enough flexibility to account for situations that may have not been foreseen at the time of their establishment. They are capable of incorporating change and adapting to evolving circumstances.

In addition, principles do not operate in a vacuum; rather, in order to be effective, they must be applied in a cohesive and mutually-reinforcing way. The necessary inclusivity of principles was recognized at Bandung. The ten principles adopted there are not “either/or” propositions; rather, through adherence to all of the principles, the States gathered at the conference endeavored to establish a more cooperative and peaceful order.

The current international environment both challenges our principles and offers opportunities for their reexamination and further development. Through the application of principles in concrete cases, and the interpretation and analysis that this requires, we both strengthen our principles and, depending on the case, have an opportunity to reexamine their meaning in their current context.

Over the past year, we have encountered an unprecedented global health crisis with the Ebola disease. We have also been faced with a terrorist threat of the so-called Islamic State that exceeds our worst fears. In too many places around the world, people continue to live in abject poverty—in too many places, armed conflict persists at the expense of peace, education and development.

In such trying circumstances, we rely on our principles, such as those enshrined in the Charter and reinforced at Bandung, to formulate an appropriate response.

The process of applying our principles to complex problems is not a simple one. It requires us to critically examine the operation of our principles in the current environment, taking into account their history and prior application.

If, through this process, we find that longstanding principles and their application remain effective, then we confirm the principles and make them even stronger. If it appears that either the principles or their application may require some recalibration, then we should examine carefully both the principle itself and the way that we invoke it, making adjustments, as necessary, based on our experience and lessons that we may have learned.

In either case, the process is an invaluable one. Through such critical examination, we enhance the principles that guide our action. This allows us not only to deal with the issues at hand, but also to better prepare for those unforeseen challenges that will inevitably arise.

I thank you for giving me the opportunity to speak on this important issue. I will look forward to our discussion today.

President: I thank Mr. Miguel de Serpa Soares for his statement. Dear colleagues Mr. Zhang Yesui had to leave as he had some urgent work, I once again on behalf of all thank him for his address. I would like to thank him for his presence at this event. Thank you Mr. Yesui. Dear colleagues now I invite the Head of Delegation of Indonesia to present his address.

Leader of Delegation of Indonesia: H.E. Mr. Liu Zhenmin, H.E. Mr. Miguel Serpa Soares, H.E. Prof. Rahmat Mohamad, Distinguished Delegates, Ladies and Gentlemen.

First of all allow me to express my deepest appreciation to the Government of the People's Republic of China for the warm welcome and generous hospitality and courtesy rendered to each delegation present here today since our arrival here in Beijing yesterday, which I am sure is also felt by AALCO Member countries attending this very auspicious Annual Session of AALCO. Allow me to also commend the Secretary-General of AALCO and friends of the Secretariat of AALCO who have dedicated their energy in organizing this important gathering. I am honoured to be standing here upon an invitation from the Minister of Foreign Affairs from the People's Republic of China to address this Special Event to commemorate the 60th Anniversary of the Bandung Conference. This is an event that reminds us of the importance of the Bandung Conference that has brought us Asian-African countries together driven by the spirit of solidarity and cooperation to stand as equals in determining our future and actively shaping the world's future.

Mr. President, Guests of Honour, and Distinguished Delegates, this event allows us to remember our values and take lesson from our struggles and political leaders. Some 60 years ago during

the period developing countries were either struggling to attain independence or at a very young age of independence, countries gathered to address the situation of the world after World War II, and also the mounting pressure for Asian and African countries to determine their destiny in the heat of the cold war. Beyond that it may be well noted that the Bandung Conference of the 1955 did become a historical momentum for Asian and African countries in initiating our common values such as political self-determination, mutual respect for sovereignty, non-aggression, non-interference in internal affairs, and equality in the spirit of solidarity, friendship and cooperation.

Today in the spirit of Bandung Conference I wish to share with you Indonesian vision under the theme of this Special Event carrying Bandung Spirit united determination for the rule of law. This year's AALCO event is very special because it is being held before the upcoming 60th Commemoration of the Asian-African Conference and the 10th Anniversary of the New Asian-African Strategic Partnership, which will be held in Indonesia from 19-24 April 2015, under the theme of "Strengthening South-South Cooperation to Promote World Peace and Prosperity".

We acknowledge that the world has developed and evolved into its current state with Asian and African countries undoubtedly leading in giving their own shares. These countries are actively involved in the development of international law and have shown positive contribution to the rule of law at international level. This is a solid proof that Asian and African countries are able to play a leading role in international forums in architecting, in shaping the world's legal affairs. Nevertheless, the world remains far than the ideal world that we aspire to have. A set of new challenges has emerged before us where we as nations have to address such as poverty, disparity between nations, war, and internal conflict are still taking place in and around the world jeopardizing the hopes for development. Transnational crimes are becoming widespread and evolved acts of violence have reached its limit and not to mention the threat of the Ebola Virus and Flu around us.

Allow me to bring before you the future of the State for the Palestinians for full independence and justice. We are therefore all called upon to support the Palestinian people's dream and the right to achieve their quest for statehood in their homeland to become equal with other countries. I am confident that we are all on the same page that the independence of Palestinians remains to be our utmost priority and with the support of Asian and African countries the dream of the people of Palestine will soon become a reality.

Mr. President, Guest of Honours, allow me now to come back to the topic current and new challenges we are facing today. The world has changed much since the Asian African Conference was held in Bandung sixty years ago, but not so profound the spirit of Bandung has not lost any of its relevance nor has it lost any of its power to inspire. South-South cooperation should be strengthened after sixty years it is time to reinvigorate the South-South cooperation it is also time to prove that South-South cooperation can contribute to world peace and security. The spirit of Bandung Conference should be implemented for quick cooperation showing us the way forward to solve our current challenges to be tackled on the basis of Afro Asian solidarity which has been the way we have adopted from the history of the Bandung Conference. This approach should certainly take into consideration the reality of the interest of the Member States on the basis of priority.

One way of taking forward our cause is by strengthening our cooperation through the Asian-African legal Consultative Organization, Indonesia strongly encourages that we move forward in identifying priorities, and working on those identified priorities. Through AALCO we have

already identified our priorities and it is reflected clearly in the agendas of AALCO meetings, therefore, let us put our energy and effort together to ensure that we work on those priorities that include strengthening balance in international trade, fighting transnational crime and corruption, as well as study issues of common concern such as terrorism and other forms of radicalization that pose eminent threat to international peace and security as well as development. From that point we will then be able to move forward bringing our consensus to contribute in shaping international norms and upholding international rule of law.

Mr. President, Guest of Honours, Distinguished Delegates, I believe that the Sixtieth Commemoration of the Asian-African Conference is a valuable opportunity to revitalize our commitment to further strengthen intercontinental partnership of Asia and Africa through three pillars namely: (i) political solidarity; (ii) economic cooperation and (iii) social-cultural relations. With that in mind Indonesia welcomes and fully supports and endorses the proposal of the People's Republic of China on draft resolution on the Half Day Special Event to Commemorate the Sixtieth Anniversary of the Bandung Conference. At this opportunity with the Bandung Spirit among us I encourage all nations from Asia and Africa to attend and take part in this event so that we can build strength to the success of the Sixtieth Commemoration of the Asian and African Conference in achieving our common goal of a better future. Thank you.

President: I thank the Leader of Delegation of Indonesia for his statement. Now I invite the Leader of Delegation of the Union of Myanmar to present his statement.

The Leader of Delegation of the Union of Myanmar: Excellency Mr. Liu Zhenmin, the President of the Fifty-Fourth Annual Session of AALCO, Excellencies, Distinguished Guests, Ladies and Gentlemen.

It is indeed an honour and privilege for me to address this special event to Commemorate the Sixtieth Anniversary of the Bandung Conference, at the Fifty-Fourth Annual Session of AALCO in Beijing, People's Republic of China. Firstly, may I thank the Government of the People's Republic of China and the Asian-African legal Consultative Organization for holding this session and for looking after myself and my delegation so very well since our arrival in Beijing.

There is a Chinese proverb "a thousand miles start with one single step" this step forward was taken by our fore-fathers sixty years ago in Bandung, Indonesia. History shows that this was the meeting of Asian-African States of about 25 newly independent countries who participated at the Bandung Conference representing one quarter of the earth's landscape and a total population of 1.5 billion. The Conference was organized by Indonesia, China, Myanmar, Pakistan, Sri Lanka, and India and was coordinated by Mr. R. Abdul Ghani, Secretary-General of the Indonesian Ministry of Foreign Affairs. The Conference aimed to promote Afro-Asian economic and cultural cooperation. The Conference was also a positive step towards the Non-Aligned Movement. China played a very important role in the Conference and strengthened its relations with other Asian countries. The Conference convened on April 18, 1955 will be remembered as a great milestone. Today after holding of this historic step forward we remember this Conference for the following eight areas that it covered: international economic cooperation: cultural cooperation: human rights and self-determination: problems of dependent people's: promotion of world peace and cooperation: and declaration of world peace and cooperation.

Excellencies, Distinguished Guests, Ladies and Gentlemen, sixty years after holding of the Bandung Conference and the Bandung Spirit as envisioned by our fore fathers in the Five Principles of Peaceful Coexistence and Declaration which covers all the above areas we stand

here today carrying the pot in treading the path of the future generation and likely to endeavor for international law. Upon a legal analysis of the eight areas of Bandung Declaration we find that they are enshrined in the UN Charter and the Principles of International law. Taking the Bandung Spirit the Asian-African Legal Consultative Committee later the Asian-African Legal Consultative Organization (AALCO) was formed on 15 November 1956 to serve as an advisory body of legal experts to deal with the problems referred to it by its Member States and to help in exchange of views and information on matters of common concern among the participating countries. It is considered a tangible outcome of the historic Bandung Conference. The outcome of the Bandung Conference was reflected today shows that these areas can be called the Spirit of Bandung can be classified as a step moving towards a one thousand miles journey. These areas academically pitted have opened new avenues in the subject of public international law: economic and cultural cooperation, have led to the creation of international economic law, human rights and human self-determination, have led to the creation of other related subjects in international law. Promotion of world peace and cooperation has led to the basic principles in the UN Charter and they have found their way into the area of international customary law.

President: I thank the Leader of Delegation of Myanmar for his statement. Now I would like to invite the Leader of Delegation of Pakistan to present his address.

The Leader of Delegation of Pakistan: May I offer felicitation to the newly elected President and Vice President and my complements to the outgoing President and Vice President, Excellencies, Dignitaries, Delegates, Ladies and Gentlemen.

This year marks the 60th anniversary of the Bandung Conference, the very foundation and the guiding spirit of the AALCO. These past 6 decades have witnessed many events; wars both physical and cold have come to an end figuratively but the new wars are blazing the world. Challenges of the modern time such as terrorism and cyber-crime plague the globe. The time has come that we address these and other issues such as human trafficking, money laundering and making the seas safer for navigation, fishing and mining.

Bandung conference is the toll-free highway to a better world. There are bends and bumps and like all highways we need to make constant repairs towards this end. Pakistan has always shown and demonstrated its pledge and willingness to lend its hand and remain committed to sharing its responsibilities for a better world where there is rule of law and not the rule of the might.

May I take this opportunity to commend efforts of Iran in playing a very vital role leading a helping hand in making AALCO more vibrant organization. I am sure under Chinese leadership the organization will reach the next level and play a vibrant role in the community of intergovernmental organization. May the Bandung spirit continue to be our beacon. Thank you.

President: I thank the Leader of Delegation of Pakistan for his statement. Now I would like to invite the Leader of Delegation of Japan to address the event.

The Leader of Delegation of Japan: I would like to extend my sincere congratulations to H.E Mr. Liu Zhenmin for his election as President and Mr. Vice President for his election.

Mr. President, it is my great pleasure to participate in this special event on commemorating the 60th anniversary of the Bandung Conference. Japan considers that it was indeed a great privilege that it participated as an Asian country on the invitation in the Asian African conference held in Bandung, Indonesia in 1955, which aimed at promoting solidarity among the countries in Asia

and Africa which included many newly independent states. In 2005 when the commemoration of the 50th anniversary of the Asian African conference was held to celebrate and to discuss the future corporation of Asia and Africa; Japan was the only G8 country that participated in that commemoration.

Mr. President, Japan has consistently supported the Asian African conference and strengthened its ties with the countries of Asian and African regions. As the Distinguished Delegate of Indonesia mentioned the commemoration of the 60th anniversary of the Asian African conference will be held in Indonesia very soon in April. Prime Minister Abe is considering attending this commemoration. When he participates he would wish to deliver the message of Japan as the peaceful nation has greatly contributed to the peace and development of the region and the world through development, corporation and assistance for democratization in developing countries and that under the banner of pro-active contribution to peace based on international cooperation.

Japan wishes to further contribute to the peace and prosperity of the region and the World. Thank you.

President: I thank the Leader of Delegation of Japan for his statement. Now I would like to invite the Leader of Delegation of India to address the event.

The Leader of Delegation of India: Mr. President, Excellencies, Distinguished Delegates Ladies and Gentlemen, at the outset, I would like to take this opportunity to thank the AALCO Secretariat for organizing this special event and also other Member States for their active participation on this important occasion which also marks the Sixtieth anniversary of Bandung Conference.

As we all know, Bandung Conference was a defining moment that provided a unique opportunity for the Third World countries, mostly decolonized and newly emerged from Asia and Africa, to come together and pursue their common goals. The stated objective of the Conference was to promote economic and cultural cooperation, restoration of international peace and reiteration of the importance of peaceful co-existence.

The Bandung Conference focused upon the role of the Third World in the Cold War, economic development, and decolonization and adopted the "Ten Point Declaration on Promotion of World Peace and Cooperation." It emphasized mutual respect for territorial integrity and sovereignty among the newly independent nations based on the principles of non-aggression and non-interference in each other's internal affairs, sovereign equality and mutual benefits.

One of the major outcomes of the Bandung Conference was the establishment of Asian African Legal Consultative Committee, now the Organization (AALCO), headquartered at New Delhi in India.

Non-alignment: It is no more an overstatement to recall that the Bandung Conference provided a platform to consolidate the non-aligned foreign policy. The concept of "non-alignment" got transformed into a movement and the Bandung Conference proved as an important milestone in advancing the movement and to strengthen the solidarity of non-aligned nations from Asia, Africa and the Middle East. "Ten Principles of Bandung", were adopted later as the main goals and objectives of the policy of non-alignment.

Over the years the Non-aligned movement (NAM) has played a significant role in the global politics and it immensely helped restoring the peace and world order as more than 100 countries today are part of the NAM. This being the perspective of majority of the countries, Bandung Conference holds relevance for India and the Asian-African nations even today.

Colonialism: The Bandung Conference represents a turning point for anti-colonialism in the post war era. Bandung symbolized the future of the developing countries' solidarity, their aspirations, and hopes. It provided a viable political platform for the countries having tested time with the "colonial oppression" to liberate them and to gain confidence in order to throw themselves open to the global opportunities.

Excellencies, and Distinguished Delegates, Keeping in mind the letter and spirit of the 10-point Bandung Declaration, AALCO has been striving hard to address international challenges faced by the Asian-African nations. It is worth to recall the contribution of AALCO to the international legal sphere during sixty years of its meaningful existence. Its contribution to consolidate the Refugee Law, Law of Sea, Law of Treaties and Piracy are noteworthy among many other significant achievements.

India is proud to house the headquarters of AALCO, supporting all its initiatives and remains committed to provide all necessary assistance and support in advancing its mandate. My delegation believes that the core objectives of the Bandung Conference and the tireless efforts of AALCO in promoting the said objectives are worthy of appreciation.

The relevance of Bandung Principles cannot be undermined and even today, they have been a guiding force for several countries in the Asian-African region in realizing their potential for collaboration among the nations of the third world and definitely, AALCO has the pivotal role to play in the realization of the Bandung spirit of solidarity, cooperation and peaceful co-existence.

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President: I thank the Leader of Delegation of India for his statement. Now I invite the Leader of Delegation of DPR Korea to address this event.

The Leader of Delegation of DPR Korea: Distinguished Delegates, This year marks the 60th anniversary of the historic Bandung Conference which gave birth to the Non-alignment movement.

Since the Bandung Conference, voices and influence of the developing countries have gained remarkable weight in aspiring for independence against imperialism and peace against war and in building fair international relation on the basis of principles of state sovereignty, non-interference in the internal affairs and mutual benefits.

The Asian-African Legal Consultative Organization, the outcome of the Bandung Conference, has been carrying forward the Bandung spirit and made positive contribution to strengthening the exchange and cooperation among the member states in the field of international law.

It also demonstrated its important contribution to maintaining world peace and stability, and realizing the international justice by making its every possible efforts to represent the

interests of the developing countries in the codification and progressive development of the international law, and to ensure their fair application.

I am convinced that the Organization will continue to carry forward the Bandung spirit to strengthen south-south cooperation and fair international order through equitable application of the international law. It is also of my confidence that the Organization will fulfill its entrusted mandate in its efforts to firmly represent the rights and interests of the developing countries

The Great Leaders Kim Il Sung and Kim Jong Il ensured the development of friendship and cooperation with the countries in Asia and Africa, and extended unreserved support and solidarity to national liberation from colonialism and the realization of independence.

The everlasting achievements made by the Great Leaders Kim Il Sung and Kim Jong Il are now inherited and further enriched by the Respected Leader Kim Jong Un, the first chairman of the DPRK National Defense Commission.

The DPRK Government will continuously strengthen cooperation with the Organization in the efforts to promote the friendship and cooperation between the countries in Asia and Africa. Thank you.

President: I thank the Leader of Delegation of DPR Korea for his statement. I now like to invite the Leader of Delegation of Thailand.

The Leader of Delegation of Thailand: Mr. President, AALCO Secretary General, Under Secretary-General for Legal Affairs and Legal Counsel of UN, Excellencies, Distinguished Delegates, Ladies and Gentlemen, At the outset, my delegation wishes to thank the Government of the People's Republic of China who organizes this special event on "Carrying Forward Bandung Spirit, United for International Rule of Law" to commemorate the 60th Anniversary of the Bandung Conference. In this connection, the success of the International Law Colloquium on Five Principles of Peaceful Co-existence held here in Beijing last year serves well as a prelude to this Special Event today.

Mr. President, Sixty years ago, on 19 April 1955, twenty-nine representatives from Asian and African nations including Thailand gathered in Bandung, the capital of West Java Province of Indonesia, and declared, for the first time, to join hands to consider problems of common interest and concern to countries of Asia and Africa, and to discuss ways and means by which their peoples could achieve fuller economic, cultural and political cooperation.

Since then, a comprehensive partnership between Asia and Africa has been established, under the Bandung Declaration which are in line with and complementary to the UN Charter, with regard to, among others, the principles of sovereign equality, territorial integrity and peaceful settlement of disputes. The Asian-African Legal Consultative Organization (AALCO), which was inspired by the Bandung Spirit and was a tangible outcome of the Bandung Conference, has consistently underlined a view of expanding and deepening cooperation between Asian and African nations on international legal matters through consultation, information-sharing and capacity-building in all areas, including on the protection of human rights, good governance, democracy and the rule of law.

It has been ten years since we gathered for the Asian-Africa Summit in 2005 in Bandung, Indonesia, commemorating the golden jubilee of the Bandung Conference, reinvigorating the Spirit of Bandung as well as charting the future direction. At the Summit, the New Asian-African Strategic Partnership (NAASP) was established as a framework to foster closer cooperation. The Summit emphasized the importance of multilateralism in international relations and the need for countries to strictly abide by the principles of international law, particularly the United Nations Charter.

Mr. President, The rule of law and inclusive and sustainable development are closely linked. The rule of law, as the main pillar in international cooperation, plays a significant role in assuring that the existing laws and regulations support inclusive economic growth, the eradication of poverty and hunger and the full realization of all human rights. Furthermore, the rule of law not only helps ensure that the laws and regulations that we create are applied equally to all groups in the society, but it is also an effective tool to overcome disparities among nations. It strengthens friendship and promotes the cooperation and development for the common prosperity of the nations.

In November 2013, Thailand hosted a conference in Bangkok called “The Bangkok Dialogue on the Rule of Law: Investing in the Rule of Law, Justice and Security for the Post-2015 Development Agenda” where leaders from government, academic sectors and civil societies shared experiences and knowledge on the importance of the rule of law and its linkage with sustainable development. The assembly considered the rule of law at the heart of the United Nations’ agenda in its role and as guardian of international legal frameworks. Her Royal Highness Princess Bajrakitiyabha Mahidol of Thailand graciously stated at the forum that “Investing in the rule of law, crime prevention and criminal justice is not only essential, but indispensable, to the path of sustainable development.”

Mr. President, It was five years ago in 2010 Thailand launched the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measure for Women Offenders, or the “Bangkok Rules”. The Rules were decided an alternative measure and basic healthcare and proper treatment for women offenders as well as rehabilitation of female offenders. We have been encouraging the implementation of the Rules in correctional facilities at the national, regional and international levels. We are also implementing the Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice as we have ratified the Optional Protocol to the Convention on the Rights of the Child on the Communications Procedure.

Mr. President, Distinguished Delegates, For more than a decade, the Millennium Development Goals have helped nations make great stride in challenges like poverty, hunger and preventable diseases. Now it is our shared responsibility to take further steps through the post-2015 United Nations Development Agenda. Also, we reiterate that a well-functioning justice system is necessary for the effective delivery of public justice and equal access to economic opportunities. We need to ensure the access to justice for all. In this regard, we are in a process of enacting a new legislation called “Justice Fund Act” to render financial support to victims in the criminal proceedings. Similarly, concerns of the underprivileged need to be taken into consideration in order to bring about inclusive and sustainable growth.

Mr. President, The Thai delegation looks forward to the constructive discussions with distinguished members of AALCO at this annual session, in order to pursue our work together, to develop further the linkages between the rule of law and the principles of both the

Bandung Declaration and the United Nations, and to jointly propose ways and means of developing for a productive outcome.

In closing, in the light of bringing the two regions closer together, it is our mutual opportunities to utilize the potentials and advantages derived from the commonalities and diversity of both regions in order to foster cooperation between Asia and Africa. Thank you very much.

President: I thank the head of Delegation and for his statement and now we have some speakers left now so my advice is to have a short break for 10 minutes and after 10 minutes we shall continue the discussion with the head of Delegation of South Africa.

Break

President: A good afternoon colleagues, the meeting is resumed. We shall continue our discussion for special event. Dear colleagues, now I would like to invite Head of Delegation of South Africa to come over the podium to address the event.

The Leader of Delegation of South Africa: His Excellency the Vice Minister and President of the Fifty-Fourth Annual Session, His Excellency the Secretary General, His Excellency, the United Nations Under-Secretary-General for Legal Affairs. On behalf of the Government of the Republic of South Africa, I have the honor to thank the government of People's Republic of China for hosting the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization. We are grateful for the warm hospitality, since our arrival to this beautiful and historic city of Beijing. We are pleased to commemorate the 60th Anniversary of the Bandung Conference which sought to promote Afro-Asian co-operation. The Bandung Conference of 1955 was relevant then and remains relevant today. The five sponsoring countries of the conference and 24 participating countries from Asia and Africa, inspired us all, in holding this historic conference. The Bandung conference and its outcome redefined the international relations and the role our regions play and continue to play in international law. The founding father of our nation Nelson Mandela seating 1998 during the 12th session of the Non-Alignment Movement that steadily and surely we are realizing the Bandung vision of what you envisioned when you sacrificed to lent us so much support. He mentioned we faced twin challenged of development and peace.

Mr. President, we still face these twin challenges and therefore, we must continue to be guided by the core principles of the Bandung including self-determination, mutual respect for sovereignty, non-aggression, equality, the promotion of mutual interest and co-operation, settlement of all disputes by peaceful means in conformity with United Nation Charter and respect for rule of law and international obligation. We consider the commemoration of the Bandung Conference also serves as the opportunity to reflect on progress that Asian and African countries have made within AALCO. AALCO remains an important Organization to Asian and African countries, which can engage and consult on matters pertaining to international law and thereby enhance our regions co-operation and collaboration. Indeed since Bandung Asian and African countries have made significant contribution towards progressive development and codification of international law as well as promotion of rule of law at international and national level as well as the promotion of multilateralism and peaceful resolution to dispute.

Mr. President, African and Asian countries represent the largest number within the membership of the United Nations and it is the reason why we commemorate by doing this year and we also celebrate 70th anniversary of United Nations. This also serves as the opportunity to reflect on the fulfillment of the objectives of the United Nation's Charter, our global advancement towards peace, stability and sustainable development as well as very importantly, the reform of the United Nations. Indeed the principles of Bandung are relevant today. South Africa was not present in Bandung but we are pleased that after our liberation we entered into the international community and became a part of AALCO community of States. We express our solidarity and commitment to carrying forward the spirit of Bandung. Thank you.

President: I thank the head of Delegation of South Africa and for her statement. Now I invite the head of Delegation of Sri Lanka to address the event.

The Leader of the Delegation of Sri Lanka: Mr. President, Secretary-General, Your Excellencies, Distinguished Guests and Dear Friends. We gather here today to commemorate the momentous occasion of the birth of Bandung Principles founded years ago. The Bandung held the door of the new era for the African and Asian regions forfeited by the collective will of its people to unite under the banner of the Bandung spirit of peace, friendship and co-operation. The event sealed in the indelible imprint in the domain of international law ascertain the African nations' regions dynamic resolve to take part in and shape the global discourse. In the early 1900 the Germans geo-physicist Hafner hypothesized the existence of Pangea and all earth super continent 200 million years ago. The subsequent continental drift created the northern Pangea of Laurasia and Southern Pangea of Gondwanaland of which Asia, Africa were part of respectively. This Bandung league of African and Asian continents symbolizes return to the original geophysical order of unification. The yearning to man together can be traced back to the beginning of civilization where security, strength and longevity was sought and discovered in togetherness rather than in separation. In this instinctive belief that has inspired the nations to support united tyrant towards a common course. The after math of the Second World War of 1945 sparked an epiphany, a worldwide splash of insight that acknowledged that development can only be conceived when spirited by peace, friendship and co-operation. Having witness the unprecedented atrocities committed and the untold loss and suffering caused during a war that caused its nations to comply with the decision which they were not a party to. The African nations resort to stand united in the spirit of self-determination and steer future premise on the essence of Bandung principle.

Mr. President, 6 decades since, our presence here today is testament to the step passed and resolute commitment of the union of 29 countries that introduced the Bandung Principe in 1955 that has withstood the test of time. We stand here today to honor the past leaders that initiated this moment and pay tribute to the torch bearers of our nation throughout the years that have brought us here today. Our journey however is not over as we are the care takers of the principles during our time holding it in trust for generations yet to come. May this therefore be not only the time for celebrations but reflection. Let us take stock of what we have achieved, what we are yet to achieve and how we are to achieve that which we set ourselves to achieve. Let us understand that it is a work in progress.

Mr. President, in its purest form the Bandung Principles form a life court for the people within African-Asian regions. It is a formula for elevating mistrust and fear, instilling confidence and goodwill and practicing tolerance and peaceful co-existence. It is rich in substance and that it echoes in the principle that is enshrined in the charter of the United

Nations and builds upon the 5 principles of peaceful co-existence crafted by China, Ceylon, present Sri Lanka, Indonesia, Pakistan, Myanmar which was collaboration known at that time as Colombo Power. History says, history repeats itself when people ignore its lessons, let us take a moment to reflect on the crises that have played the world today. From abject poverty to the soaring rates of infant mortality, from the plunder of natural resources to the extinction of endangered species, from irregular migration to escalating number of stateless persons, from erosion of rule of law to totalitarianism, terrorism and violent extremisms. All of which if not curtailed will like a festering cancer reach irreversible proportions inflicting irrevocable and irreparable damages to the global fabric. The world is seeing it all and it is unfolding before our very eyes. Therefore at the time when the world is dangling precariously at the mercy of mankind every moment becomes decisive. It our responsibility to seize this moment intelligently by appealing to our collective conscience to steer our path to secure future. Let us also remain unwavering in our resolve to respond intelligently to unintelligent treatment.

Mr. President, while the Bandung Principles have no doubt outlived its critics the merits and demerits of globalization warrant its perusal through an innovative lens. At the time when we believe our world is our oyster, we need to both cultivate and reign in our desire to explore the vast expansion of our data of our disposal lest we lose sight of the principle we are infringing upon in ways that were hitherto not conceived of. The fundamental tenants upon which the Bandung Principles are premised recognized the importance of respect for human right, sovereignty and territorial integrity, international obligations, justice, equality, democracy and rule of law. The principles embody the spirit of inclusivity and accountability in the interest of fostering good governance. The acceptance of principles in a promise to refrain from trespassing on the rights of others, other nations in the spirit of mutual respect. When the crime perpetrated is transnational, the response should be transnational. Similarly if the scale of an offence indicates it is organized, the response should be organized. Cost of forced migration resulting in the alteration of demography of a region warrants a regional response. Multilateralism remains all the more important in the phase of an overwhelming manifestation of transnational organized crimes. Grand strides in the technological advancements, while inspiring creativity, help breed innovative means of perpetrating violence. The world has been cautioned against the unique attributes of cyber space that may have devastating consequences without causing physical injury and damage. Therefore, a foray into the applicability of international norms and principles remains timely.

Mr. President, the time is ripe for us to re-evaluate our indulgence in the natural resources of our world and reconnect ourselves with the international law concept of *res comunust*. Things owned by none and subject to use by all incapable of entire exclusive appropriation. The concept resonates with the chief Seattle response to the President Franklin Pierce wherein he said:

“The earth does not belong to man, man belongs to the earth. All things are connected like the blood that unites us all. Man did not weave the web of life, he is merely a strand in it. Whatever he does to the web, he does to himself.”

Cognizant of the irrevocable perils of environmental destruction, acts of annihilation perpetrated against environment during the armed conflict have been prohibited under the international humanitarian law principles enshrined in the ICRC Rule 43 that assert that the general principles on the conduct of hostilities apply to the natural environment. The rule therefore embodies the principle of proportionality that resonates throughout the corpus of international law that has influenced the Bandung Principles.

Mr. President, let us not resist change but embrace it. Let us praise ourselves for development, followed by social justice, a durable sustainable social justice. As illustrated by Ishenhover:

“The clearest way to show what the rule of law means to us in every life is to recall what has happened when there is no rule of law”

We seek refuge in Bandung Spirit in our quest of international rule of law. We muster courage from the Bandung Spirit to envision a reality free from the crimes against future generations. We derive strength from the Bandung Spirit to broadcast to the world that we are resilient people and a force to be reckoned with. To the Bandung Spirit we turn to live and not merely exist. It is our sanctuary in the Bandung Spirit we believe and in the Bandung spirit dare dream. Thank you very much.

President: I thank the head of Delegation of Sri Lanka. Now I invite the head of delegation of Qatar to address the event.

The Leader of Delegation of the State of Qatar³: H. E. President of Fifty-Fourth Annual Session, Prof. Dr. Rahmat Mohamad, Secretary General of AALCO, Excellencies, Honorable Ministers, Attorney Generals, Heads and Distinguished Delegates, Ladies and Gentlemen.

At the outset, I extend, on behalf of His Excellency Dr. Hassan Lahdan Mohammadi, Minister of Justice, State of Qatar, and the members of the delegation of the State of Qatar, and myself, congratulations to all Member States, and to the friendly People's Republic of China, and to the Secretariat of the Organization on the sixtieth anniversary of the Bandung Conference held in 1955.

The revival of this timeless anniversary in the history of Asian and African Nations, but it is to recall the spirit of the Bandung-based on understanding and unified action to achieve the common interests of the brotherly countries of the two continents.

I would like to take this historic occasion to reaffirm the importance of the principles set by the Bandung Conference Sixty years ago, and which has become a charter of relations between the participating countries at the time, and most important of which:

- Respect of human rights
- The development of mutual interests and cooperation
- The sovereignty of all countries and its unity
- Non-interference in its affairs
- Peaceful settlement of disputes

Perhaps it is important to emphasize that the Bandung Conference did not only achieve the success to establish the mentioned principles, but it succeed to unite the visions and objectives at the level of participating countries and the leaders.

I also wish to add to these successes that the Bandung Conference was the first step to launch the Asian-African Legal Consultative Organization (AALCO), which became legal regional beacon illuminate the process of cooperation and mutual understanding between Member

³ Statement delivered in Arabic. This is the unofficial translation.

States in all international legal fields in general, with a focus on important regional issues such as the Palestinian issue in particular.

Once again, I congratulate all of you on this historic immortal anniversary, wishing you continued success.

President: I thank the head of Delegation of Qatar for his statement. Now I invite the Head of Delegation of Republic of Korea to address the event.

The Leader of Delegation of Republic of Korea: Mr. President, Mr. Secretary General, Excellencies, Distinguished Delegates, Ladies and Gentlemen. On behalf of the delegation of Republic of Korea I would like to congratulate the President and Vice-President of this session on their election. I would like to express my sincere gratitude to the Government of the People's Republic of China for the excellent organization of this meeting as well as for the warm hospitality extended to my Delegation.

The delegation of Republic of Korea expresses its high appreciation for the great contribution by the Bandung Spirit to the improvement of the international order. The Bandung Conference played a great cornerstone for the creation of equitable international law and order. Thanks to the solidarity of the developing countries of Asia and Africa cemented by the Bandung Spirit, the western-centered world order has been adjusted significantly and democracy in the international society has been developed toward international justice. However, in today's international legal order there still remain many elements which should be reviewed for eventual adjustment, and there are many newly arising challenges which require the creation of a new international legal regime. In this situation the mission of AALCO becomes heavier and heavier. My Delegation hopes that AALCO develops innovative ideas for the improvement of international legal order as it did in the past. Thank you.

President: I thank the head of delegation of Republic of Korea for his statement. Now I invite the Head of Delegation of the Islamic Republic of Iran to come to the podium and address the event.

The Leader of Delegation of the Islamic Republic of Iran: Mr. President, Excellency Prof. Rahmat Mohamad, Secretary General, Excellency Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen. It is a source of pride and honor to witness the 60th Anniversary of the historic Bandung Conference and it is commendable that with the help of the host country and the AALCO Secretariat, they endeavor to remind Member States of the serious mandate they are given and of the glory of its origin. We are now definitely under a heavy burden of carrying out that serious mandate and this cannot be achieved unless through our active involvement in the work of AALCO and serious consideration of the items deliberated.

Participants at the Bandung Conference held in 1955 in Indonesia demonstrated their desire to lay firmer foundations for peaceful relations among themselves, and to voice loudly their opposition to colonialism. While the outcome of the conference was the strong condemnation of "colonialism in all of its manifestations", the dramatic strengthening of the relations between and among the Asian and African nations brought about thereafter appeared as a key turning point in the international affairs of the developing countries. The inception of the

Non-aligned Movement, another important legacy to the Bandung Conference, in the same spirit is evidence of the significance of the event.

The 10-point ‘declaration on promotion of world peace and cooperation’ adopted unanimously to incorporate the principles of the United Nations Charter could be viewed as the cornerstone of the work of AALCO Member States despite the passage of six decades. What can guarantee AALCO’s success is, indeed, serious endorsement of those principles in light of the current developments in international law which could, without doubt, lead to the proper propagation of ‘rule of law’ in our two continents and enhancement of international relations.

Mr. President, respect for international law and its promotion in light of the principles enshrined in the Charter of the United Nations and as upheld by AALCO and our ancestors following the Bandung Conference is key to progress made by developing countries in international legal affairs. That coupled with the continuation of the spirit of the Bandung Conference, that is to say, rejection of “colonialism in all of its manifestations” could help overcome the current challenges, whether old or unprecedented, and however insurmountable they might seem.

All our deliberations on issues of common concern and all our work should be devoted to fulfill the mandate we are assigned to. Upholding well-established principles such as respect for sovereignty and territorial integrity of all nations, equality of all nations large and small and abstention from intervention or interference in the internal affairs of other nations as well as respect for justice and international obligations, among the principles given a new momentum to by the Bandung Conference and promoted by AALCO Member States since its creation are the cornerstones of the rule of law today and can grant us a better position and make the world a better place to live in. Other important tenets such as, the prohibition of occupation, followed thereafter, and was well recognized by the international community by important instruments such as the UN General Assembly 2625 on Friendly Relations.

It is needless to say that upholding the spirit of the Bandung Conference requires concerted action on the part of all Member States on matters of common interest. Such coordination and collaboration is crucial to the balanced growth of an international society.

All states, big or small, developed or developing, should have a tangible role in law-making processes. Our solidarity in the field of international law in the face of arising threats is key to leaving our mark in the law formation today so that our efforts, resulting from the strong resolve of Asian and African nations, can prove to stand the test of time.

In the end, let me hope we will be able to keep the spirit of the Bandung Conference and witness, years to come, the brilliant result of the action of its participants at its rightful holders at AALCO. Thank you, Mr. President.

President: I thank the Head of Delegation of Iran to make his statement. Now I invite the head of Head of Delegation of Egypt to address the event.

The Leader of Delegation of the Arab Republic of Egypt: Mr. President, Your Excellencies, Ladies and Gentlemen, at the outset I would like to express my Delegation’s appreciations for the convening of this special event on Commemorating the 60th Anniversary of the Bandung conference. I also would like to express our strong support to AALCO and its

mission of promoting legal co-operation between the African and Asian countries and contributing to the progressive development of international law.

Mr. President, sixty years ago in April 1955 in Bandung, Indonesia Bandung Conference was held with remarkable participation of leaders from the five sponsoring countries India, Indonesia, Myanmar, Pakistan and Sri Lanka. Together with China's Premier Cho En Li, Egypt's President, Gamal Abdel Nassar, and Yugoslavia's President, Joseph Tito, along with the prominent leaders from 22 other participating countries from Asia, Africa and the Middle East. The Convention turned out to be a historic watershed in the international relations and a sample of independence of the third world nations. In light of the commemoration of the conference foundation nobody could forget the crucial and contractive contribution made by the Chinese Premier Cho En Li. At the same time he was not only the only leading figure in the conduct of China's foreign relations and the master of China's policy implementation but he was also one of the greatest negotiators and the peace mediators in the 20th century. He would always be remembered.

Leaders of these great nations who are attending the Bandung Conference of 1955 condemned colonialism, imperialism and called for the freedom of the all subjugated people. Racism in all forms was likewise criticized. The assembled nations also called for an end to the nuclear arms race and elimination of nuclear weapons. The fundamental message of many of the sessions were same. The cold war struggle between the United States of America and the Soviet Union had little meaning to nations battling for the economic development and improved health, better crop yields and fighting against the forces of colonialism and racism.

Mr. President, the Bandung Conference had introduced something new, something beyond left and right covering political, social and humanitarian aspects. It came out with an important outcome the Bandung Principles. These Principles which included the mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equality and cooperation for mutual benefits and last peaceful co-existence. Since their inception these principles have been inspiring to all countries in the Asian African continent, as well as to those other continents for the turbulence of the cold war period highlighting mutual goals for promotion of economic and cultural cooperation, protection of human rights and the principle of self-determination, calling for an end to racial discrimination wherever it took birth and reiterating the importance of peaceful co-existence. These principles reflected the desire of those countries to focus on the potential for collaboration among the nations of the developing world promoting their efforts of self-dependency and reduction of their reliance in the west.

Mr. President, over the years the Bandung Conference has inspired not only the struggle for independence of new countries in Asia and Africa and supporting their fight against racialism and discrimination but it also led to the Afro-Asian peoples solidarity conference in Cairo, which was held in 1957, that created the foundation to the establishment on the non-alignment movement during the Belgrade Conference in 1961. This movement now has 120 member countries and 17 observers. The emerging challenges our nation face today raise a very important question, what can Asia and Africa do to overcome those challenges. In the present context of the international relations cooperation between Asian and African countries remains critical and even becomes more important than ever before. Both Asian and African countries continue to experience changes therefore it's imperative on the best ways to draw the practical and the normative meaning of the Bandung Principle and the current

context of global politics. It is an essential task to develop a collective understanding and let alone a collective response to face the challenges.

There are many issues that Asia and Africa can work on however, poverty remains the pressing issue in both the continents. Compounded with demographic challenges poverty has become abject and more burdensome. The supporting of the rights of the Palestinian people should be also our priority. Likewise the creation of the world based on the respect for rule of law and justice. Inspired by the royal power of the Bandung Conference the People's Republic of China is gaining an increasing global recognition for its proactive role to lead developing countries and adopting collective responses toward today's challenges. This is reflected by many examples most prominent of them is the Presidents' initiative on the New Silk Road. Which creates not just an economic trade route, but also a community by the common trade interests. Faith, responsibilities with each of the country's along the route resulting in the new model of mutual respect and mutual trust. Another example of the collective response is the newly born Asian Infrastructure Investment Bank (AIIB) which sets the stage for scaling of financing sustainable development to the benefit of the global economic governance and to that China along with Egypt and other developing countries contributing in fields of humanitarian aids and medical assistance engaging in fighting Ebola in West Africa. That's helping containing the spirit of that epidemic. Likewise China and Egypt are leading developing countries engaged in other regional and international collaborative work relying on their strong partnership and close cooperation.

Mr. President, quoting President Sukarno's opening speech on Bandung Conference in 1955 entitled later new Asia and new Africa be born. The answer is that Asia and Africa can do much; now it depends on the commitment and determination of the countries in both continents. It's only natural that our countries would expect the foundation members to take the lead in that regard. Egypt has full confidence that as always, those great nations which laid the foundation of the Bandung Conference 60 years ago will be able to fulfil that responsibility in years ahead. Thank you so much.

Mr. President: I thank the head of Delegation of Egypt for his statement. I would now like to invite the Head of Delegation of Nigeria to address this event.

The Leader of Delegation of Nigeria: Your Excellency Mr. President, Distinguished Representative of the Secretary General of United Nations, Secretary General, Distinguished Delegates. On behalf of my delegation let me start by congratulating the President of the Fifty-Fourth Annual Session H.E. Mr. Liu Zhenmin on his election and express our gratitude to the Government and the good people of the People's Republic of China for the warm hospitality since our arrival in this beautiful country. My Delegation is delighted by the opportunity to make this statement at this special event to commemorate the 60th anniversary of the 1955 Bandung Conference which gave birth to our Organization. Let me also congratulate all Member States and Observer States and Organizations who today have the privilege of being part of this historic occasion for their individual and collective contributions to the growth of AALCO since its humble beginning 60 years ago. Our organization has today become a potent voice within the UN system for the promotion of rule of law at domestic and international level and for the enhancement of international solidarity among Asian and African States in legal and related matters. Considering the position of African and Asian States in global affairs sixty years ago, there is no doubt that this is an achievement which deserves celebration.

Mr. President, Nigeria seizes this opportunity therefore, to reiterate its commitment to the objectives of AALCO and commit itself to even greater collaboration with the Secretariat and other Member States as we move into the future. Nigeria has benefitted immensely from its decision to be a part of the AALCO family. In terms of capacity building, multilateral and bilateral partnerships and engagements within the Organization, as well as in the promotion of arbitration through establishment of Regional Center for International Commercial Arbitration in Lagos among others. We therefore look forward to the enhancement of this collaboration in the future.

Mr. President, there is no doubt that the challenges our world faces today have fundamentally changed in scope and complexity since the Bandung Conference. Improvements and innovations in science and technology, as well as greater social economic and political interaction, among the nations of the world have resulted not only in wide range of opportunities and possibilities that we have not thought of few decades ago, but have also created new threats which now seek to derail global security and the general welfare of mankind. The lesson learnt in addressing these challenges over the past few decades is that States must forge and strengthen their mechanisms for cooperation, improved existing alliances on the business of mutual respect and shared obligations and speak in the united voice in denouncing all threats to global peace and security.

We are delighted to note that AALCO is committed to this future of enhanced collaboration among States and with relevant non-state actors. It is in this connection that we support the effort of the Secretariat and indeed all Member States to encourage more States in Asia and Africa to join AALCO. An increase in the membership of our Organization, in our view will enhance our ability to act as a potent force in shaping global thinking and policy within the UN system and also assist in building societies based on the rule of law and dignity of all persons.

Mr. President, let me conclude by expressing our hope that the next sixty years of AALCO will result in a more visible presence globally for the Organization, lead to a more peaceful and just world, and improve the conditions on that which our collective interest will thrive. I thank you all for your attention and wish you a most fruitful Fifty-Fourth session in the beautiful city of Beijing. Thank you.

Mr. President: I thank the head of Delegation of Nigeria for his statement. Now I invite the Head of Delegation of Kenya to address the event.

The Leader of Delegation of Kenya: Your Excellency Mr. President I would like to congratulate you and Mr. Vice-President on election for this Fifty-Fourth Annual Session of AALCO. Secondly on behalf of the Kenyan Delegation I would like to express our extreme gratitude on the warm reception and hospitality accorded to us from the time we arrived in Beijing. Ladies and Gentlemen, on behalf of the Delegation of Kenya we are pleased to participate in this auspicious celebration of the 1955 Bandung Conference. Although Kenya was not a founding member, we fully support the principles agreed upon at the end of this conference which principles are essential for all AALCO members.

Distinguished Delegates, the Spirit of the Bandung Conference is alive today and we can see it in the mutual cooperation in trade which has seen an immense political and economic development of AALCO Member States. The continued financial and technical support through which AALCO Member States have supported each other has seen the

implementation of Bandung principle of ensuring the promotion of economic and cultural growth.

Mr. President, Your Excellencies, Ladies and Gentlemen, the threat to peace and security has continued to impact immensely on the economic and political affairs of States. As such it is important that we stand strong in the fight against the threats to the rule of law, peace and security by all means possible.

Mr. President, Delegates, without peace, without security and without respect for human race and the rights to States to defend themselves there can be no economic development and the growth of the States in the two regions. Mr. President, Delegates, as we commemorate the Bandung Conference I encourage more African States to join the family of AALCO as its mandate seeks to promote the very aspects of peace, security, economic development, mutual cooperation, self-governance, non-interference in internal affairs, respect for justice, international obligations among others.

Mr. President, I urge all members to continue to uphold and strengthen the principles laid down by our forefathers in 1955 by promoting peace, friendly relations and security within our regions for prosperity and that of future generations for years to come. Thank you, Mr. President.

President: I thank the head of Delegation of Kenya for his statement. I now like to invite the head of Delegation of Saudi Arabia to address the event.

The Leader of Delegation of the Kingdom of Saudi Arabia⁴: H. E. the President of the Fifty-Fourth Session, the Secretary General of AALCO, Honorable Ministers and Delegates, Peace, Mercy and Blessings of God.

My country Kingdom of Saudi Arabia congratulates the 60th Anniversary of the Bandung Conference. It was one of the participating countries at a high level confirming the importance of this gathering and its objectives.

We celebrate this occasion and recall the challenges which we face on many levels that require a lot of work and the development of mechanisms to achieve those goals.
Gentlemen

The basic principles that resulted from the Bandung Conference are high values and principles. Humanity needs all of these principles for political stability and sustainable development. All international activities continue at various levels and directions to emphasize these principles, which reflect the profound vision of the founding countries of that Conference. The spirit of Bandung spreads so this spirit revived great principles and embodied.

Ladies and Gentlemen

The activities of this meeting and its agenda, charters and resolutions are beneficiary significantly from that spirit. The most important of these principles is: to prevent interference in the internal affairs of States. And in the agenda of this session which is

⁴ The statement was delivered in Arabic. This is an unofficial translation.

considered the most important principle that is deportation of the Palestinian people and the Israeli oppressive practices, including mass displacement and settlement in the occupied territories in a clear violation of international law. We hope that the organization will take a clear and strong position in this regard we have the right to invoke the spirit of Bandung and its high principles.

I once again congratulate everyone on the passage of these years since that great conference. And thank you for your kind attention.

President: I thank the head of Delegation of Saudi Arabia for his statement. Dear colleagues that was the statement by Head of the Delegation of Saudi Arabia. We have finished with the list of speakers. If there are no other delegations to speak for this special event, I would like to invite Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO to make concluding remarks on the event.

Prof. Dr. Rahmat Mohamad, Secretary General of AALCO: Thank you, Mr. President, Excellency, Mr. Soares, Under Secretary General and Legal Counsel of the United Nations, Your Excellencies, Distinguished Ladies and Gentlemen.

To begin in my concluding remarks I would like to echo and join other distinguished speakers to pledge our commitment to continue the spirit of solidarity in the spirit of Bandung, for the betterment of Afro-Asian citizens. Today we are commemorating a historic event, an event to which this organization owes its existence. Indeed, we are the most tangible outcome of the Bandung Conference; therefore allow me to say that the Spirit of Bandung is all pervading since sixty years now. The challenge before us is that how do we reignite the Spirit of Bandung. The Bandung conference was convened by the leaders who were historic personalities themselves and many of them were freedom fighters and Nation Builders. They all understood that the recovered political independence constituted only the means, because the end lay in the conquest of economic, social and cultural liberation. The Conference of Bandung declared the will of the Asian and African nations to reconquer their sovereignty and complete their independence through a process of reclaiming economic independence from foreign colonial corporations.

Therefore the principles, stand and ideals adopted by are great leaders still inspire and shape our foreign relations and stand at international conferences. Bandung principles are responsible for many sterling examples of the achievements which the Asian African countries can call their contribution towards the progressive development of international law. The resolution on the permanent sovereignty over natural resources is a milestone achievement of developing countries towards reclaiming our economic sovereignty by collective political will and faith in rule oriented world order. The unique contribution of Bandung to world peace is the belief in Asian African Solidarity by non-aligning with any of the Super Power Blocs. The spirit of Bandung teaches us the together we can shape the International law. One-third members of International Law Commission are members of AALCO and, by participating in the work of the commission with a common understanding on various issues, we can leave an indelible impression on the efforts towards progressive development of international law. The topic of Customary International Law is a very sensitive and delicate issue, which can have irreversible impact on the capacity of Member States towards norm identification and its development latter on.

We should not ignore international law as it can have very significant impact on our

sovereign rights and functions. As the Latin maxim expounds that the ignorance of law is not excused, ignorance of international law is not in the Spirit of Bandung. The Spirit of Bandung teaches us that we should not throw the baby with the bath water. Rather we should try to be the part of the process, so that the product of the process is our own baby and hence would be easy to assimilate within are legal systems and would reflect our own culture and civilization.

Bandung also declared the will of Asian and African nations to complete the reconquest of their sovereignty by moving into a process of economic development, which is the condition for their participating to the shaping of the world system on equal footing with the States of the historic imperialist centers. It is in this spirit that I say, The Asian-African region is now becoming more “international law-friendly” when compared with past resentment.⁵ The initial hostility of the post-colonial period towards international law⁶ is now giving way to increased participation in international law processes, both in terms of institutional participation and in the development of norms.

In recent times, however, it cannot be denied that there is gradual convergence of interest, and the ultimate goal of both is to secure the well-being of individuals. Areas where this common goal manifests itself include human rights law, environmental law, and commercial law etc., where there is increasing interaction between the national and international laws. Thus, international and national laws share a lot in common and an attempt to compartmentalize or isolate them will be analytically inconsistent and practically inappropriate at present.

The trend of accepting the supremacy and direct application of international law has been complemented by judicial reliance on unincorporated treaties and decisions of international tribunals in adjudication. It is suggested that this trend represents a re-thinking of the relationship between international and national law and its full implications are yet to be explored.

From the perspective of progressive development of international law, significant progresses are taking place within some regional economic arrangements in the Asian-African region. These developments have been propelled by economic, social, and political considerations. States have been responding to legal developments in regional and international organizations. There is a growing evidence of this vertical and horizontal interaction between and among these legal systems.

It represents a significant shift, even if in theory, on the part of countries that were once characterized as reluctant to incorporate international law directly into their national constitutions and thereby make it an integral part of their municipal law. The efforts at economic integration in Africa and Asia may also benefit from the integration of community law into domestic legal systems, and the concomitant change in the meaning of sovereignty.

⁵See generally Tiyanjana Maluwa, *International Law Making in Post-Colonial Africa: The Role of the Organization of African Unity*, 49 NETHERLANDS INT’L. L.REV. 81(2002); P.F. Gonidec, *Towards a Treatise of African International Law*, 9 A.J.I.C.L. 807 (1997).

⁶ Georges M. Abi-Saab, *The Newly Independent States and the Rules of International Law: An Outline*, 8 HOWARD L.J. 95 (1962); Abdillahi Said Osman, *The Attitude of Newly Independent States Towards International Law: The need for Progressive Development*, 48 NORDIC JOURNAL OF INT’L. L. 15 (1979); R.P. Anand, *Attitude of the Asian-African States towards certain Problems of International Law*, 15 I.C.L.Q. 55 (1966).

Clearly, this re-examination or evolution of sovereignty is going on both in the legal and political realm. Additionally, I would like to state that international law should not be conceived as limited to international human rights law. While it appears the Asian-African academics, judges, legislators and politicians have recognized the importance of international law, a significant amount of the international law discourse and jurisprudence in the Asian-African region have focused on international human rights law.

While this devotion to human rights law is to be encouraged, we appear to have neglected other equally significant areas of international law. Unless we broaden our focus, we risk losing the reformative and developmental benefits that can come from other areas such as international commercial law, international financial law, and private international law. It is only when our engagement with “the international” begins to recognize the unexplored potentials in these areas of law we can secure the full benefits of international law for individuals in and the development of the Asian-African region .

President: I thank the Secretary-General for his concluding remarks for the Special Event. We had a very fruitful discussion on this occasion. As we have exhausted our list of speakers, I thank you all for your contribution and special thanks to the Under Secretary-General of the United Nations for his generous presence on behalf of the Secretary-General of the United Nations for his special contribution. Dear colleagues that concludes the deliberation for the Special Event.

**VII. VERBATIM RECORD OF THE SECOND
MEETING OF DELEGATIONS**

VII. VERBATIM RECORD OF THE SECOND MEETING OF DELEGATIONS OF AALCO MEMBER STATES HELD ON MONDAY, 13 APRIL 2015 AT 4.50 PM

His Excellency Mr. Liu Zhenmin, President of the Fifty-Fourth Annual Session in the Chair.

President: As we have some time for the dinner, so to improve the efficiency of the business of the Session I request all the delegations to convert the meeting to the Second Meeting of Delegations of Member States and for that meeting I have the honour to invite Prof. Rahmat to present the “**Report of the Secretary-General on the Work of the Asian-African Legal Consultative Organization**”.

Prof. Dr. Rahmat Mohamad, Secretary-General⁷: Thank you, Mr. President. We still have a few more minutes in which I shall present my report. Mr. President with your permission may I invite Dr. Roy Lee, the Permanent Observer of AALCO in New York to come to the podium and perhaps on completion of my presentation I would like to invite Dr. Roy Lee, to make a few remarks regarding his work in New York. I assume that my report has been distributed to all the member States and that all of you have read my report.

Honourable Ministers, Excellencies, Ladies and Gentlemen, at the outset, I would like to join the Leaders of Delegations of Member States of AALCO in congratulating the President and the Vice-President of the Fifty-Fourth Annual Session on their elections. We look forward to working with you and standing guided by your wisdom.

I would like to express my sincere gratitude to the President of the Fifty-Third Annual Session of AALCO, His Excellency Dr. Mehdi Danesh Yazdi, Deputy Minister of Foreign Affairs, Islamic Republic of Iran, for his guidance and support to the AALCO Secretariat in all its activities. I also express profound thanks to Her Excellency Mrs. Agimba Anyango, Vice-President of the Fifty-Third Annual Session of AALCO and Deputy Solicitor General of Kenya.

I would like to take this opportunity to express my gratitude to all Member Governments, for their constant encouragement, support and participation in all activities pertaining to the agenda of AALCO and I reassure you that I will continue to fulfil my mandate to the best of my abilities to further strengthen the Organization. I am also grateful to the Ambassadors/High Commissioners and the Liaison Officers in New Delhi, for their valuable inputs in dealing with the substantive and organizational matters and for the kind support rendered to me, which has helped me in discharging my duties and functions in a smooth and effective manner. Special thanks are also due to the Member States for paying their annual contributions and to those Member States who have started partial payment of their arrears. A robust financial situation would facilitate the Secretariat in fulfilling the mandate entrusted to it by the Member States.

I also would like to thank the international organizations and other academic institutions which have collaborated with AALCO in organizing several inter-sessional events. My

⁷ The Secretary-General made a power point presentation based on this text of his statement.

special appreciation is due to the Deputy Secretaries-General and the Legal and Administrative Staff for their relentless and sincere efforts in assisting me to accomplish the mandate entrusted by the Member States.

Respected President, Excellencies, Ladies and Gentlemen, I would like to highlight the following parts of the report, namely: (i) activities and mandate undertaken since the Fifty-Third Annual Session; (ii) Steps taken to revitalize and strengthen the Asian-African Legal Consultative Organization; (iii) financial matters of AALCO; (iv) future plan of action; and (v) concluding observations.

A. Activities and Mandate undertaken since Fifty-Third Annual Session.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, now, I would like to briefly place before you the activities that we have undertaken since the Fifty-Third Annual Session of AALCO. I would like to emphasize that all these activities have been accomplished on account of meticulous planning and hard work of the legal staff optimally using the modest resources available to it.

The year 2014-2015 (October 2014 to March 2015), despite its short duration, was significant in the ongoing journey of AALCO. Last year the Organization witnessed yet another successful Annual Session, the **Fifty-Third Session, held in Tehran, Islamic Republic of Iran**, where some progressive new initiatives like the half-day special meetings on the selected items on the agenda of the International Law Commission (ILC) and the legal challenges posed by Violent Extremism and Terrorism were convened as per the mandate received from the Member States. In addition, a new topic International Law in Cyberspace was also deliberated.

Excellencies, I would like to briefly share with you the gist of **AALCO Legal Advisers Meeting** held in October 2014. It is the first important meeting convened after the Fifty-Third Annual Session. I addressed the gathering of experts at the Meeting held on the sidelines of the Sixty-Ninth Session of the UNGA at the UN Headquarters in New York. In my address, I shared some of my thoughts on the importance of the topics that were discussed in the AALCO Legal Advisers Meeting. These include: (1) Developing Countries and International Law (2) Promoting and Observing International Law (3) A Legal Analysis of the Immunity Provision in the African Union Amendment Protocol: amendment to Article 46A *bis* of the Protocol on the Statute of the ICC which imparts immunity against criminal charges for acting Heads of State or Government and other Senior State Officials was discussed in this part of the speech; (4) Fragmentation of International Law and finally (5) Cyber Security and International Law, wherein I highlighted the issue of transnational cyber-crimes and militarization of cyberspace.

On 27 November 2014, I delivered a Special Lecture on “Contemporary International Law and Challenges to the Afro-Asian Countries” to commemorate the **58th Constitution Day of the AALCO** at the AALCO Headquarters. On 29 November 2014, I presented a research paper on “The Asian-African Perspectives on the International Criminal Court” at Seminar on Historical Origins of International Criminal Law which focused on the role of Asian-African States in the establishment of the International Criminal Court and dealt with the oft-repeated criticism on the singular focus of the Court on African States.

Mr. Mohsen Baharvand, Deputy Secretary-General, attended the **third forum of AUCIL** held on 11 and 12 of December 2014 in Addis Ababa (Ethiopia) at headquarters of the African Union. The theme of this forum was “Codification of international law at the regional level in Africa”. Apart from the Members of the African Union Commission on International Law, the representatives of other regional organization such as European Union, Commonwealth Secretariat, and Arab League were present in the meeting. At that forum, he presented a paper entitled “Contribution of the Asian-African Legal Consultative Organization to the Codification and Progressive Development of International Law”.

My first academic engagement in 2015 was the presentation of a paper on the “National Implementation of International Law” in Third Plenary Session of the **World Congress on International Law**, organized by the Indian Society of International Law on 9 January 2015. It was a very prestigious event as it was graced by legal stalwarts and was inaugurated by H.E. Mr. Hamid Ansari, the Vice President of India. Many judges of the International Court of Justice including the President of the ICJ, Judge Peter Tomka and Justice Dalveer Bhandari presented their views at the World Congress. In this event, Mrs. Anuradha Bakshi, Principal Legal Officer chaired a session in the Young Jurists Congress while Mr. Pandiaraj, Senior legal Officer also made a presentation.

On 3 February 2015, the Asian-African Legal Consultative Organization (AALCO) conducted a **training programme on the working of the Organization** for diplomats and legal officers from the Kingdom of Saudi Arabia. The training programme was held at the AALCO Headquarters in New Delhi, India. The delegation led by the Ambassador of the Kingdom of Saudi Arabia to India, His Excellency Ambassador Maan Al Hafiz comprised officials from the Ministry of Foreign Affairs, the Ministry of Interior and the Royal Court of the Kingdom of Saudi Arabia along with Mr. Ioannis Konstantinidis representing international law firm, Volterra Fietta.

His Excellency **Dr. Mehdi Danesh Yazdi, the President of AALCO, visited AALCO Headquarters** on 9 February 2015. He addressed a select gathering of H.E. Ambassadors/High Commissioners, Liaison Officers and academics and delivered a lecture on “New Challenges in International Law and the Role of AALCO in Enhancing Asian-African Solidarity”. After given a short report on the deliberations at the Fifty-Third Session of the AALCO held in Tehran in September 2014, he spoke about the diverse challenges Asian-African States face owing to ever-changing global political equations and advancement in technology. He emphasized on the need to reinforce solidarity among the Asian and African States to effectively address these concerns.

On 24 February 2015, I participated in the Informal Expert Group on Customary International Law, which was held in Kuala Lumpur, Malaysia. Mr. Feng Qinghu and Mr. Moshen Baharvand, Deputy Secretaries-General also participated in that meeting. A follow up meeting on the CIL will be convened tomorrow; interested Member States are requested to send their representatives to attend that meeting.

On 26 February 2015, I participated in the **Conference on “Responsibility to Protect at 10: Progress, Challenges and Opportunities in the Asia-Pacific”** held at Phnom Penh, Cambodia, and presented a paper on the Asian-African perspective on the implementation of R2P at Plenary Session 1 titled “Assisting States to fulfil their Responsibility to Protect”.

On 26 March 2015, I delivered the keynote address on “**Regional Perspectives on the future of IHL**” at the “**Conference on Strengthening IHL**” organized by ICRC and Malaysian government at Kuala Lumpur, Malaysia. After briefly dealing with the significance of regional mechanisms in the enforcement of IHL, my speech focused on (1) the proliferation of non-state actors and how their presence and actions pose new challenges to IHL; (2) cyber warfare and the role of IHL in regulating the conduct of state and non-state actors in such engagements; (3) the relevance of Arms Trade Treaty in ensuring greater respect for IHL; and (4) the ICRC-Swiss initiative to ensure compliance with IHL and their engagements with AALCO in this regard. Deputy Secretaries General, Mr. Feng Quinghu and Mr. Mohsen Baharvand attended the conference.

The entire Secretariat team in one way or another has tried to enhance the stature of the Organization and we have tried to represent the Asian-African perspective on international law at different fora.

B. Steps taken to revitalize and strengthen the Asian-African Legal Consultative Organization

I would like to reiterate that pursuant to the adoption of the Putrajaya Declaration in 2009, various activities have been initiated on a regular basis, to make AALCO the primary centre for harmonizing the actions of Asian-African States in international legal affairs. These include: a) Capacity Building Programmes, b) initiation of AALCO Lecture Series, c) AALCO Eminent Persons Group.

Strengthening the Human Resources in the AALCO Secretariat

Apart from the Secretary-General (Malaysia), three Member Governments, namely, Japan, People’s Republic of China and Islamic Republic of Iran, have offered assistance to AALCO by deputing their senior officials to the Secretariat on secondment. Currently, Deputy Secretaries-General, Mr. Feng Qinghu (People’s Republic of China), Ms. Yukiko Harimoto (Japan) and Mr. Mohsen Baharvand (Islamic Republic of Iran) have been rendering commendable services to the Secretariat. The Secretary-General wishes to place on record his gratitude to these Member Governments for rendering such valuable assistance, and also wishes to express deep appreciation for the dedicated services of these officials deputed to the AALCO.

The number of the locally recruited staff (permanent category) in the Secretariat as of 15 March 2015 is 11. The Legal Staff comprises of one Principal Legal Officer, Mrs. Anuradha Bakshi, and one Senior Legal Officer Mr. S. Pandiaraj. Mr. Kiran Mohan has been recently recruited as a Legal Officer (on contractual basis), while Mr. Rahul Srivastava is a Legal Officer on part time basis. The remaining staffs are in the administrative and supporting category. Besides, some staff members have also been employed on temporary basis. Two legal officers resigned last year for personal reasons and the Secretariat wishes to place on record its appreciation to Ms. Shannu Narayan and Mr. Parthan Vishwanathan for their valuable services.

The Secretariat plays a crucial role in strengthening the work of the Organization. Presently, the Secretariat functions under constraints of both human and financial resources. Yet the final products bear no witness to these insufficiencies and measure up to the quality and

quantity of any important international conference and their outputs held anywhere in the world.

Increasing Membership

47 States from Asia and Africa are presently Members of AALCO. As regards, increasing the membership base of AALCO, I would like to express my gratitude to His Excellency Mr. Mehdi Danesh Yazdi, the Deputy Minister of Foreign Affairs and the President of the Fifty-Third Annual Session of AALCO, for his efforts in requesting his counterparts in the Governments within the region for becoming Members of AALCO. Within the Secretariat, the Deputy Secretaries-General and I are also making earnest efforts to enhance the membership of the Organization. In this regard, concentrated efforts to solicit membership from the Central Asian countries, Vietnam and Cambodia are ongoing.

Request for Deputy Secretaries-General from Africa and Middle East

Presently, all the three Deputy Secretaries-General in AALCO are from the Asian Region, in order to ensure African and Arabic representation in AALCO, I kindly request the African and Arab Member States to depute States to second at least one senior official to the Secretariat as Deputy/Assistant Secretary General.

Request Member States to depute legal and professional staff to AALCO

In furtherance of this proposal, I suggest Member States to nominate legal officers from their legal ministry to assist in the legal study, where the remuneration for these officials will be borne by the sponsoring States. Finally, I propose a Visiting Fellowship Programme for senior academic and research assistant for post-graduate students from AALCO Member States.

C. Financial Matters of AALCO

Excellencies, Ladies and gentlemen, I am pleased to inform that the financial situation in 2014 was relatively stable. Though there has been a persistent problem of arrears. I would also like to draw your kind attention to the extraordinary nature of year 2016. The proposed increase in the budget reflects additional expenses which are mainly owed to the departure and arrival of new Secretary-General. Further, I would like to inform you about requests received this year from two Member States namely; The State of Palestine and Republic of Yemen to exempt them from their financial dues. A similar request was tabled by Lebanon last year. I would look forward to the valuable suggestions from the Heads of Delegations on this rather sensitive matter.

D. Future Plan of Action

Excellencies, Ladies and Gentlemen, this is the third year of my second and final term, I once again seek this opportunity to reiterate my gratitude to the Member States for the kind support and confidence they have reposed in me. It is relevant to reiterate here that as mandated by the Putrajaya Declaration on Revitalization of the Organization, the Secretariat is required to present its blueprint on how to strengthen AALCO's organizational and substantive matters. In line with that Declaration, during the Colombo Session in 2011 I had presented the long, medium and short term projects that would be undertaken by AALCO. In

response to a request from Liaison Officers and also past mandates received from Member States, this year the Secretariat has submitted detailed breakdown of the planned projects that would be implemented from 2015 to 2016. These programmes would be classified into four categories (i) Capacity building programmes for AALCO Member States; (ii) Research Intensification Projects on the Work of the International Law Commission at AALCO; (iii) Research Intensification Projects on the Work of AALCO and (iv) In House Training Programme for AALCO Secretariat Staff. The details of these programmes have been annexed to the document AALCO/54/BEIJING/2015/ORG 1.

In addition to the above we would also strive to: (i) Establish collaboration with educational institutions and universities, (ii) Expand internship projects in AALCO, (iii) Prepare studies on the item on the agenda of AALCO, (iv) Prepare studies on selected items on the agenda of the Sixty-Eighth Session of the United Nations General Assembly, (v) Participate in International Conferences, (vi) Engage in capacity building programmes, (vii) Strengthen the library, and (viii) Bring out more special studies and briefing papers on various specialized topics of international law.

E. Concluding Remarks

Excellencies, even though modern international law is a western construct, Asian-African States are no more passive subjects of international law. Forces of globalizations have prompted them to engage with the developed nations as never before. Increased political and diplomatic interactions have made them realize the significance of contributing to the progressive development of international law. They have begun to actively participate in international law making. AALCO is striving to make sure that their voices are heard and heeded to in this process.

I am convinced that the Member States of AALCO would encourage and contribute towards the future activities to be undertaken, besides promising to echo the voice of the people of the Afro-Asian region, which is host to the largest part of the humanity, in various international forums.

Before concluding, let me draw your attention to a matter of high priority—the election of the new Secretary-General in 2016. Since the post of Secretary-General is given on a rotational basis, next Secretary-General will be from Africa. Therefore, I request African Member States to start deliberations aimed at nominating candidates for the post at the earliest.

Towards this end, I hope that the Member States would extend their wholehearted support to all the activities that would be undertaken in the coming year. In the current tumultuous international scenario it is required more than ever to strengthen Asian-African solidarity and work collectively on issues of common interest.

I sincerely look forward to your valuable suggestions on how to further improve and strengthen the working of AALCO. Thank you very much. Now I invite Dr. Roy Lee to present his statement.

Dr. Roy Lee, Permanent Observer of AALCO to the United Nations, New York: Thank you Prof. Dr. Rahmat Mohamad. At the outset I would like to thank the Member States for their support. As you know AALCO was one of the first Organization which was recognized by the United Nations and given the status of Permanent Observer. The purpose of this status is to enable AALCO to follow the work of the General Assembly especially in the field of

international law. The duty of the Permanent Observer is to enhance AALCO's work in the field of international law particularly in the progressive development of international law. That determines the work of the Permanent Observer which is quite different from the work of the AALCO itself.

As you know I assumed this function in 2009 on pro bono basis as we have zero budget, I am the only one in the mission but the mandate given to the Observer is very challenging. So what I have been doing is organizing seminars and workshops for the Legal Advisers of all the missions in UN. All our meetings are open to all the members of the United Nations not just Member States of AALCO, this has proven very useful to them as well. Choosing the right subjects for the seminars is rather difficult, but the principal guideline is that we must select a topic which is of special interest to the Asian and African countries. Secondly, we have to find speakers, that we take advantage of the jurists, and the judges and the council jurists who are passing through New York, we invite them to give a lecture on a specific subject, for example last November we were able to invite the President of the ICJ and the ICC and also Prof. Crawford to participate in a dialogue with the Legal Advisers.

Now just let me very quickly go over some of the activities we have had. One of the areas that we have tried to focus is on Peace Keeping and particularly the Protection of Peace Keepers. As you know the Asian and African countries are the major contributors to the UN Peace Keeping Missions and how to protect these Peace Keepers is extremely important. Recently the Security Council has mandated Military Brigades who are entitled to the use of force. As you know under the traditional IHL approach and according to the ICRC, UN Missions are subject to attack and would be deemed to be a combatant. We have been trying to put forward the proposition that this is not legal, Peace Keepers are not engaged in armed conflict. They are carrying out a mission mandated by the Security Council for the maintenance of peace and security, therefore, the usual interpretation of IHL does not apply but this does not mean that the UN Peace Keepers are not obligated to observe the rules of IHL, this only means that they are not in the traditional meaning of the term combatants or legitimate targets.

Another area we are focusing on is the question of "Immunity and Impunity". This is of particular importance to our African members. According to the judgment of the ICJ and also international law, there is a distinction between immunity and impunity and it is quite clear in the ICJ judgment that sitting Heads of State are not subject to prosecution for any alleged crimes. So long as he is in function he is the sitting official of that State. We had four seminars on that point.

Yet another area is trying to improve the working methods between the Sixth Committee and the ILC. To give you one example the ILC Reports, which are completed are submitted for examination in September or sometimes even later, then the Sixth Committee takes up the ILC Reports in late October or November, this gives very little time for Member States to review the report. It has been proposed to improve the working relationship between these two bodies. Recently, in February for example we held a workshop to discuss these issues and thereafter, several delegations were particularly interested to discuss this matter further. This is not a technical issue as it relates to the work of giving proper examination to the ILC Reports.

The Permanent Observer has also held meetings trying to introduce candidates from the Asian-African areas who are seeking election to the legal or judicial institutions, for example

the ICJ or the ILC or other criminal courts or tribunals. This has proved very useful for those candidates. The practice is that we invite them to come and give a lecture on any chosen subject and a discussion follows.

This was a short report on the activities of the Permanent Observer. I am very pleased to have this opportunity and am willing to carry it on. Please let me know your comments or suggestions on how I can improve my work. Thank you very much.

President: I thank Dr. Roy Lee for his presentation about the activities of AALCO in New York. On behalf of the Organization I thank Dr. Roy Lee. Dear colleagues with these two presentations I would like to conclude the discussions for today. Tomorrow morning at 9.30 AM we should resume the Second Meeting of Delegations of Member States in this room to continue our discussion on Organizational and Budgetary Matters, and listen to the Presentation of Ms. Harimoto, the Deputy Secretary-General of AALCO on the Budget for 2016, in which we will have a brief discussion and start our Second General Meeting in which the Member States will make their General Statements.

This meeting is adjourned till tomorrow morning.

**VIII. VERBATIM RECORD OF THE SECOND
MEETING OF DELEGATIONS (CONT.)**

VIII. VERBATIM RECORD OF THE SECOND MEETING OF DELEGATIONS (CONT.) OF AALCO MEMBER STATES HELD ON TUESDAY, 14 APRIL 2015 AT 9.30 AM

His Excellency Mr. Liu Zhenmin, President of the Fifty-Fourth Annual Session of AALCO in the Chair.

President: Good morning, dear colleagues and distinguished delegates, I hope that you have enjoyed yesterday and enjoyed dinner last night and you had a good sleep and prepared for today's meeting. Dear colleagues, let me declare the resumption of second meeting of the delegations of Member States we should continue our discussion on organizational matters. For this purpose, may I have the honour to invite the Secretary- General to brief some theme in addition to the report he presented yesterday afternoon. After his briefing, I will show you Deputy Secretary-General Ms. Harimoto to present a report to us on budgetary matters. Mr. Secretary-General, you have floor.

Prof. Dr. Rahmat Mohamad, Secretary-General: Thank you, Mr. President. Distinguished Guests, Ladies and Gentlemen, for the benefit of delegates who were not present during my presentation of report on Sectary-General, the point that I made on point of action particularly in relation to a capacity building programs, research activities, convening of legal experts meetings, conferences and seminars and also attending and participating in value added conferences for AALCO image profiling, these activities require quite a lot amount of money and funding. That is why, there is a need for increase of contribution of budget of 2016. We have been very earnest and very frugal I might say in trying to expend our activities in terms of capacity building programs and also embarking on the research-building project for past 4-5 years but I thought that in the coming years that these are very important activities that's why they require quite substantial sum. Now, provided that the States would make voluntary contribution to all these projects or a specific project probably of interest to the State, otherwise we have no choice to request for increase of contribution. Of course, there is also an issue of special circumstances that every 7 and 8 years upon the completion of tenure of Secretary-General, the outgoing and incoming Secretary General would also require quite amount of funding that need to be dispensed with, so these are the importance of the plan of action that I want to pursue requires funding from the Member States, so I request that these would be considered by delegates before making the decision. I thank you, Mr. President.

President: I thank the Secretary General for his briefing on the information of the activities of his Organization. Now I give the floor to the Deputy Secretary-General Ms. Harimoto to present a report on the budgetary matters for the year 2015-16.

Ms. Harimoto, Deputy Secretary-General– Thank you, Mr. President. Hon'able Ministers, Attorneys General and distinguished guests, In accordance with the AALCO statutory rules the proposed budget by Secretariat placed last December at the meeting of Liaison Officers who represent the government of the Member States at the Headquarters India. Since then the draft budget had been discussed at subsequent two Liaison Officers meetings in New Delhi. It is now submitted to Annual Session for its final approval. I would like to first highlight some of the

elements in the 2016 draft budget and then I would like to share with you some comments which we have received at these Liaison Officers meetings.

Excellencies, the proposed 2016 budget is 6,37,175 US dollars which is an increase in the amount of 66,976 US dollars from this year. Since there is an explanatory note in the budget document and the draft budget has been thoroughly discussed by the Liaison Officers, for sake of time, I will not go into each detail here. Nevertheless, let me highlight some points of the draft budget. First, as just explained by Secretary- General, under the 2016 budget Secretariat would conduct programs including capacity building and research activities in order to meet needs of the Member States and also in response to the request from the Member States. Second, in 2016, we have to bear the relative cost of the outgoing and the incoming Secretary-General. In this context, 2016 budget is exceptional. The provisions for moving costs, leave encashment have been a practice at AALCO at the time of change of Secretary-General except for the first Secretary-General who was from India, the host country. Also, the minimum level of the maintenance work is necessary to be done before the new Secretary-General comes in. On this point many of you may recall that during and after the financial crisis at AALCO in 2009, the current Secretary-General has endured together with all the staff the hardship caused by shortage of operational cash flow, including the poor maintenance of the office and his residence. Third, at the Secretariat we always feel that the commitment to work further on cost saving measures. For example, we are not envisaging a big farewell or welcome reception for the outgoing and the incoming Secretary-Generals under the proposed budget. Another example is that the unusable furniture at the Secretary-General's residence will be sold to gain some cash to replace them for the new Secretary-General. I would also emphasize that the Secretariat will also continue its work forward to collect contributions and arrears. We have been negotiating with all the countries with the arrears. Taking this opportunity, I would once again like to kindly request support and cooperation from Member States to fulfill their financial obligations in accordance with AALCO Statues. I would also like to call your kind attention to another issue which is not reflected in the proposed budget but might bring a potential impact in the financial situation of AALCO in the year 2016. In India, Pay Commissions have been set up on regular basis to review and make recommendations on the work and the pay structure of the employees of the government of India. In general, the pay structure of permanent local staff at the AALCO Secretariat has broadly followed the government of India pay scale. As the 7th Pay Commission is expected to be in effect in 2016, the Member States have to discuss how to the respond to the outcome of the 7th Pay Commission when the announcement is made in the coming years.

Excellencies, as I mentioned before the proposed budget was discussed by the representatives of the Member States at the Liaison Officers meetings, since so many issues have been discussed at these meetings and informal consultations before presenting the proposed budget in front of you today, it is difficult for me to cover them all, nevertheless the highlight can be summarized as the following three points.

First, there is a general understanding that 2016 is an exceptional year, which requires additional resources to cover the cost related to the departure and the arrival of the Secretary-General, which needs to be shared by all Member States. Second, there was a diversified views on the salary scale of the new Secretary-General. The Secretariat explained its rationale behind the proposed salary scale. Third, the importance of the transparency and rule based approach was

pointed out in deciding Secretary-General's salary and entitlements. This point was emphasized especially for the future. In this regard the Secretariat has been looking into it and inserted a paragraph in the draft resolution of the 2016 budget for the consultation of Member States which gives a mandate to the Liaison Officers and the Secretariat to work on the formulation of such regulations whose outcome to be presented to annual session next year. Excellencies and distinguished delegates, 2016 is an important juncture for AALCO when the Head of the Organization will be changed. I would like to kindly remind all that for the smooth transition, the support and cooperation of the Member States to the organization is crucial including financial issues. I thank you very much.

President: I thank Ms. Harimoto, the Deputy Secretary-General for her presentation of the financial and budgetary matters especially budget of 2016 of the Organization. Dear colleagues, now the floor is open we would like to listen to some comments from delegation about the financial matters especially on budgetary matters as has been explained by both the Secretary-General and the Deputy Secretary-General that 2016 is a very important year for the Organization because in addition to the overall requirements for the continuity of the Organization we should also face the issue of election of the new Secretary-General which is very important as there will be more activities required for the Organization in 2016 and this year. Japan has the floor.

The Leader of Delegation of Japan: Thank you, Mr. President. First of all, we would like to express our gratitude to the Secretariat and also to the Government of the People's Republic of China for the preparation and organizing of this Fifty-Fourth Annual Session in Beijing. I would like to also express the gratitude on the presentation on the proposed budget for the fiscal year 2016 and its background made by Deputy Secretary-General Ms. Harimoto. We also yesterday listened carefully to the Report of the Secretary-General on the Work of the Organization and the financial matters of AALCO. We very much appreciate the Secretary-General and the staff members for your efforts to carry out various projects mandated by the Member States in spite of the budgetary constraints. Also we would like to say that Japan highly recommends that the financial condition of the Organization must improve despite of the unfavourable conditions like inflation in India. With respect to the proposed budget for the 2016 which I understand is to expect the amount to 6,33,175 US dollars, taking into consideration the report of the Secretariat that I have mentioned, the discussion at the Liaison Officers meetings recently held we have come to conclusion that Japan can support the budget for the coming fiscal year. However, it is a matter of concern that Secretary-General informed us yesterday of the request for exempting the arrears made by 3 Member States. In this regard I would like to repeat that Japan highly evaluates the work of the Secretariat for its sound finance and especially notes with satisfaction the efforts made to collect the arrears. We are pleased to note that some Member States have already repaid the arrears in spite of serious economic conditions which they are facing. So I am afraid that in our view the exemption of arrears could result in discouraging the Secretariat and Member States from working together for better financial administration of AALCO and could give an adversely effect on its financial perspective. Therefore, I state that the request for exempting the arrears is not acceptable for us. We fully understand the grave situation facing the Member States which have made the request and we are not urging that the arrears should be collected now or soon, but when you are ready you can repay the arrears. I think we should remember the closing remarks of the Secretary-General when he reported the work of the

Organization on financial matters yesterday as administration and activities of AALCO very much depend on the financial contribution of each Member State. For the long-standing sustainability of AALCO, Member States should be confirmed of our shared responsibility that each Member State should fulfill its own duty. I thank you very much.

President: I thank the delegate from Japan for his statement the support he has given to the budget. Now I give the floor to the distinguished representative of Pakistan, you have the floor sir.

The Leader of Delegation of Pakistan: Thank you, Mr. President. We have gone through the budgetary document and before I comment on them, I would like to quote Pakistan's appreciation and gratitude to the Government of China in the manner in which AALCO's Fifty-Fourth Annual Session has been organized, the way they have helped tremendously and the way they have looked after us, our appreciation. My special thanks to the Secretary-General and his Secretariat for doing an excellent job in the paucity in time and also budgetary constraints. I would whole heartedly support the proposals put forward by the Secretary-General and I would highly recommend that we augment the budget and the secretariat in its excellent work which it is doing so that we can take further steps by strengthening the economic core of the secretariat. The budget I think is well balanced and we need to take it to the next level. Thank you.

President: I thank the distinguished representative of Pakistan for his statement and his support conveyed to the budget proposal. Now I give the floor to the distinguished representative of India. You have the floor sir.

The Leader of Delegation of India: Thank you, Mr. President, for the report on the AALCO's Budget for the year 2016 presented by the Deputy Secretary-General. Mr. President, we have examined the report of the Secretary-General on the proposed budget of the Organization and at this stage there are two issues that my delegation would like to highlight.

First, in the proposed budget, we see that the salary and allowances applicable to Secretary-General are based on the past instances in the Organization. The past instances were allowed on the one time ad-hoc basis and this cannot be treated as the practice of the Organization. We are of the view that for the sake of transparency, predictability and accountability, budgetary proposals should not be based on the past instances leading to adhocism and thus not desirable. We believe that the right approach for the Secretariat is to study the practice of any other Asian-African Organization and to come up with appropriate rules regarding the salary and entitlements of the Secretary-General. This would benefit the organization and would probably make AALCO finances predictable.

In this regard, we have noted the Secretariat proposal contained in the draft resolution regarding the need to framing rules related to Secretary-General's salary and entitlements. However, the text contained in the draft resolution must be strengthened to clearly mandate the meeting of Liaison Officers to come up with draft rules that would be considered at the next Session.

Nonetheless, India may agree to the proposal made in the draft budget concerning expenses incurred on leave encashment and relocation of outgoing and incoming Secretary-General if the

consensus emerges. However, our concurrence shall not be seen as an endorsement of the past practices of the Secretariat in this regard.

On the salary of the new Secretary General, we are of the view that pending adoption of rules; we prefer fixing the starting salary of the Secretary-General at USD 6,500/- which was the starting salary of the present Secretary-General when he joined the Organization. However, we would go along with the consensus on this issue.

Another point, which I may like to mention, is that we see a reduction in the strength of sanctioned staff in the draft budget. This issue was not even put up for consideration before the meeting of Liaison Officers. In this context, it may be recalled that a Sub Committee on the Human Resources and Financial Matters of AALCO was established in 2010. We understand that Sub Committee has not made any recommendations on the sanctioned staff of the Secretariat. In view of the above we are of the firm view that status quo should be maintained and no reduction in strength should be made unless the issue is first duly considered and debated by the meeting of the Liaison officers or by the concerned subcommittee established in 2010. On the issue of arrears we support the views expressed by Japan. Thank you.

President: I thank the distinguished representative of India and now I give the floor to distinguished representative of Republic of Korea. You have the floor sir.

The Leader of Delegation of Republic of Korea: Thank you, Mr. President. The delegation of the Republic of Korea appreciates the efforts of the secretariat to the revitalization of AALCO and for its adaptation to today's environment, through cost-effective management under the constraints of austerity measures in recent years. My delegation understands that some increase in the budget of the Secretariat is now inevitable in the light of which internal administrative situation and the external economic context. Therefore, my delegation is of the opinion that the draft budget of the year 2016 with some 12% of increase compared to this year's budget is acceptable level. Henceforth, the request of the Palestinian delegation for the cancellation of the accumulated arrears of contribution, my delegation considers this request to be understandable, in the light of the extraordinary situation of Palestine. For the solidarity of AALCO, my delegation would like to give a favorable consideration to the request of the Palestinian delegation. Thank you.

President: I thank the distinguished representative of Republic of Korea for his comments and now I give the floor to distinguished representative of Cameron. You have the floor sir.

The Leader of Delegation of Cameron: Thank you, Mr. President. I must confess that I didn't read the document concerning budget before coming here this morning that's why I'll like to put two questions.

First, can the Secretariat repeat the whole amount of 2016 budget and the contribution of each AALCO state? The last question is when will the election of the new Secretary-General take place in 2016? Thank you very much.

President: I thank the distinguished representative of Cameroon and now I give the floor to distinguished representative of Palestine. You have the floor sir.

The Leader of Delegation of State of Palestine¹: Thank you, Mr. President. The Palestinian delegation recognizes the importance of AALCO and the necessity of each Member States fulfilling its financial obligations towards it. Financial stability is required to support the Organization and fulfill its mandate in addition to carrying out research on important topics of international law. We also understand that in order to carry out its research and other activities effectively the Organization has to keep purchasing new gadgets as well. Having said that we would like to request the Organization to consider and appreciate our present situation. Palestine has been suffering occupation and our lands are being confiscated by the Israelis. three wars have been launched on us which has caused unimaginable suffering and the siege on our land need to be immediately lifted by Israel. Our employees have not been getting their salaries. Therefore, bearing in mind these difficulties being faced by us we look forward to AALCO to waive our arrears and look forward to the day when we can host the Annual Session of AALCO in Palestine. At the same time we thank the Government of Japan for rendering us valuable support as well as to the Government of North Korea for supporting our cause in this forum. Thank you.

President: I thank the distinguished representative of Palestine and now I give the floor to distinguished representative of the Islamic Republic of Iran. You have the floor sir.

The Leader of Delegation of the Islamic Republic of Iran: Thank you, Mr. President. First I wish to thank Deputy Secretary-General for her presentation. My delegation supports the previous speaker that the salary of the new Secretary-General that it should be rule based. Regarding the Palestinian request, we think that it is understandable that the exceptional situation they are in and their country is under occupation. Therefore, my delegation can support the request of the Palestinian delegation in this situation. Thank you, Mr. President.

President: I thank the distinguished representative of Iran for his comments and now I give the floor to distinguished representative of Nigeria. You have the floor sir.

The Leader of the Delegation of Nigeria: Thank you, Mr. President. First, my delegation would like to thank the Secretary-General and his team for the excellent work they have been doing despite the constraints of funds as they have highlighted in the report. My delegation generally supports the proposal for 2016 budget report. Just by way of clarification and for my own education, we note that the expenditure is exactly equal to the income expected for 2016. It might appear a bit unusual sometimes as leaving no gap for another delayed contributions or any short fall in income. I wonder how you would be expected to do this, may be you want to clarify a bit, that why this budget has been so structured?

Secondly, I would like to further comment on the issue of the request made by the State of Palestine and to indicate that Nigeria supports fully in the view of the extraordinary circumstances in the State of Palestine and their request for waiver of accrued contributions should be granted. Thank you, Mr. President.

¹ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

President: I thank the distinguished representative of Nigeria for his comments and now I give the floor to distinguished representative of South Africa. You have the floor Madam.

The Leader of the Delegation of South Africa: Thank you, Mr. President. We also join the others for thanking the Secretariat for preparation of this budget which accurately reflects the needs of the Organization. The Secretariat at the request of Member States has provided for the audit and we support this transparency. Due to the exceptional circumstances, South Africa supports the proposed budget and we fully and whole-heartedly support the Palestinian request for the arrears to be waived. Thank you.

President: I thank the distinguished representative of South Africa for her comments and now I give the floor to distinguished representative of Saudi Arabia. You have the floor.

The Leader of the Delegation of Saudi Arabia²: I thank the Secretary-General for his report. My delegation supports the exemption of arrears of Palestine in view of the difficult situation faced by them. Thank you.

President: I thank the distinguished representative of Saudi Arabia for his comments and now I give the floor to distinguished representative of Pakistan, you have the floor sir.

The Leader of the Delegation of Pakistan: Thank you, Mr. President. Pakistan would like to record support for the Palestinian cause and the request for time being waiver of the dues because of the special dire circumstances that they are facing. Thank you.

President: I thank the distinguished representative of Pakistan for his comments and now I give the floor to distinguished representative of Kuwait. You have the floor sir.

The Leader of the Delegation of Kuwait³: Thank you, Mr. President. My delegation supports the demand of Palestine for the exemption of their dues.

President: I thank the distinguished representative of Kuwait for his comments and now I give the floor to distinguished representative of Libya. You have the floor sir.

The Leader of the Delegation of Libya⁴: Thank you, Mr. President. My delegation supports the waiver of dues from Palestine in view of the difficult situation of occupation since the past six decades.

President: I thank the distinguished representative of Libya for his comments and now I give the floor to distinguished representative of Qatar. You have the floor sir.

The Leader of the Delegation of the State of Qatar⁵: Thank you, Mr. Chairman. we would also like to support others in exempting the dues on Palestine because of exceptional circumstances the people of Palestine are facing. Thank you very much.

² This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

³ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

⁴ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

President: I thank the distinguished representative of Qatar for his comments and now I give the floor to distinguished representative of Senegal. You have the floor sir.

The Leader of the Delegation of Senegal: Thank you Mr. President. As the Chairman of the UN Committee on Palestine our delegation would also like to join others in supporting the exemption of dues of Palestine under the exceptional circumstances the people of Palestine are facing. Thank you Mr. President.

President: I thank the distinguished representative of Senegal for his comments and now I give the floor to distinguished representative of Oman. You have the floor sir.

The Leader of the Delegation of the Sultanate of Oman⁶: Thank you Mr. President. My delegation also supports the request of Palestine for the waiver of its arrears.

President: I thank the distinguished representative of Oman for his comments and now I give the floor to distinguished representative of Iraq. You have the floor sir.

The Leader of the Delegation of the Republic of Iraq⁷: Mr. President, my delegation supports the request of the State of Palestine for the waiver of its dues.

President: I thank the distinguished representative of Iraq for her comments and now I give the floor to distinguished representative of Jordan. You have the floor sir.

The Leader of the Delegation of Jordan⁸: Mr. President, my delegation also supports the Palestinian request for the waiver of its arrears.

President: I thank the representative of Jordan and now give the floor to the representative of DPR Korea.

The Leader of Delegation of the DPR Korea: Thank you, Mr. President. We fully understand the difficult situation in Palestine. We give full support to the request of Palestine and ask the AALCO to consider this issue in a positive way. Thank you.

President: I thank the distinguished representative of DPR Korea for his comments and now I give the floor to distinguished representative of China. You have the floor sir.

The Leader of the Delegation of the People's Republic of China: Thank you, Mr. President. The delegation of China would like to join the other delegations in supporting the report of the budget 2016. We think that a strong budget available to the Secretariat is very important and critical for the development of the Organization. We also join other delegations in supporting the exemption of Palestine. Thank you.

⁵ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

⁶ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

⁷ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

⁸ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

President: I thank the distinguished representative of China for his comments and now I give the floor to distinguished representative of India. You have the floor sir.

The Leader of the Delegation of India: Thank you, Mr. President. We did not speak about the specific request of the Palestine. We also join the consensus and support the request of Palestine for the exemption of the arrears. Thank you.

President: I thank the distinguished representative of India for his comments and now I give the floor to distinguished representative of Turkey. You have the floor sir.

The Leader of the Delegation of Turkey: Thank you, Mr. President and thank you very much to the Deputy Secretary-General for the report. I would like to state that Turkey is ready to go with the idea of the consensus to support Palestine. Thank you very much.

President: I thank the distinguished representative of Turkey for her comments. I now give the floor to the distinguished representative of Indonesia. You have the floor sir.

The leader of the Delegation of Indonesia: Thank you, Mr. President. Indonesia takes note and can understand the request from Palestine for exemption of their arrears. We realize that the request is made due to heartbreaking situation Palestine is facing. We would like to bring in mind the solidarity between Asian and African countries we have fostered. In the light of that Indonesia supports the request from Palestine. Thank You.

President: I thank the distinguished representative of Indonesia for his comments. I now give the floor once again to the distinguished representative of Japan again. You have the floor sir.

The Leader of the Delegation of Japan: Thank you again, Mr. President. I would like to repeat our position that as per our proposal of exempting the arrears by three Member States according to the report of the Secretary-General, including Palestine. I repeat that AALCO is a rule based Organization and Secretary-General said yesterday that the administration and activities of AALCO very much depend on the financial contribution of each Member State. I fully understand the situation Palestine is suffering. We are not requesting Palestine to pay the accumulated arrears now or soon. They can plan the repayment of the arrears in future. So, I would like to repeat that we confirm our sheer understanding that each Member State has to fulfill its own responsibilities. Otherwise, AALCO cannot fulfill its mandates and carry out its projects. Thank you.

President: I thank the distinguished representative of Japan for his comments. I now give the floor to the distinguished representative of U.A.E. You have the floor sir.

The leader of the Delegation of U.A.E.⁹: Mr. President my delegation also supports the Palestinian request for the waiver of its arrears.

⁹ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

President: I thank the distinguished representative of U.A.E. for his comments. I now give the floor to the distinguished representative of Bahrain. You have the floor sir.

The Leader of the Delegation of Bahrain¹⁰: Mr. President, my delegation also supports the Palestinian request for the waiver of its arrears.

President: I thank the distinguished representative of Bahrain for his comments. I now give the floor to the distinguished representative of Egypt. You have the floor sir.

The Leader of the Delegation of the Arab Republic of Egypt¹¹: Mr. President, my delegation also supports the Palestinian request for the waiver of its arrears.

President: I thank the distinguished representative of Egypt for his views.

Dear Colleagues, it seems to have a very fruitful discussion on the report of the Secretary General and proposed budget 2016. We have taken note of the general support from the delegations on both the matters. Still some questions are to be clarified. Further, we also took note of the general support for the waiver of the arrears of Palestine. I think today we are not going to take decision on proposed budget as well as issues raised concerning the contributions and also waiver for arrears by some members. So, I request the colleagues to reach on a conclusion. We should decide by tomorrow latest by afternoon on organizational matters and budgetary issues.

With these words I declare the adjournment of this second meeting of the delegation. I think we should have a break of fifteen minutes. After break I request my Vice President to convene this 2nd General Meeting to start at General Statements at Fifty-Fourth Annual Session of AALCO. The meeting is adjourned. Thank you very much.

The meeting was thereafter adjourned.

¹⁰ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

¹¹ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

**IX. VERBATIM RECORD OF THE SECOND GENERAL
MEETING**

IX. VERBATIM RECORD OF THE SECOND GENERAL MEETING HELD ON TUESDAY, 14 APRIL 2015 AT 11.00 A.M.

His Excellency Prof. Githu Muigai, Attorney-General of Kenya and Vice-President of the Fifty-Fourth Annual Session in the Chair.

Vice President: Welcome back distinguished delegates. We would like to start right away by inviting the distinguished delegate from Japan.

The Leader of the Delegation of Japan: H.E. Dr. Rahmat Mohamad, Secretary-General of AALCO, Honorable Ministers and Attorneys-General, Distinguished Guests, Ladies and Gentlemen,

It is my great pleasure to address this august body again and to make my general statement before the honorable ministers and distinguished colleagues of AALCO Member States. Mr. President, Seventy years ago the United Nations was established for the purpose and principles stipulated in the Charter, such as the maintenance of peace and security, the principles of justice and international law, respect for human rights and the self-determination of peoples. Upholding these purposes and principles of the UN Charter, the world body has been making active contributions in areas such as peaceful settlement of disputes, peacekeeping and universalization of human rights. Given that this year marks the 70th anniversary of the United Nations, it is important for us to reaffirm that all the purposes and principles of the UN Charter are equally important as we head towards the future. We place particular importance on the principle stipulated in the Charter that international disputes shall be settled by peaceful means based on international law. In this context, Japan has made great efforts to fully comply with international law and we are proud of our record. Japan is committed to upholding every international tribunal, including the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS) and the International Criminal Court (ICC). We have made significant and constructive contributions for their better use and universalization.

Mr. Vice President, This year also marks the 60th anniversary of the 1955 Asian-African Conference. Sixty years ago, the leaders of Asia and Africa pledged to strengthen their cooperation on the basis of the ten Principles enumerated in Bandung Declaration as a beacon in guiding the future of Asia and Africa. A year later AALCC, predecessor to AALCO was established by seven founding Member States including Japan to uphold and promote the rule of law, core spirit of the Principles of Bandung, in the two great regions of Asia and Africa. The rule of law is a wisdom that mankind has acquired to maintain peace and stability in human societies. Respect for the rule of law and its promotion in the international community lies at the heart of the Japanese government's policy. That is why Japan is committed to always supporting the role of every international tribunal and that is also why we have been extending support to enable other nations to build their domestic legal systems. Japan intends to play a more proactive role in deepening the cooperation in AALCO and promoting the rule of law in the international community.

Mr. Vice-President, please allow me to take this opportunity to share a few highlights in Japan's activities since the last Annual Session, in the area of promoting and strengthening the rule of law.

First, Japan has been and will continue to play an active role in the development of multilateral treaties. One of the highlights in this area is Japan's conclusion of the Convention on Supplementary Compensation for Nuclear Damage (CSC), with its deposition of instrument of acceptance with the IAEA on January 15, 2015 which would enable the Convention, pursuant to its terms, to come into force on April 15, 2015. Japan, as the Installation State and a country which experienced the accident at the Fukushima Daiichi Nuclear Power Station in 2011, reaffirms its commitment not only to improving international nuclear safety but also to establishing a global nuclear liability regime, especially in Asia.

Second, I would like to briefly explain our current effort to deepen the wisdom of the rule of law in Asia. Last February, Japan hosted an international symposium on the Law of the Sea titled "The Rule of Law in the Seas of Asia: Navigational Chart for Peace and Stability" in Tokyo. The Asian region is now the growth centre of the global economy and the seas of Asia are the main artery of maritime transportation of the world. Therefore, the peace and stability in the seas of Asia is the vital foundation for the well-being and prosperity not only of the region but of the international community as a whole. What we need today for achieving the peace and stability of the seas of Asia is the respect for and thorough adherence to the rule of law at sea. Japan has an intention to continue to hold international symposiums on the Law of the Sea and it would be our utmost pleasure if they serve as a forum for clarifying and deepening the common understanding of the principles of the rule of law at sea, and thus provide us with the navigational chart for the peace and stability which can guide all nations.

Mr. Vice-President, I would also like to take this opportunity to share Japan's active role in the International Criminal Court. The objective of the ICC-namely, to punish and hold accountable those responsible for the most serious crimes to the international community to thereby prevent them in the future-in the long-cherished desire of people throughout the world and Japan fully supports the Court's activities and attaches a great importance to the role of the ICC to prosecute and punish in accordance with the international law those individuals who have committed the most serious crimes such as war crimes. I must admit that Asia is currently underrepresented in the ICC. Accession to the ICC by more Asian countries would undoubtedly enhance the role of the ICC as an important guardian to end the culture of impunity of the most serious crimes. Japan remains willing to provide support to any State which is seriously considering the ratification of the Rome Statute.

Mr. Vice-President, there is no doubt that AALCO has served as an important forum for strengthening and promoting the rule of law in Asia and Africa, the two growth centers of the world. As maintenance of and respect for the rule of law essential for ensuring sustainable development and prosperity of States and regions. AALCO can and should continue to play an important role for the future of Asia and Africa. To achieve that goal however, it is imperative that the Organization should be placed on a sound and sustainable financial basis. To that end, I have great respect for the efforts made by the Secretary-General and his staff to raise the awareness among the Member States of fulfilling their financial obligations which culminated in

the adoption of the “Putrajaya Declaration” in 2009. The future of AALCO depends on the will of the Member States. Do we want AALCO to be revitalized and fully play its expected role in promoting the rule of law and developing international law in Asia and Africa or are we happy with just barely maintaining the Secretariat on a current scale? I would humbly ask all Member States to take this issue very seriously and during the course of deliberations on the subject at this Annual Session to express their opinions.

Mr. Vice-President, there are so many international legal issues in the world at present that we can most productively discuss here. I am grateful to the Government of People’s Republic of China for their hospitality and thankful especially to the Secretary-General and the Secretariat for preparing the extensive materials on topics so important for the Member States despite the limited resources. I very much look forward to engaging in discussions with the distinguished delegates, both in and out of this conference room. Thank you.

Vice-President: I thank the Distinguished Delegate from Japan. I now give the floor to the distinguished delegate of Brunei Darussalam.

The Leader of the Delegation of Brunei Darussalam: Thank you for giving me the floor, Mr. Vice President. Excellencies, Mr. Vice President, Mr. Secretary-General, Honorable Ministers and Attorney-General’s, Distinguished Delegates, Ladies and Gentlemen, It is a great honor and privilege for me to address this Session on the occasion of the 60th Anniversary of the Bandung Conference.

On behalf of my delegation, I would like to thank our host, the Government of the People’s Republic of China, for the excellent arrangement and kind hospitality extended throughout our stay here. We should also like to thank his Excellency, Secretary-General Professor Dr. Rahmat Mohamad and his staff for their enduring commitment to the work of AALCO and in preparing for this Annual Session. I should also take this opportunity, Mr. Vice President to convey warm regards and greetings from our Attorney-General Datuk Seri Paduka Hayati Salleh, who unfortunately could not attend this year’s Annual Session due to official duties elsewhere.

Excellencies, Distinguished Delegates, Ladies and Gentlemen, AALCO is unique in a sense that it represents the only body in the world bringing together legal experts from all major Asian and African States. From rallying voices of post-colonial and newly-independent States, AALCO has come a long way in bringing forth the views of Asian and African nations in the codification and progressive development of international law and further adding global legitimacy to these international processes.

I am very pleased to see that AALCO continues to address contemporary issues on International Law. On this note I would like to further commend the Secretary-General and his team for their diligent work and unrelenting comment. The importance of bodies such as AALCO could not be stressed further. As a small developing nation, Brunei Darussalam has benefited greatly from deeper and greater legal exchanges among AALCO Member States.

Globalization and closer integration has become both a necessity and at the same time, a source of trepidation. It has stimulated economic growth and social development and also presents

challenges for sustainable development. The added momentum from the advancement in communications technology and the spread of the internet has presented further impetus to address these challenges. Brunei Darussalam places great importance in the role that AALCO plays in consolidating the perspectives of African and Asian Nations, and delivering these views to the global and regional fora. There is a need to continue to add global legitimacy to international law, especially in light of many challenges which threaten developing countries.

On the topic of “The Law of the Sea” I would like to thank the Secretariat for its report and brief. Brunei Darussalam believes the oceans and seas as an important course of livelihood, not only for providing food security but it also provides greater opportunities for economic growth. Marine scientific research and exploration of deep-sea resources have gained many scientific and commercial interests. However, these activities require large scale investments and advanced technology. Brunei Darussalam agrees with the Secretariat’s view that a lack of capacity building of developing countries has hindered these countries from benefitting from the exploration, exploitation and conservation of the oceans and seas pursuant to the UNCLOS and also from complying with the range of obligations under the Convention. Brunei Darussalam would welcome initiatives that will enhance the capacity of developing countries to benefit from the conservation and sustainable use of oceans and seas, including through benefit-sharing, transfer of technology and information-sharing.

On the “Work of UNCITRAL and Other International Organizations in the field of International Trade Law,” Brunei Darussalam welcomes the recent developments of promoting transparency in investor-state arbitration, including the coming into effect of the United Nations Commission on International Trade Law (UNCITRAL) Rules on transparency and the adoption of the Convention on Transparency in Treaty-based Investor State Arbitration. Brunei Darussalam joins others in expressing concerns over the high cost of investor-state disputes and the use of these investor-state dispute claims in challenging measures adopted by states in public interest. Brunei Darussalam welcomes the Secretariat’s readiness in arranging programs to improve Member States capacity in investor-state arbitration.

On the topic of ‘International Law in Cyberspace’, Brunei Darussalam shares the concern over the escalation in militarization of the cyber space on critical infrastructure of many States and cyber espionage. There is a need to improve the existing “multi-stakeholder governance” model for global management of the internet to effectively tackle cyber-attacks. Coherent responses to cyber security challenges are needed, especially in tackling new cyber threats that keep evolving. More effective international co-operation is needed to fight cybercrimes, especially among non-state actors and developed countries that have the technological lead in the cyber-space.

In regards to the topic, “Environment and Sustainable Development”, Brunei actively participates in the international processes on Climate Change including the Conference of the Parties to the United Nations Framework Convention on Climate Change and the United Nations Summit to adopt the post-2015 development agenda. We look forward to the conclusion of negotiations on an international agreement on the climate. Brunei Darussalam has expressed strong national commitment to the mitigation of climate change with the implementation of the Heart of Borneo Initiative, which will conserve more than half of Brunei Darussalam’s forest area.

Brunei Darussalam agrees with the statement made by His Excellency at the Fifty-Third Annual Session that “respect for the rules of international law would determine the future of our world.” Brunei Darussalam joins other Member States in expressing its deep sadness for the plight of innocent civilians in parts of the world where fundamental tenets of international law have been blatantly breached with impunity. Brunei Darussalam calls for the respect of international law and the peaceful settlement of disputes.

Although all states should actively engage in the codification and progressive development of International law, at the same time, Brunei Darussalam notes that the lack of capacity may prevent some States from distributing effectively to these international processes. In this regard, Brunei Darussalam stresses the importance of capacity building initiatives and notes with much appreciation on the readiness of the Secretariat in arranging a number of working groups, workshops, training programs to assist Member States in capacity building.

Excellencies, Distinguished Delegates, allow me again to re-affirm Brunei Darussalam’s continued commitment to the work of AALCO and further stress the importance for AALCO to continue its role in adding global legitimacy to International Law. Thank you.

Vice-President: Thank you very much for your statement. Now I invite the distinguished delegate from China to make his statement.

The Leader of the Delegation of People’s Republic of China: Mr. Vice-President, on behalf of the Chinese delegation, I would like to take this opportunity to extend our warmest welcome to all the delegates of countries and international organizations coming from afar. I would also like to take this opportunity to extend my sincere appreciation to Dr. Rahmat Mohammad, Secretary-General of AALCO and his colleagues for their hard work for the preparation of this Annual Session. I have full confidence that under your guidance and with our joint efforts, this Session will be a great success and we are looking forward to witnessing lot of great achievements to be achieved during the Session.

During the Inaugural Session held yesterday, Premier Li Keqiang of the People’s Republic of China delivered an important address which highlights China’s proposal to carry forward the Bandung Spirit, strengthen the cooperation between Asian and African countries, promote international rule of law and uphold world peace and justice under the new circumstances. Premier Li Keqiang reiterated that China is firmly committed to working together with Asian and African countries to be a staunch supporter and an active contributor to international rule of law.

Mr. Vice-President, AALCO provides a vital role in strengthening the consultation and cooperation as well as building consensus on international law between Asian and African countries. AALCO has made significant contributions to the formulation and application of international law. China stands ready to work with other countries to further develop, maintain and make full use of AALCO, so that it will play a more active, effective and visible role in the processes of international rule of law.

The Chinese side hopes that top priority can be given to the following areas. The first one is to promote the Member States to take active part in international law-making and global governance, so as to increase the say and impact of the Asian and African countries on International law. Secondly, the Member States should stay more actively involved in the interpretation and application of international law to better safeguard the common interests and reflect the common aspiration of Asian and African countries. Thirdly, greater importance should be attached to the coordination and cooperation among the Member States. To seek more common ground, it is also our hope that AALCO can strengthen its interaction and cooperation with the Specialized UN Agencies, the International Law Commission, other related international and regional organizations and academia. Fourthly, China hopes that AALCO put more emphasis on assisting the capacity-building of its Member States and raise their awareness of the international law by way of organizing symposiums and workshops, so that the Member States will be able to participate more effectively in the formulation and application of international rules.

Premier Li Keqiang announced yesterday that as a strong supporter of AALCO, the Chinese government will setup China-AALCO Exchange and Research Program on International Law. This Program is intended to promote the exchanges and dialogue between the Member States of AALCO, improve the capacity of researches on International Law and actively support the work of AALCO. The program will mainly focus on the following three areas:

1. The first one is to organize symposiums and trainings on international law in China which will be open to all Member-States that provide platforms for AALCO Member States on capacity-building.
2. The second one is to initiate and support thematic research projects on important issues of common interest on international law in order to help AALCO Member States to deepen knowledge on various areas of international law.
3. The third one is to provide support to the work of AALCO including sponsoring or hosting its meetings of various working groups and expert groups.

China is looking forward to working in collaboration with AALCO Secretariat and having the active participation and involvement of Member States to ensure that the program is given full play. Thank you, Mr. Vice President.

Vice-President: Thank you very much indeed for your statement. Now I invite the distinguished delegate from Malaysia to make his statement.

The Leader of the Delegation of Malaysia: His Excellency Mr. Vice-President, Secretary-General, Excellencies, Distinguished Guests, Ladies and Gentlemen. On behalf of my delegation, I would like to thank the Government of the People's Republic of China for its warm hospitality and especially for taking on the demanding task of hosting this year's Session. We are honored to be in the company of the Right Honorable Premier Li Keqiang who so graciously inaugurated the Session. Malaysia recognizes that Premier Li's commitment in AALCO proceedings is testament to China's strong support in AALCO's important work in many significant areas of

international and comparative law. This resonates well with what the Malaysian delegation has continued to emphasize for many decades now that AALCO has become an influential force as the region's leading legal consultative voice. Chinese gestures, indeed send an important signal to non-Member States and those outside the region on AALCO's growing importance.

I would also like to thank His Excellency the President of the Fifty-Third Session of AALCO, the Secretary-General of AALCO, the Deputy Secretaries General of AALCO and the AALCO Secretariat for the organization of this year's AALCO Session and its related events. My delegation is deeply appreciative of their efforts and facilitation in the conduct of the agenda and programme.

Mr. Vice-President and Distinguished Delegates, I would like to highlight a number of current regional events which have created a significant impact on many countries in the Asian and African region. Foremost Malaysia joins the international community in offering its heartfelt condolences to Kenya on the 2nd April 2015 tragic events at Garissa University where many bright, aspiring students were among those lost in the massacre. Once again we find ourselves struggling to make sense of the misguided actions of those claiming to act in the name of religion. But such events will only strengthen our resolve to counter terrorism and violent extremism through domestic and international legislative action and enforcement measures.

We would also like to express our concerns over the developments in Yemen and Syria where situations of civil strife continue to undermine the freedoms of citizens of those countries and further threaten to destabilize the security of the region and beyond. No doubt those conflicts have taken on a cross border and international dimension that warrants the attention of the international community. This includes the prevention and de-radicalization of foreign fighters participating in the conflicts and acting for various internal groups. There is indeed a direct link between this issue and the debate on counter terrorism and struggle against violent extremism. In that regard, Malaysia believes that in order to make headways, there must be an open dialogue on the enforcement of regional and international security as a whole. AALCO can play an important role to facilitate the legalistic approach to this discussion, similar to what it has done with respect to the Palestinian issue.

In that connection, Malaysia notes Palestine's accession to the Rome Statute of the International Criminal Court (ICC) on 2nd January 2015. The Palestine issue continues to be a major point of interest in the work of AALCO as evidenced in the longstanding agenda on Palestine in AALCO's Annual Sessions. Malaysia will certainly follow Palestine's developments in relation to the ICC with keen interest, in particular because of the prospect of any tangible judicial and legal outcomes to the Palestine-Israeli conflict through Palestine's utilization of the ICC channels.

Mr. Vice-President and Distinguished Delegates, in the past year, Malaysians and the world have been stunned by the tragic events in the civil aviation sector including the disappearance of Malaysian Airlines Flight MH370 en route Beijing and the downing of MH 17 over Ukraine. The international community has been generous with support both moral and practical, in the technical and legal aspects of the concerted international cooperation in the search and recovery operations concerned. The countries that have reached out to Malaysia and extended such

support and assistance are friends in the AALCO itself including China, India, Indonesia, Japan, Singapore, Korea, Thailand and the United Arab Emirates in the provision of assets and conduct of the search operations for Flight MH 370. Malaysia is indeed grateful those countries and to others who have given their support through different forms and means during these difficult times.

More recently, we were again served a bitter reminder of the many gaps in regulation of the aviation industry with the deliberate crashing of German wings Flight 9525 into the French Alps by one of its pilots, due to what appeared to be flaws in flight security protocols. Indeed, these recent airline disasters, not least Malaysia's direct experiences in the handling of the events of Flight MH370 and MH17 have led to the review of the national aviation regulatory framework and policies. The review arrived at the observations on the need to strengthen the country's legal and regulatory framework.

In that regard, I am pleased to report that the Malaysian Aviation Commission Bill, 2015 was passed by the Malaysian Lower House of Parliament on 9th April 2015. The Bill, if later passed into law, will effectively establish the Malaysian Aviation Commission to regulate economic matters relating to the civil aviation industry.

The Aviation Commission, whose operations will be self-funded from the industry itself will function on the basis of good governance, especially in the areas of independence and transparency. In addition to regulating economic matters relating to the civil aviation industry (including competition), the Commission will also be tasked to provide a mechanism for the protection of consumers and a mechanism for dispute resolution between industry stakeholders. It will further administer and manage air traffic rights, monitor slot allocation for airlines or other aircraft operators, and administer and manage public service operations. In carrying out its mandates, the Commission would refer to the Department of Civil Aviation (DCA), an agency under the Ministry of Transport, in technical matters and matters relating to aviation safety. Therefore, in effect, the establishment of the Commission is an opportunity to align Malaysian aviation industry into a framework that is at par with global best practices around the world where there is a separation of policy-making and planning and regulatory functions. In particular, this Commission will focus on economic regulation, which would allow DCA to focus their resources on the issues of technical and safety matters and the Ministry of Transport to focus on planning and policy-making. This may be a matter for AALCO to look into seriously.

Mr. Vice-President and Distinguished Delegates, as in previous years, AALCO will continue to discuss State's efforts to counter acts of terrorism. In the current context, the issues of "violent extremism" and "foreign terrorist fighters" have broadened the scope of that debate. With reference to its own experience in combating terrorism and violent extremism, Malaysia has found its existing criminal procedures for purposes of investigation into terrorism-related crimes, to be most challenging and may result in non-prosecution of the perpetrators of such heinous crimes. This, in turn, poses a serious threat to Malaysia's security. In addition, Malaysia faces the challenge of dealing with recruitment campaigns of radical groups which exploit communication tools in both the traditional and online media.

Mr. Vice-President and Distinguished Delegates, Malaysia looks forward to continued deliberations on the topic of ‘International Law in Cyberspace’ where there is evidence of strong initiatives for the conclusion of international instruments by AALCO Member States to ensure they are serious and well-equipped to combat cybercrime. Like many countries, Malaysia is grappling with a balancing act between the assertions of its sovereign rights in relation to cyberspace enforcement and assuring the fundamental freedoms of speech and expression of its citizens in cyberspace. In a climate of sporadic religious and ideological extremism and amidst social and political discontent during economically challenging times, to what extent should a State police the activities of its citizens in the cyberspace?

It is worth noting that the Malaysian Government has decided to retain the Sedition Act, 1948 (“Act 15”) at this time with the addition of enhanced measures and penalties to deal with the threats against peace, public order and the security of Malaysia in particular through the wanton misuse of social media platforms and other communication channels to spread divisiveness and to insult on the basis of race, religion, culture etc. of particular interest to particular interest groups.

In this regard the draft Bill to amend the Sedition Act 15 has included the definition of “by electronic means” under Section 2 to take the account publication via (i) Broadcast for reception by; or (ii) Communication through network services to members of the public.

Further, the rapid growth of internet users and the speed of information exchange has proved to be challenging particularly in the investigation of crimes with transnational dimensions such as cybercrime. Despite technological improvements and efforts made by law enforcement agencies to equip themselves with better tools for investigation, the extent to which information technology is used for illegal purposes has continued to escalate.

Noting that cybercrime is transnational and transboundary in nature, Malaysia realizes the importance of a formal legal framework on international cooperation. Hence at the national level, Malaysia has in place laws to cater for international cooperation such as the Mutual Assistance in Criminal Matters Act 2002 [Act 621] [“MACMA”] and the Extradition Act [Act 479] [“EA”] Malaysia has also put in place the Anti-Money-Laundering Act and Anti-Terrorism Financing Act 2001 [Act 613] to complement both the MACMA and the EA to facilitate the conduct of complex computer crime investigations and the ability to collect necessary evidence and cooperation for the purposes of confiscation of proceeds and instrumentalities of these crimes. These laws are effective legal tools to facilitate the conduct of complex computer crime investigations and to ensure successful prosecutions of such crimes.

To date, Malaysia has received numerous requests from foreign States for mutual assistance in criminal matters relating to cybercrime offences. Malaysia remains in a position to assist and execute those requests based on existing domestic laws albeit, not yet being a party to the Budapest Convention. The issue of non-reciprocity is a valid concern however, whereby on numerous occasions Malaysia’s request for mutual assistance in criminal matters for cyber related offences cannot be fully executed by foreign States citing issues of privacy, freedom of speech and publication and non-corresponding offences. It remains questionable whether Malaysia can truly reap the benefits of international cooperation for cybercrime relate offences

even if it does decide to become a party to the Budapest Convention. Malaysia will continue to enhance the capacity of relevant Malaysian enforcement authorities to detect, investigate and prosecute cybercrime offenders and in that regard, the role of international cooperation is pertinent to reduce the risks of exposure to cybercrime.

Mr. Vice-President and Distinguished Delegates, as in previous years, Malaysia welcomes AALCO's annual deliberations on matters relating to the work of the International Law Commission during the International Law Commission's (ILC) previous meeting in accordance with Article 1(d) of the AALCO Statute. We take note that among AALCO's focus during this session will be on the topic "Identification of Customary International Law" among others. In relation to the 8 draft Conclusions that have been provisionally adopted by the ILC Drafting Committee at the 66th ILC Session, Malaysia notes that they contain intricate legal questions and indeed encroach into States' respective rights and practices. We therefore urge for a careful study and detailed analysis of these draft Conclusions by Member States.

As an example, Malaysia wishes to draw the attention of States to the concept of Fair and Equitable Treatment (FET), which denotes a standard treatment accorded by the host State. Such treatment includes principles or concepts such as "due process of law", "non arbitrary decisions" and "legitimate expectations" with regard to foreign investors on the predictability of the host State's measures. In some cases, the FET standard is combined with a requirement for treatment in accordance with international law as provided in Article 1105 (1) of the North Atlantic Free Trade Agreement. It is highlighted that Malaysia has also adopted in its model Bilateral Investment Treaty (BIT) (revised in 2008-2010) the concept of minimum standard of treatment of aliens encompassing the FET and for full protection and security to be accorded to foreign investors in accordance with customary international law.

Based on the observations that I have made, while FET is recognized as customary international law in free trade agreements, the standards and practices in FET however are more commonly set by developed countries. Malaysia is therefore apprehensive of the impact this will have on developing countries and least developed countries. Hence, while States may be in the process of deliberating the essence of this topic, namely to ascertain various rules for the identification of customary international law, Malaysia would urge States to also take into account the interests of developing and least developed countries, regardless of any widely accepted benchmarks that have been set by developed countries.

Malaysia notes, in general that customary international law and the rules for its determination are not easily gauged. Malaysia is aware of the criticisms against Customary International Law, particularly of its often subjective and inconsistent character. It is Malaysia's hope that the ILC's work will help to address these criticisms, especially for the benefit of the international community of States who remain committed to implementing their multifarious obligations under International Law.

On that note, Malaysia extends its appreciation to the AALCO Secretariat and the AALCO Informal Expert Group on "Customary International Law" for their work to facilitate the discussion by Member States on this topic.

Where otherwise it may be difficult to form common positions and understanding on all issues relating to the Commission's draft conclusions to this topic. Malaysia looks forward to deliberations on the report by the AALCO Informal Expert Group in that regard. The report by the AALCO Informal Expert Group may be an important reference and resource for all Member States for the purpose of formulating their individual country positions on the ILC's work on the identification of customary international law as well as in reviewing their reviewing their own experiences in dealing with the formation and recognition of various kinds of state practice. Thank you.

Vice-President: Thank you very much for your statement. Now I invite the distinguished delegate from Sri Lanka.

The Leader of the Delegation of Sri Lanka: Mr. Vice-President, Secretary General, Distinguished Guests and Friends. An integrated and sustainable approach to environmental protection is a *sine qua non* for sustainable development. It is the preservation of resources to meet the demand for future generations whose needs are unknown and cannot be conclusively spelt out. The nation is selfless and rooted in one of the most basic survival strategies. It is a concept developed by one species for the preservation of all species. Policies aimed at promoting economic and social development should be parallel with environmental conservation, protection and restoration when responding to emerging global challenges. While an environmental agenda a green economy has been mooted in response to challenges to development such as unemployment and poverty with the development of the concept of green jobs. The international community is being increasingly urged to afford the principles enshrined in international environmental law and its due recognition. Our government wishes to reiterate its commitment to uphold the public trust doctrine which is embedded in the international law. Concept of *res communis* which recognizes that natural resources as such as sea, designated forest reserves etc. are incapable of entire exclusive appropriation and as such belonging to the entire international community. The Government also notes a heightened awareness amongst the general public. In Sri Lanka the importance of speaking on behalf of the rights of the voiceless thereby; holding authorities accountable of their actions and non-lack thereof.

Mr. Vice-President, the distinctive challenges past by the developments inside the space can be attributed to the unique characteristics of network technology. This calls for a renewed debate and considered international effort to develop the criteria that would determine the application of international and principles to cyber space. The unbridled cyber space activity can inflict with damage consequences amounting to physical injury. Therefore, cyber space should not be a domain exempt from rule and restraint. The Government of Sri Lanka views the AALCO's draft resolution on international law in cyber space as a welcome regional initiative and invites AALCO nations to refer to the insight provided in the Tallinn manual on international law and applicable to cyber warfare especially in the context of State Responsibility. The international law applicable to the concept of competition should also be explored cognizant of the vast potential to abuse the concept via cyber space activity. The virtual nature of cyber-crime necessitates a more expeditious response of mutual legal assistance between nation's and mechanisms to fast track assistance.

The world's second largest and most lucrative trade yielding annual global profit estimated at thirty two billion USD is the transnational organized crimes of trafficking in persons. Technological advancements have witnessed traffickers being more adaptive at lowering their victims through innovative means. The United States have identified the internet as the number one platform for traffickers expanding their outreach well beyond the physical parameters of the country. The AALCO nations are well positioned to raise this concern as this region is notorious as a source of victims of trafficking. Another unique attribute of internet crime is inevitable absence or limited number of witnesses. The prosecution of cyber offences can be all the more challenging in the absence of witnesses.

The freedom of the sea doctrine was premised on the notion that the seas were vast resources which could be used as the nations wished and the cannon shot rule based on the meant that the nation's control over its territorial sea extended as far as cannon fired from shore could reach. The subsequent technological advances resulted in a shift in the ocean centered interest from exploration to exploitation of resources ranging from over exploitation of vulnerable marine ecosystem, illegal and destructive fishing practices, marine pollution, and criminal activities such as smuggling of persons by sea. This is necessitating the protection of local resources inevitably leading to nations unilaterally expanding the claims for sovereignty beyond the traditional limit. The exploitation of the natural resources can alter the weather pattern and general equilibrium maintained by the natural order. Sri Lanka remains committed to protecting its rich heritage and is revisiting a number of development proposals in order to ensure that they do not have a negative impact on the environment. In conclusion on behalf of my delegation from Sri Lanka, I extend our gratitude for the host country, People's Republic of China for the hospitality that extended throughout this conference and I congratulate the newly elected office bearers. I wish all the success in all your future endeavors. Thank you very much.

Vice-President: Thank you very much indeed for your statement. Now I invite the Distinguished Delegate from Oman to make his statement.

The Leader of the Delegation of Oman¹²: In the name of God the most compassionate, the most merciful, Your Excellency The Vice President, Your Excellency the Secretary-General, Hon'ble Leaders of Delegations, Dear Delegates and Observers, Distinguished Participants, It is my pleasure at the outset, to congratulate his Excellency the President and his Deputy for their election to manage the work of the fifty-fourth session of the Asian African Legal Consultative Organization, ensuring in this respect our complete support and co-operation. I would also like to commend the well management of the President of the previous Session and the effort he devoted during the period of his presidency. It is my pleasure and the pleasure of the delegation of my country participating in the works of Fifty-Fourth Session, to express, in this platform, our sincere greetings and gratitude to all participants who answered the invitation of the Organization to contribute in the works of this Session and enrich it with their correct views and faithful visions which will allow for the opportunity to exchange opinions and benefit from the experiences and experiments of other states and in whatever that leads to further development and prosperity to our communities. Furthermore, I would like to express deep appreciation to His Excellency the Secretary-General of the Organization for the constructive efforts he has been devoting since he presided over the Secretariat. We hope its continuance and for the support of

¹² This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

all Member States. Likewise, I would like to submit my thanks to you-your Excellency the President and the Secretariat for providing me this opportunity to state the position of the Sultanate of Oman in some of the items that will be subject to discussion.

Distinguished Participants, seas constitute about 70 per cent of the earth and have since time immemorial, a communication bridge between civilizations and nations. Their importance has increased throughout history until they become the top mean of transport in trade exchange between States as well as one of the most important sources of living and non-living resources and exchange of information through submarine cables. In realization of this critical importance and the significance of the peaceful uses of them as well as the undesirable effects if used otherwise, the international family adopted the United Nations Convention on the Law of the Sea (UNCLOS) in 1982 to be the constitution of the seas in every sense this word might contain, as it became the general legal framework that governs all activities pertaining to the seas and their uses. In this respect, the Asian-African legal Consultative Organization played a recognized role whereby it contributed in the development of the concepts contained in the convention concerning the Exclusive Economic Zone (EEZ), Archipelago States and Rights of Landlocked States.

The Sultanate of Oman was one of those states that paved the way for entry into force of the Convention in 1994 by ratifying it in 1989 via Royal Decree No. 67/89 through which it gained the force of law. In addition to that, the Sultanate of Oman has promulgated the necessary legislation that conform to the provisions of the Convention amongst which the promulgation of the Royal Decrees and laws pertaining to the determination of the boundaries of maritime zones, regulation of maritime navigation, conservation of water resources, protection from pollution. The Sultanate of Oman is also currently working towards making a submission to extend the outer limits of its continental shelf beyond the distance of 200 nautical miles from the baselines to the Commission on the Limits of the Continental Shelf. Furthermore, the Sultanate of Oman has joined several regional organizations relevant to the seas' affairs such as the Indian Ocean Tuna Commission (IOTC) and Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against ships in the Western Indian Ocean and Gulf of Aden in the year 2009. It has also entered into various international treaties of relevance among which the 1969 International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and its Protocol of 1973 relating to Intervention on the High Seas in cases of pollution by Substances other than Oil, the UN agreement for the Implementation of the Provisions of UNCLOS Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement Relating to the Agreement Relating to the Implementation of Part XI of Part XI of UNCLOS.

With increasing international interest of the seas in the fields of food security and blue economy, the Sultanate of Oman has put in place the necessary legislation through which those objectives can be achieved in the best way. An example is the legislation that has been promulgated lately to regulate aquaculture whether in seas, waters or in land. Scientific research is gaining great interest particularly because many components of the living resources of the seas have not been discovered yet. However, the development of modern techniques has introduced easiness to this matter. Having said that, the Sultanate of Oman emphasizes the importance of scientific research and conducting it in accordance with the United Nations Convention on the Law of the Sea as

well as it emphasizes the importance of accompanying the uses of the seas and their resources with the conservation and protection of the marine environment.

On the subject of violent extremism and terrorism, the Sultanate of Oman has paid great attention to combat this threat and provided support for international cooperation and the efforts aiming to take effective measures against it, proceeding from the Sultanate's position which condemns terrorism in all its forms and manifestations and whatever its origin and reaffirms its commitment to contribute to the maintenance of global peace and security, where it joined numerous regional agreements, including the Arab Convention on the Suppression of Terrorism, and the Convention of the Organization of the Islamic Conference (OIC) on Combating International Terrorism and Gulf Cooperation Council. (G.C.C.) Counter-Terrorism Agreement. It also joined the majority of international anti-terrorism conventions, noting that these conventions are enforceable and binding after they have been ratified as part of Omani laws, in accordance with the Basic Statute of the State.

Although terrorism acts are strictly criminalized under the Omani Penal Code, the Sultanate-in line with legal developments and the global approach in this context promulgated an independent anti-terrorism law by Royal Decree No. 8/2008 along with a range of measures to prevent and suppress the financing of terrorist acts, in particular, the strengthening of supervision over the works of the banks and financial and banking institutions to identify any suspicious transactions.

However, though this is the Sultanate's firm stance against terrorism, we find ourselves obliged, in this respect, to emphasize that combating violent extremism and terrorism can only be achieved and confronted by the international community. Treatment of international should be based on a fixed standard that is not influenced by any political and economic considerations, and on well-founded balance based on justice and clear rules. In addition to the need for an in-depth study and analysis of the causes of terrorism in the spirit of transparency, fairness and impartiality for the addressing and correction of practices that led to the aggravation and increase of these causes. Furthermore, it is of significant importance to distinguish between natural resistance, as a tool guaranteed by all heavenly religions and the position to exercise the right to be free from the yoke of occupation, oppression and the servitude and the terrorist acts carried out by individuals or groups outside the law. Emphasizing in this regard, the Sultanate's keenness to do anything that would strengthen international cooperation in order to combat this type of crimes and track perpetrators.

Turning to the subject of environment and sustainable development, my country devotes in the process of comprehensive development, great importance to the environment of Oman. Protection of the environment and human health from all types of pollutants and laying the foundations for a balanced and sustainable development, in which the economic, social and environmental considerations are one of the fundamental objectives of the Sultanate of Oman. In order to achieve this goal, the Sultanate has prepared national strategies and plans for the protection of environment and control of pollution. It has also prepared a national plan to combat drought and desertification and put in place an integrated system of natural reserves across the country in line with the International Convention on Biological Diversity apart from the updating of environmental legislation to conform with the requirements of protecting the environment from the dangers of pollution resulting from various development of activities. This is in addition

to the ratification of several environmental conventions and protocols and encouragement of the private sector to develop advanced energy friendly technology and to adopt environmentally-friendly projects apart from raising awareness of the citizens and the residents of the importance of conserving natural resources in order to achieve sustainable development.

Celebrating the Omani Environmental Day on 8th January every year is considered a national celebration which emphasizes the importance of the environment in the Sultanate. In recognition of the efforts of the Sultanate of Oman in the preservation of the environment and achieving a balance between the environment and development, in addition to the Sultanate's consistent encouragement to researchers and workers in this field and in honor of the Sultanate's efforts in serving humanity, a prize to protect the environment has been allocated in the name of the Sultan Qaboos by UNESCO. Additionally, in light of the Sultanate's efforts in the field of environmental protection and the broad international recognition of said efforts; the Sultanate of Oman was chosen to be within the top ten countries on the international level, cared for and concerned about the environment.

Without failing to recognize here that the world is greatly challenged with regards to climate change, increase in temperature and the depletion of the ozone layer and its negative effect on all sectors. Additionally, most scientific estimates based on scientific research indicate that planet earth will be exposed to dangers and negative effects on several sectors and on environmental and social systems that may include a deterioration in vegetation, loss in biodiversity, reduction in the agricultural production and the diminishing of fisheries and the natural environments. These negative effects may also include changes in the level of rainfall, which may be linked to an increase in the severity of drought, desertification, floods and storms all over the world, in addition to a threat to the life of the population and infrastructure projects built in the coastal areas due to the rising of sea levels which requires taking the necessary procedures to assess and control the risks and impacts of climate change, the depletion of the ozone layer and to estimate the vulnerability of the environmental and social sectors and systems, in the hope that our distinguished Organization will give utmost importance to the issues related to this subject.

In this regard, the Sultanate of Oman confirms that the issue of climate change is to be considered one of the main environmental issues which the Sultanate of Oman gives particular attention to. Oman was one of the first countries to have signed the UN Framework Convention on Climate Change during the Earth Summit. Therefore we hope to attract attention to the human behaviors that threaten our planet and shed light on the importance of changing those behavioral patterns and encourage communities to take a practical and constructive stand towards the obligation of each person to protect the environment especially in light of what has recently been witnessed in the Middle East from unfortunate environmental disasters, as a result of conflicts. If the regional problems have not been settled peacefully, the efforts to preserve the environment and the continuance of a sustainable development remain exposed to danger.

My country looks forward optimistically to the results of the fifty-fourth session of this Organization concerning this subject and suggests, in this regard that the Organization strives towards finding an effective mechanism between the Member States to ensure the exchange of information with regard to climate affairs and share all new scientific discoveries in the environmental field.

Distinguished Participants, Our distinguished Organization has been consistently including in the agenda of its works a legal topic, which is at the forefront of the international community's interest, to be discussed by an elite of professors and specialized experts in a special day, which adds to our meetings more effectiveness and intellectual and legal richness for the members of the participating delegations since these topics are renewed from one session to another. While we highly value that we believe that discussing the topic on 'International Law in Cyberspace' as proposed by the People's Republic of China will represent a new addition to the achievements of the Organization.

In this respect, if the seas are considered the lifeline of international trade, cyberspace is the lifeline through which most transactions in its different forms are conducted whether by institutions or by individuals. However, the flow of information and the conduct of transactions through this space do not take into account the boundaries of States and their national sovereignty as well as privacy and intellectual property, which as a result puts these states in front of a lot of challenges in the absence of the necessary international legal basis and the acceleration of the process of technological development.

Based on its belief of the importance of cyberspace and its effect on economy and social life as well as on other vital sectors such as transportation, services and energy, my country has established the Telecommunication Regulatory Authority and Information Technology Authority respectively and granted them legal personality and administrative and financial independence to have supervision over this vital field for the aim of meeting the needs of society and its aspirations as well as in the pursuit of supporting the aims of the government towards a sustainable economy built on know-how and development of electronic services. In addition, necessary legislation has been promulgated for the aim of regulating this space and its uses. The important ones are Law on the Regulation of Telecommunications that was promulgated in 2002 and the Electronic Transactions Law that aims to eliminate any obstacles to challenges standing in the face of electronic transactions and to promote the development of the necessary legal foundation to apply the electronic transactions in a secured way. The Sultanate of Oman in realization of the negative impacts that might result from the misuse of cyberspace also promulgated a special law to counter information technology crimes in 2011 to enhance the safety of information and security in cyberspace as well as to counter cyberspace crimes (I.T. crimes). Whereas the uses of cyberspace are trans-boundary, this necessitates undoubtedly concerting and unifying international efforts to find the necessary legal framework. The UNICITRAL has played a tangible role in this respect. However, its role has been limited to the commercial side. While the matter is wider than this and has dimensions affecting the sovereignty of states over its territories and its security and the privacy of users, intellectual property and protection from cyber space crimes. The solution lies in finding a legal regime at the international level to be the legal umbrella that governs generally cyber space and the activities connected to it. We look forward in this respect for the contribution of our distinguished Organization as it has done previously in relation to the above-mentioned Convention on the Law of the Sea and other international issues.

Your Excellency the Vice-President, We would like to express our comfort to the statement delivered by the Secretary-General of the Organization at the beginning of our general

discussions in which he presented his report on the works of the Organization. We observe that tremendous efforts are being exerted to improve the methods of works of the Organization and enhance its role in all fields and we believe that the time has come for the Organization to make its members feel that the legal services it provides and the defense of their positions in the international platforms it guarantees are indispensable to them, which consequently enhances their loyalty towards the Organization and attracts more States to join. In this respect, we propose as a very important step, that more attention should be paid by the Organization to train legal researchers from its Member States in different topics in international law through the organization of courses and symposiums in the Arabic and English languages as well as in any other languages that might be of interest to these States.

Your Excellency the Vice-President, We would not like to miss the opportunity on this occasion to express the Sultanate of Oman's wishes of success to the event of commemorating the 60th anniversary of Bandung Conference held in Indonesia in 1955 which marked the birth of the Non-Aligned Movement. We recall the ten principles originated from the Conference which were regarding human rights, principles of the UN charter, respect for sovereignty, independence and territorial integrity of all states, non-interference in or prejudice to the internal affairs of other states, respect for the right of every state to defend itself whether individually or collectively in accordance with the U.N. Charter, settlement of disputes through peaceful means and the promotion of joint interests, mutual cooperation and the respect for justice and international obligations. There is no doubt that these principles are deemed to be great initiatives in the history of international relations and we would like to confirm in this aspect that the Sultanate of Oman is always keen for the continuity of cooperation in everything that will promote joint development between Asian and African Nations.

To conclude, it is the pleasure of myself and the pleasure of my delegation to express our gratitude to all staff working in the Secretariat for the constructive and continuous efforts they have been devoting in the preparation of this session and supervision of the implementation of resolutions and recommendations made. We would also like to express our sincere thanks and gratitude to the Government of the People's Republic of China for the care and generous hospitality we received; hoping success for all and the prevalence of peace and prosperity in every corner of the world. Thank you for your kind listening.

Vice President: Thank you very much the Distinguished Delegate from Oman. I now invite the distinguished delegate from Democratic People's Republic of Korea to make his statement.

The Leader of the Delegation of Democratic People's Republic of Korea¹³: Your Excellency Mr. Vice-President, Your Excellency Prof. Dr. Rahmat Mohamad, Secretary General of the Asian African Legal Consultative Organization, Distinguished Delegates, I would like, on behalf of the delegation of the DPRK, to express my sincere congratulations to Your Excellency for being elected as the President of the 54th Annual Session of the Asian African Legal Consultative Organization (AALCO). I am convinced that this session will achieve great success with your able chairmanship. Let me avail myself of this opportunity to extend my gratitude to Your Excellency Secretary General and the Secretariat of AALCO for rendering this care and effort to ensure the good performance of AALCO and to make this session successful.

¹³ This statement was delivered in Korean. This is an unofficial translation made by the Secretariat.

AALCO, as the intergovernmental forum functioning in the field of international law has been playing a positive role in promoting exchange and cooperation among its Member States and deepening its mutual understanding with regard to regional and international legal issues, thus fulfilling the mandate entrusted to it by Member States.

Particularly AALCO has made substantial contribution to representing the stand and interests of its Member States and to increasing the influence and the voice of the developing countries in the international arena.

The DPRK government appreciates the activities of AALCO for the progressive development of international law, the justice in the application of international law and advocacy of the interests of developing countries. This year marks the 60th anniversary of the historic Bandung Conference which brought the establishment of AALCO. It is of my confidence that AALCO continually embodies the Bandung spirit in its work to foster legal ground of comprehensive cooperation among developing countries in the field of politics, economy and culture and also to effectively deal with international legal challenges to the further promotion of global peace, stability and development.

Mr. Vice-President, I would like to take this opportunity to highlight the primary stand of the DPRK Government on some items on the agenda of this session and other issues which need due consideration by AALCO. Firstly, AALCO should give proper attention to the fact that some countries place double standard and selectiveness in the application of international law, especially the law on human rights in pursuit of their wicked political gain, thus politicizing the human rights issue and also violating severely the principles of justice, neutrality and impartiality in applying international law.

The United States is plotting “Human Rights” scheme against DPRK including railroading “human rights resolution” against my country in United Nations by adducing false and fabricated “evidences” of our so called “violation of human rights” thus abusing the human right instrument as the wicked political means to isolate and suffocate my country by distorting the true reality of human rights guaranteed by legislation and administration and actually enjoyed by the people. The act of fabricating non-existing “human rights” of other countries and the act of violating State sovereignty and plotting State overthrow by the U.S. itself is a grave interference in the internal affairs of other countries and a crime of human rights violation. Such human rights violation by the US is committed not only in the political sector but also in the economic activities. The US invoked its domestic law to impose harsh sanctions against countries including DPRK and the Islamic Republic of Iran and hampers the right of economic development and threatens the right to live of the people of those countries.

The Anti-DPRK ‘human rights’ scheme and the unilateral sanctions exercised by the US and its followers against DPRK are the grave violations of established international law including the Charter of the United Nations and the Universal Declaration of Human Rights and also violation against the principles of international law, such as respect of state sovereignty, non-interference in internal affairs, right to self-determination, international co-operation and the principle to refrain from the use of force.

The Asian-African Legal Consultative Organization, as the intergovernmental body which is representing the countries in Asia and Africa, should bring due attention to aforesaid issues and make its every effort to encourage exchange and co-operation among its Member States in order to safeguard fairness and neutrality in the application of international law, especially the laws of human rights. The Organization should also extend its efforts to securing the respect of the national value such as political, economic and cultural systems that has been chosen by the people themselves within the national boundary and ensuring national sovereignty and the right to development.

Secondly, the DPRK maintains its stand to strongly reject all forms of violent extremism and terrorism and any kind of support for those crimes. The U.S. military interference into the countries, including Afghanistan, Libya, Syria and Pakistan and inhuman torture of the innocent people practiced in several places over the world, especially of the torture in Guantanamo Prison are a clear manifestation of the most serious crimes against humanity, crimes of terrorism on national states and an insult to human dignity. Those acts are causing vicious cycles of extremism and terrorism, stimulating widespread violation and the US which is the mastermind of the tragedy should be brought before the justice of human rights.

It has to be recalled that Israel is committing indiscreet air attacks and killing of civilians, blockades and collective punishment of the Palestinians in the occupied territory under the connivance of the US. Such acts are destroying the peace and stability in the region and drawing out serious concern and condemnation from the international community.

We highly appreciate the efforts of AALCO to establish comprehensive international law to fight against violent extremism and terrorism and will closely cooperate with AALCO.

Thirdly, the AALCO should consider legal issues arising in the use of the cyberspace in the way to secure state sovereignty, prevent cyberspace from being misused to disturb national independence and interests and promote sound development of the cyberspace.

The US, under the pretext of freedom of speech and expression is encouraging and supporting the wide spread of the materials criticizing the political system of my country in the cyberspace and misusing the cyber space to conduct espionage and wiretapping against other countries. Besides that, the US is using the cyberspace as a means of enforcing unilateral sanction against other countries. In December last year, US imputed cyber attack to the “Sony Pictures” to DPRK which had no connection with the attack and eventually enforced unilateral sanctions against my country without any hesitation.

The AALCO, through deliberation of this item should pay proper attention to solving legal issues for applying general principles of international law, providing security of the States and their people and encouraging the sound development of the cyberspace.

Lastly, the AALCO should continuously consider the item of “Environment and Sustainable Development” with the view to providing legal ground for maintaining sustainable development of the Member States while fighting collectively against the climate change in accordance with

the common but differentiated responsibilities and respective capabilities provided in the United Nations Framework Convention on Climate Change.

Environmental protection is vital not only for the existence of the present generation but also for the fate of the future generations and climate change is the global challenge that could not be tackled by a single effort of an individual country. It has to be noted that developing countries are more severely exposed to the adverse impact caused by climate change.

AALCO should make its efforts to further facilitate exchange and cooperation among Member States in identifying legal issues to realize the transfer of advanced technology and fund, thus encouraging the sustainable development of Member States.

Mr. Vice-President and Distinguished Delegates, In the DPRK today, the man centered Juche idea has been thoroughly embodied into all sectors of life and social stability and harmony are fully ensured by the legal system under the wise leadership of the Respected Leader Kim Jong Un. Our people, being firmly united around the Respected Leader Kim Jong Un are making vigorous efforts to build a thriving nation and to further improve their living standards by accelerating economic development. In the firm determination of the people in DPRK to achieve final victory by smashing down the moves of isolation and suffocation against DPRK and by historic cause of powerful socialist state and national reunification will be surely accomplished.

The DPRK, in future, will make active efforts to ensure the established principles of international law to be strictly observed and to bring about an equal and fair international order. In this context, DPRK will also intensify its cooperation with AALCO to safeguard the common interests of the Member States. Thank you.

Vice President: Thank you very much for your statement. I now invite the distinguished delegate from South Africa to make her statement.

The Leader of the Delegation of South Africa: President of the 54th AALCO Annual Session, Distinguished Delegates, I have the honour to thank the Government of the People's Republic of China once again for hosting this 54th Annual Session of the Asian-African Legal Consultative Organization and we wish to thank you for the excellent hospitality extended to us since our arrival in this beautiful country. We congratulate the President and the Vice-President and express our confidence that the proceedings of this session will yield positive results. In addition, we would also like to thank the Secretary General of the AALCO, H.E. Professor Dr. Rahmat Mohamad, for leading the organization to a position of influence and relevance in international law. His continued dedication has elevated AALCO to the Organization we see today. We would also like to convey our gratitude to the AALCO Secretariat and all those who were involved in the preparations for this 54th Annual Session. South Africa is indeed proud to participate in this session.

Mr Vice-President, We consider that the purpose of AALCO is to cooperate on matters pertaining to international law and to pursue international law solutions to challenges which African and Asian countries face. It is essential for us to take leadership on these matters and remain at the forefront of the progressive development and codification of international law.

South Africa acknowledges the acute importance of the topic of terrorism which is a global challenge and necessitates a comprehensive multilateral response. My delegation would like to express sympathy and condolences to the Government and people of Kenya on the recent terrorist attack at Garissa University College in the Republic of Kenya on 02 April 2015 that resulted in the killing of about 147 people. South Africa stands firmly with the international community in condemning all forms terrorism and in this regard stands in solidarity with victims of violent extremism and terrorism.

South Africa continues to stand in solidarity with the people of Palestine and their plight. We note with satisfaction, the recent acceptance of the United Nations Secretary General of Palestine accession to the Rome Statue which became effective on 1 April 2015, which means that Palestine is now the 123rd Member State of the ICC. South Africa welcomes Palestine's accession to the Rome Statute as a step towards ending impunity and ensuring accountability for those responsible for committing the most serious crimes of concern to humanity.

Mr Vice-President, we are pleased that the agenda focuses on the issue of Bilateral Investment Treaties and, in particular, their impact on developing countries. South Africa has recently embarked on a review of bilateral investment treaties which has culminated in policy outcomes which will seek to protect and promote investment while at the same time focusing on South Africa's development imperatives. On the issues of cyberspace, we consider that AALCO should focus on the legal aspects of the issue. We are of the view that there is a need for a global comprehensive instrument pertaining to cybercrime.

In conclusion, the South African delegation would like to express the Government of the Republic of South Africa's ongoing commitment and support to this important institution and we assure you of our full cooperation during this meeting. I thank you.

Vice President: Thank you very much for your statement. I now invite the distinguished delegate from Nepal to make his statement.

The Leader of the Delegation of Nepal¹⁴: Mr. Vice-President, Your Excellencies, Ministers and Ambassadors, Mr. Secretary-General, Distinguished Delegates, Participants and Observers, Ladies and Gentlemen, At the outset on behalf of the Nepalese delegation and on my own, I would like to congratulate you, Mr. President on your unanimous election to the high office of the President of the Fifty-Fourth Session of the Asian African Legal Consultative Organization. I am confident that the Organization will attain new heights under your leadership.

Similarly, I congratulate Hi Excellency Professor Githu Muigai, Attorney General of Kenya on his unanimous election as the Vice-President of this Session. I would also like to appreciate and acknowledge the valuable contribution made to the Organization by the outgoing President of the Fifty-Third AALCO Session, H.E. Dr. Danesh Yazdi.

Mr. Vice President, I really appreciate an insightful inaugural address by His Excellency Mr. Li Keqiang Premier of the State Council of the People's Republic of China. His inspiring address

¹⁴ This statement was delivered in Nepali. This is an unofficial translation made by the Secretariat.

really symbolizes the importance attached by the Government of the People's Republic of China to this Organization and provides invaluable guidelines for its future direction. Let me express our sincere gratitude to the Government of People's Republic of China for organizing this Session in this historic city of Beijing and for a warm hospitality to me and my delegation since our arrival here. I also appreciate the job performed by the Secretary-General and other AALCO Staff.

Mr. Vice-President, as a matter of fact, AALCO is the only consultative institution formed of Member States from Asia and Africa has significantly contributed to the codification and progressive development of international law by providing its views to the General Assembly of the United Nations and by consolidating the positions of its members on particular subjects under consideration of the International Law Commission, General Assembly and its Sixth Committee. It has played an important role in setting norms and standards in various fields of International Law. In order to ensure that its members have proper laws and regulation in new and emerging areas, it has developed and disseminated model laws and agreements. Its special study-reports and year-books have also served as an important source of information for Member States. Nepal has always attached a great importance to the work of the Organization.

Mr. Vice President, the issue of climate change has been a most critical issue. Rapid melting of snow, loss of biodiversity, drought and depletion of the source of fresh water are some of the serious consequences of climate change in Nepal. Countries like Nepal are becoming the brunt of climate change disproportionate to the contribution of green house gas. On this occasion, I would like to emphasize those something concrete needs to be done immediately to address the issues and burden of climate change should not be shifted to the least developed countries. Climate change and justice should prevail in real sense. Moreover, freedom of transit from land locked countries should be further ensured having regard to the principles of the law of the sea such as duty to cooperate, obligation not to harm and precautionary action to be taken.

Mr. Vice-President, Nepal is now engaged in drafting a new Constitution founded on democratic norms and values. The second Constituent Assembly elected on 19 November 2013 is committed to frame the Constitution. Recently, two high level Commissions, namely Truth and Reconciliation Commission and Commission on Forced Disappearances have been formed to investigate into serious violations of human rights and humanitarian law during the armed conflict, providing reparations to victims and recommend for prosecution of violators and to end conflict through reconciliation in society. These mechanisms will largely serve as a transitional justice mechanism with the spirit of humanitarian consideration within the purview of the constitutional and legal framework.

Mr. Vice-President, let me welcome the agenda items adopted for this Session. All items including Law of the Sea, Environment and Sustainable Development, International Trade Law matters and Violent Extremism and Terrorism are very timely and pertinent. A special meeting in international law in Cyberspace and a Special Event on Commemorating the Sixtieth Anniversary of the Bandung Conference, being held and deliberated upon during this Session in such an important country like the People's Republic of China which has placed the rule of law as an issue of high priority in its national agenda are very pertinent and historic in the history of the Organization.

I am confident that the Session will be successful in promoting codification and progressive development of international law in the contemporary issues to be deliberated in this august gathering. Thank you.

Vice-President: Thank you very much the distinguished delegate from Nepal. Now I give the floor to the delegate from India.

The Leader of Delegation of India: Thank you, Mr. Vice-President. Please allow me to congratulate you for your election as Vice-President of this Session. I would also like to take this opportunity to congratulate H.E. Mr. Liu Zhenmin, Vice Foreign Minister of the People's Republic of China on his election as the President of the Fifty-Fourth Session of AALCO. We are sure that with his wisdom, experience and expertise we will make good progress during this Session.

I wish to thank the Government and people of the People's Republic of China for hosting Fifty-Fourth Annual Session in this splendid and beautiful city of Beijing. I would also like to thank them for the excellent arrangements made for this Session and for the warm hospitality extended to us. I take this opportunity to appreciate the Secretary-General and staff of AALCO for the excellent preparations made for our current Session, including the preparation of background documents which are helpful in facilitating our deliberations. India being one of the organizers of the Bandung Conference, we are deeply committed to the spirit, objectives and outcome of the Bandung. It was timely that a special event on commemorating the 60th Anniversary of the Bandung Conference was held yesterday. We thank the organizers for successfully organizing the Special Event during this Annual Session. The establishment of AALCO as one of the outcomes of the Bandung Conference was a major milestone in developing Asian-African approaches to international law. India was one of the seven founding members of AALCO. We are proud to be the host country of AALCO Headquarters. We continue to attach highest importance to AALCO and its work. In order to help the Organization to function effectively, the Government of India has provided the Headquarters as well as residence of the Secretary-General in the diplomatic area of Chanakyapuri at New Delhi.

AALCO Annual Sessions are known for deliberations on select topics of international law on the AALCO Agenda. This differentiates AALCO from other regional/international organizations which generally focus on political aspects of inter-state relations. AALCO is a legal consultative Organization purely for deliberation on legal matters. We are of the firm view that AALCO should stick to its mandate. Reports of the AALCO and deliberations adopted at its Annual Sessions have become an important source for the development of international law. AALCO had been identifying at the Annual Sessions the common interests of Africa and Asia on issues before the UN and other world bodies. The items chosen for this Session such as Environment & Sustainable Development; Work of the UNCITRAL and Other International Organizations in the Field of International Trade Law; Deportation of Palestinians; Law of the Sea; and Violent Extremism and Terrorism: Legal Aspects are very significant in the contemporary scenario. We also look forward to half-day sessions in International Law in Cyberspace; and Selected Items on the Agenda of the ILC. We will be expressing our views on these substantive topics as and when those topics are taken up for consideration.

India would like to encourage the AALCO to expand its activities in a way to successfully discharge its mandate. We are conscious of the fact that increase in its activities depends on availability of financial and human resources. One of the reasons for the poor financial standing of AALCO appears to be the arrears of annual contribution which has been accumulated in the last several years. We appreciate the efforts taken by the Secretariat to collect the arrears. We understand that AALCO Secretariat has limitations in compelling a Member State in arrears to pay. However, we believe that to improve AALCO's financial position the problem of accumulated arrears has to be addressed in a timely manner.

AALCO is an international organization, the primary objective of which is to function as an advisory body to its Member States in the field of international law. We believe that AALCO has the potential to contribute more in the field of research, publications and capacity building exercises. Hence, professional staff of the Secretariat plays a crucial role in the functioning of the Organization and discharge of its mandate. Reduced staff strength gradually lowers the functioning of the Secretariat and hence not desirable. We are of the firm view that the status quo should be maintained in respect of the sanctioned strength of the staff of the AALCO Secretariat and no reduction in this regard should be attempted.

My delegation takes this opportunity to reiterate our earlier position to strengthen the human resources of the Secretariat and to put a recruitment and retention policy in place which guarantees an assured career growth for its Officers in order to avoid attrition of human resources. Officers have to be recruited on a permanent basis and pay scales have to be kept attractive for bright candidates from our Member States to join the Organization. This is particularly so in respect of the Director and other Legal Officers which are wrongly categorized as local technical staff. They should be categorized as Professional Staff as its recruitment is open to all Member States. We believe that ad hoc-ism is not desirable at all in this matter as it will ultimately adversely impact AALCO's contribution as a consultative organization advising Member States on contemporary issues of international law.

We are looking forward to participate in the deliberations on specific issues and once again thank Host Country and organizers for the excellent arrangements made for the Session. I thank you all.

Vice President: I thank the distinguished delegate from India and I now give the floor to the distinguished delegate from Kuwait. Ladies and Gentlemen, this would be our last presenter before lunch.

The Leader of the Delegation of Kuwait¹⁵: Mr. Vice-President, Excellencies, Ladies and Gentlemen, at the outset, I am pleased to extend my sincere thanks and gratitude to People's Republic of China for their warm hospitality. While we are celebrating the passage of sixty years of the Bandung Conference, which founded the first brick of the Asia-Africa cooperation, Our Organization is truly one of the fruits of this cooperation.

¹⁵ This statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

An overview of the agenda of this meeting is sufficient to show that the matters of deliberation are gaining importance not only for the Member States of AALCO but to all countries. First, I would like to touch upon the area of the law of the sea. No one can overlook that our Organization has played a leading role in establishing new concepts such as EEZ, status of archipelagic states and the rights of the landlocked States which occupied the permanent place in this branch of international law. If we compare these novel concepts with the concepts of traditional international law of the sea, it is clear that there is a remarkable development has been achieved in this area. This is a clear model to make way for the harmonization of international law.

With regard to the second item of the agenda entitled "Deportation of Palestinians and other Israeli Practices", the issue that requires urgent response focused on the legal consequences of the membership of the State of Palestine in the International Criminal Court with effect from the first of April this month. The membership opens an important legal mechanism to address clear Israeli violations against Palestinians.

As to the subject of violent extremism and terrorism which has acquired utmost importance in the recent period, there is a need to look for full legal treatment of this topic employing the existing legal mechanisms, leading to the achievement of concrete steps in this regard. The subject of the environment and sustainable development remains important for the present and future generations. As for investment treaties, the evaluation of each investment agreements on the one hand and the mechanism for settlement of investment disputes on the other hand require the submission of legal conception dealing with this topic.

We look forward to enabling this meeting to come out with specific, tangible results.

Finally, we thank the Government of People's Republic of China for hosting this session.

Vice President: Thank you very much for your presentation. Ladies and Gentlemen, this session is formally adjourned.

Vice President- Ladies and Gentlemen, Distinguished Delegates, I now wish to call this session to order and to invite the distinguished delegate of Egypt to make his statement.

The leader of the delegation of Egypt: Mr. Vice-President, Excellencies, Ladies and Gentlemen, first of all, I would like to extend Egypt's sincere thanks to the government of the People's Republic of China, the Chinese Ministry of Foreign Affairs and the Asian-African Legal Consultative Organization for the concrete efforts exerted in organizing this gathering and the well reception of the distinguished representatives of the participating countries, and I would like to thank His Excellency Professor Dr. Rahmat Mohamad, the Secretary-General of the Organization for his sincere commitment and devotion for the sake of the success of this session. As a founding member of the Asian-African Legal Consultative Organization (AALCO), Egypt has actively contributed over the years to promoting legal cooperation between Asian and African countries and coordinating their positions in the field of international law. AALCO originated in the Asian Legal Consultative Committee, constituted on 15 November 1956 as an outcome of the historic Asian-African Conference held in Bandung Indonesia, in April 1955. Seven states – Egypt, India, Indonesia, Iraq, Japan, Burma and Sri Lanka – had been the founding members. In 1958, the name was changed to the Asian-African Legal Consultative

Committee in order to enable African countries to become members. And in 2001, in recognition to its growing stature, its status was raised to a full-fledged international organization with headquarters in New Delhi, and currently comprising 47 Member States from Asia and Africa.

Throughout the years, Egypt has strongly supported AALCO and its mission. It has played host to some of its annual high-level session. An Egyptian Secretary General of the organization has exercised that high function for a period of two full terms (2000-2008) and Cairo has been chosen as a major location for one of AALCO's five Regional Arbitration Centres in Africa and Asia. Since its establishment, the Cairo centre has been the most active in settling disputes relating to economic and commercial transactions in the Asian and African regions.

Over the past 58 years, AALCO has played, with Egypt's participation, a positive role in enhancing legal cooperation among its Member States and contributing to the evolution of legal concepts on contemporary issues of international law.

By the same token, it has fostered and strengthened the spirit of Asian-African identity, which had given birth to the organization. In its active involvement in the law-making process, AALCO made valuable contributions in the fields of diplomatic law, the law of treaties, the law of the sea, human rights and international humanitarian law, international criminal law, environmental law, etc.

This 54th Annual Session encounters a wide variety of legal issues of significant concern to Member States. One of the most important issues is the serious threat of violent extremism and terrorism that has lately spread in many countries of the Asian and African regions. It is obvious that it constitutes a great concern to all Member States since it threatens the security and wellbeing of their societies. Any advocacy of national, racial or religious hatred should strongly be condemned as an incitement to discrimination and violence. In reality, however, only a collective response from the international community can overcome that evil of violent extremism and terrorism in all its forms and manifestations.

The spread of violent extremism and terrorism has also often resulted in the transformation of entire populations in refugees and displaced persons, whose plight has nowadays become a serious humanitarian issue. It is a problem that requires a comprehensive approach by the international community, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions. We shall not also ignore the issue of cyber security, which is becoming one of the most serious economic and national security challenges the world face nowadays, and as the degree of cyber threats become more and more serious, the need to strengthen cooperation and mutual assistance internationally to ensure safe and reliable cyberspace becomes more and more crucial.

Another important issue is the continued deterioration of the situation in the occupied Palestinian state, including East Jerusalem and the Gaza Strip. Israel has continued the deportation of Palestinians from their homeland, the violation of the human rights of the Palestinian people through the excessive use of force, the imposition of collective punishment, the confiscation of land, the destruction of property, the establishment and expansion of settlements, etc. All these practices and policies are serious violations of the Charter of the United Nations, the Universal

Declaration of Human Rights, and the Geneva Conventions (in particular the Fourth Geneva Convention of 1949 Relative to the Prosecution of Civilian Persons in Time of War). Israel is therefore under legal and moral obligations to refrain from such actions, end its occupation and ensure the return of the refugees and displaced Palestinians to their homes, as well as the restoration of their properties in compliance with relevant UN resolutions. In that regard, Asian and African countries should actively work towards ensuring respect by Israel of its obligations under international law, and contributing to a just and lasting settlement of the Palestinian issue, on the basis of the Two-state solution with a fixed timetable and parameters for a Palestinian statehood deal that would define the pre-1967 frontier as a reference point for border talks and East Jerusalem as the capital of the Palestinian state.

One more issue of priority to all member countries is the topic of environment; Indeed climate change and deteriorating state of the global environment is one of the greatest challenges of our time. However, that challenge can only be met through stronger international cooperation between all countries, developed and developing ones. In that context, countries from Asia and Africa could play a leading role in enhancing regional and world cooperation on protection of the environment.

In addition to these topics, AALCO devotes its attention to the legal subjects being studied by the United Nations International Law Commission, since it is required by the Statute to forward its views on those subjects dealt by the Commission. Those views are often taken into account by the Commission when it carries out its mandate in the field of codification of international law and its progressive development by drafting international legal principles and treaties.

We may conclude by stating that AALCO sessions have demonstrated the close cooperation between the Organization and the UN International Law Commission in the field of international law. In fact, AALCO has continuously worked over the years in order to ensure adequate reflection of Asian-African concerns in the commission's work. This should be welcomed and encouraged by all Asian and African countries.

Egypt strongly believes that at a time when international law is facing tremendous challenges in today's world, it is of paramount importance for AALCO members to be actively involved in the formation of rules of international law that reflect their vital interests and legitimate concerns.

I avail myself of this opportunity to reassure our outmost gratitude and thanks to the People's Republic of China's warm welcoming and good organizing of our event and to highly appreciate its intended contribution to the organization in the research field. Thank you for your attention.

Mr. Vice President: Thank you very much, the distinguished delegate from Egypt. I now welcome the distinguished delegate of Qatar.

The Leader of the Delegation of Qatar¹⁶: His Excellency Mr. President of Fifty-Fourth Annual Session, His Excellency Mr. Danesh Yazdi, President of Fifty-Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran, His Excellency Prof. Dr. Rahmat Mohamad,

¹⁶ This statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

Secretary General of AALCO. Excellencies, Honorable Ministers, Attorney Generals, Heads and distinguished members of the delegations, Ladies and Gentlemen,

At the outset, I extend, on behalf of His Excellency Dr. Hassan Lahdan Mohannadi, Minister of Justice, State of Qatar, and the members of the delegation of the State of Qatar, and myself, sincere thanks and appreciation to People's Republic of China for hosting the Fifty-Fourth Annual Session of AALCO, and also for the warm reception and excellent organization.

I would like to thank Mr. / Danesh Yazdi, Deputy Foreign Minister of the Islamic Republic of Iran on his presidency of Fifty-Third Annual Session; I would also like to congratulate Mr. H.E. Liu Zhenmin, Vice Minister of Foreign Affairs of the People's Republic of China, on his presidency of Fifty-Fourth Annual Session. I wish him all success.

Allow me to emphasize that the current session of the Organization is being held amidst very serious challenges facing the international and regional communities. This cast a serious shadow over many of the countries in the region. The escalation of terrorism and extremism, globally and regionally, has become imminent danger that threatens the security and stability of many countries and communities. In fact, the specter of terrorism has become a threat to international peace and security.

The continued suffering of the brotherly Palestinian people, and the continuation of the occupation and the increasing Israeli settlement, is contrary to all international norms and conventions, as well as the failure to reach a decisive solution of the Palestinian issue, is remain a dangerous maneuver of the challenges that undermine the stability of the international community and the region.

Moreover, the continued high rates of poverty and marginalization, unemployment and deteriorating economic and social conditions, and the weakness of sustainable development rates and harmful consumption of the environment, climate change and high corruption rates and the spread of serious crimes such as organized crimes, cross-border drug trade, human trafficking and modern emerging crimes such as cybercrimes are serious problems.

Excellencies, Ladies and Gentlemen, Bandung Conference have put the first brick for the establishment of the AALCO in 1956, and since then the Organization plays an important and active role in the creation of a continuous dialogue between Member States on many of the important and common issues. But it is always trying to find effective solutions to the challenges facing the African and Asian neighbor continents, and that is by offering help and legal advice to Member States, as well as the Organization have become a international legal platform receives the attention and appreciation of all Member States, it is a role that the State of Qatar emphasizes on its importance, and seeks its consolidation and continuity and to maximize the benefit from it.

Excellencies, Ladies and Gentlemen, these challenges faced by the international community are to be addressed through integrated vision and thoughtful strategies combining national and international efforts. The State of Qatar always stress the need for the international community to take its responsibility and come together in order to find quick and effective solutions to the issues and challenges of the following: -

- First: Solution to the Palestinian issue and ending the Israeli occupation and the immediate cessation of settlement and ending the suffering of the unarmed Palestinians:

The continuation of the tragic situation of the brotherly Palestinian people is a grave and is blatant violation of human rights norms and increases the tension and undermines the chances of achieving international stability and peace.

This requires speedy intervention to find a fair and just solution to the Palestinian issue. Justice and comprehensive peace can be achieved through the following: -

- Respect the rules of international law and abide by the international resolutions
- Immediate end of the Israeli occupation and stop building settlements
- Lift the siege on Gaza Strip
- Respect of all legitimate rights of the Palestinians struggling to establish their independent state with its capital in East Jerusalem.

Perhaps, it is important to emphasize supportive role of State of Qatar under the guidance of His Highness Sheikh / Tamim bin Hamad Al Thani - Emir of Qatar. On this occasion, we extend our request to your esteemed Organization for exempting the State of Palestine from the accumulated membership fees in the Organization.

- Second: Combating terrorism and the rejection of extremism and violence: -

The State of Qatar emphasizes its firm position on the condemnation of terrorism in all its forms and manifestations, and strongly calls for the need of national, regional and international concerted efforts to combat terrorism and eradicate its roots and dry up its source.

Also, the State of Qatar emphasizes with its full belief that real and effective control of terrorism needs to address the causes and to deal with the factors that led to the emergence and spread of terrorism, extremism and fanaticism. The distinction between terrorism and the international legitimate rights of peoples to self-determination and resistance to occupation has to be emphasized in this occasion.

- Third: Upholding the rule of law and combating modern crimes: -

Upholding the rule of law and justice can be achieved only through crime prevention and criminal justice, the intellectual, industrial and technological development of humanity is accompanied by the development in criminal behavior and this is undermining the opportunities to benefit from the fruits of modernity and development, For instance, crimes in cyberspace.

As per the international statistics and studies, the cyberspace crime rates are on the rise. The forms of crime itself are taking diverse and serious criminal patterns, as they are threatening all fields and economic and social rights. On the other hand, cyberspace has become the theater of serious crimes of terrorism such as a platform for the recruitment of terrorist elements and dissemination of calls of violence and terrorism.

Realizing the seriousness of cybercrimes, the State of Qatar supports the attention and efforts of the international community in this regard. On this occasion, I shall not forget to mention the World Summit on Prevention of Crime and Criminal Justice which is being hosted by the State of Qatar concurrently at Doha on 12-19 April 2015.

The 13th session of UN conference on the prevention and criminal justice held during the same time at Doha, has devoted a large part of its consultation and activities for the issue of cyberspace crime, and it is expected that this summit will find new mechanisms and innovative solutions to fight against this emerging crime.

Accordingly, the delegation of the State of Qatar calls on all Member States of the Organization as well as the Secretariat of the Organization to analyse the decisions and recommendations that the abovementioned summit will come out, and we can think together about how to work on its activation, and use them in the context of the Organization's efforts in the fight against cybercrimes.

- Fourth: Strengthening sustainable development and maintenance of a clean environment: -

It must be concerted international, regional and national efforts to solve the various issues in the field of sustainable development and preservation of the environment, and that should be based on the adoption of the concept of partnership in management and consumption of the resources available in our planet.

We believe and emphasize that progress of countries and prosperity of communities can only be achieved through the development and application of effective strategies and plans in the field of sustainable development and the preservation of the environment, taking into account the dimension of the close link between sustainable development and environmental conservation.

Perhaps it is important to emphasize the efforts of the State of Qatar regarding global and regional issues related to sustainable development and preservation of the environment and that the State of Qatar has hosted the Conference of United Nations on Climate Change in 2012, which came out with many international decisions and recommendations to solving the issue of climate change and preservation of environment.

Excellencies, Ladies and Gentlemen, In conclusion, I thank you for your kind attention, wishing the success of our session, I ask God Almighty to help us all which He loves and is pleased with, and bring peace and welfare of our nations.

Mr. Vice President: I thank the distinguished delegate from Qatar. Now it is my pleasure to welcome the distinguished delegate from Republic of Korea.

The Leader of the Delegation of the Republic of Korea: Mr. President of the 54th Annual Session of the Asian-African Legal Consultative Organization (AALCO), Mr. Vice-President, Mr. Secretary-General, Excellencies, Distinguished Delegates, Ladies and Gentlemen, On behalf of the delegation of the Republic of Korea, I would like to express my sincere gratitude to the Government of the People's Republic of China for the warm hospitality extended to my delegation and for the excellent organization of this meeting, convened in this historic and splendid city, in this historic year of the 60th anniversary of the Bandung Conference, which was followed by the establishment of AALCO.

I would like to thank His Excellency, Dr. Rahmat Mohamad, Secretary-General of AALCO and all the members of the Secretariat for their efforts for development of AALCO and the

remarkable preparation of the documents for the basis of discussion in this meeting. I would like to express my sincere congratulations again to His Excellency Mr. Liu Zhenmin for his election as the President of the 54th annual Session, and Honorable Professor Githu Muigai as the Vice President. I am sure this meeting will achieve many results under their leadership.

In this session also, we have before us a vast set of agenda items of great importance, from the traditional subject-matter to newly arising issue-areas of international law. Today's international society is threatened by a variety of challenges. In particular, unprecedentedly barbaric and inhuman terrorist acts, rooted in the violent extremism, spread over the world. In spite of the efforts of the international community for peace through the United Nations system, armed conflicts continue to break out in violation of international law, around the world, in particular in the Asian and African continents. The impacts of climate change become more and more serious, notwithstanding the concerted efforts of international society since several decades. Human beings are enjoying incalculable benefits of the rapid developments of ICT. However, almost all human beings are threatened by some people who abuse these technologies in cyberspace. Because of these, effects of these risks which spread over the world at unperceivable speed, individual States cannot overcome these challenges. In dealing with these particular risks and challenges, existing international legal regimes are not sufficient. They must be improved and new international legal regimes must be created.

I hope that the AALCO meetings hammer out innovative ideas conducive to the enrichment of principles and rules governing activities of state and non-state actors in dealing with the risk threatening humanity. I believe the traditional wisdom based on harmonized life of the Asian and African people will produce many creative ideas to this end. I believe that, during this session, we can take a big step towards the common goals of the AALCO Member States. Thank you.

Vice-President: I thank the distinguished delegate from Republic of Korea. Now I give the floor to the delegate from Myanmar.

The Leader of the Delegation of Myanmar: Thank you, Mr. Vice-President. Mr. Vice-President, Excellences, distinguished guests, ladies and gentlemen; this is indeed an honor and a privilege for me to be able to address the 54th session of AALCO in Beijing. Firstly, may I offer my congratulations to you for your election as the Vice-President and also to Mr. Liu Zhenmin, President and we are very confident that under your able leadership this session will be showered with great success. And we also thank the People's Republic of China for looking after us so well since our arrival in Beijing. Just before coming to Beijing, I was reading the information brochure of AALCO and discovered a very touching photograph of 60 years ago of the founding fathers of the Bandung Conference as the founding pillars of non-aligned movement of the AALCO. This photograph was taken on their trip to Bandung. Leaders of the People's Republic of China, Democratic Republic of Vietnam, Afghanistan, India and Egypt had stopped over and is the time when the whole country goes on holiday throwing water on each other which signifies the symbol of washing away bad luck and bringing good luck. It is opportunity to mention that at this very time we are here and celebrating this festival from April 12 to April 15. I bring to this session good tidings of good luck and wish success to all delegates who are attending this 54th session.

Excellencies, distinguished guests, ladies and gentlemen, since the time of the Bandung conference and formation of AALCO, Myanmar has taken an active part in the activities of AALCO. It firmly recognizes with appreciation AALCO's role in providing information in the development of International Law. On the other hand, with the coming in force of our 2008 constitution, Myanmar is in the path of democratization with three pillars of democracy namely. legislature, executive and judiciary, functioning in both law and practice.

Excellencies, distinguished guests, ladies and gentlemen, We noted great interest in agenda of this session, the item and other international organization is of great interest to us. Myanmar now adopts the market economy system under Section 35 of our constitution. We know that the answer lies in the international area of investments which can generally be included of bilateral agreements, presentational trade agreements and conventional agreements. These are the areas of the investment agreements. Myanmar has included bilateral investment agreements with China, India, Japan, Kuwait, Philippines, Laos and Singapore and discussions are ongoing with other countries also. At the same time, taking these treaties, we do remember the standards of international economic law, fair and equitable treatment, transfer of means and final and full protection of security of the investors, and thus, we have promulgated the foreign investment law of 2011. These contracts also use the rules of arbitration for settlement of disputes and our parliament has also rectified the UN Convention of 1958. On 16th April 2013, though our track record of disputes is very good, we have ratified the three main conventions on environment and sustainable development namely the UN Convention of Climatic Change, 1992, UN Convention on Biological Diversity, 1992, UN Convention to Combat Decertification in Countries Experiencing Serious Drought particularly in Africa.

We have also ratified 11 terrorist conventions with the domestic law promulgation and thus our duty to abide by the doctrine of *pacta sunt servenda* has been fulfilled. Law of the sea is of interest to us; we are the member of the UNCLOS and our court gives us a new dimension on the matters of the law of sea. We must not forget that there is an anti-money laundering law and the usual assistance on the criminal matter laws that has been promulgated by the country. These have been made in line with the 40 recommendations and the 9 special recommendations on the special action task force for us. Thus at the session our delegation has prepared two papers, one on UNCITRAL and other on violent extremism and terrorism.

Mr. Vice-President, in conclusion, I would like to thank all who have made this conference a reality. I must not forget that in every successful play, there are people who work behind the scene, to make this play a success, who go unnoticed and who work tirelessly and to all of them, our many thanks. Thank you.

Vice-President: Thank you very much for your statement. Now I invite the distinguished delegate from Syria to make his statement.

The Leader of the Delegation of Syria: Mr. Vice-President, Distinguished Delegates, Ladies and Gentlemen, Many member countries happily pass "laws" criminalizing terrorism. Meanwhile, they continue to advocate and help propagate the ideology of extremism and terrorism. The same countries use a selective approach to terrorism. They criminalize groups such as "Muslim Brotherhood" and the "Islamic State", but offer implicit and explicit support to

others equally sinister groups such as “The Nusra Front”, the “Islamic Front” and the “Army of Islam” in Syria. Western Powers such as the U.S and France publically arm and train terrorist group such as “Hazm” and send them through Turkey into Syria.

Transborder international terrorism has infested Syria, where around 80,000 foreign jihadis have come into Syria to participate in a “holy” war supported, financed and armed by the U.S., France, and I am ashamed to add; other Arab countries. Thousands of terrorists have crossed into Syria from Turkey whose governments have facilitated their movement, logistics, communications and armament. For example; many Chinese citizens from the Xinjiang region have travelled to Turkey, from where they have crossed the borders into Syria to join the “Islamic State”.

Recently, the U.S trained a group called “Hazm” and armed them with TAO missiles; subsequently they were flown to Turkey then moved to Northern Syrian city of Idleb. Once in Idleb, the Al-Qaeda affiliated “Nusra Front” attacked “Hazm” and confiscated their advanced U.S made weapons. Thus the U.S eventually helped arm “al-Qaeda” terrorists.

While the Government of S.A.R will continue its legal and constitutional obligation to fight against and eradicate all terrorist groups committing atrocities and acts of violence in Syria, we call upon the international community in general and the member countries of AALCO in particular to unequivocally condemn all armed terrorist groups in Syria and urge their regional and international supporters to cease immediately their support for these groups. Their dangerous policy of supporting their favorite terrorist groups will eventually fire back and cause them many more pain than the gain they were hoping to benefit from. Fighting terrorism alone does not suffice to eradicate the ‘pest’ of terrorism. More efforts should focus on the educational, social and religious establishments that foster an ideology leading to terrorism. Thank you very much.

Vice-President: Thank you very much for your statement. I now wish to invite the distinguished delegate from Bahrain to make his statement.

The Leader of the Delegation of Bahrain¹⁷: His Excellency Mr. Vice President, Honorable Ministers and Excellencies Heads of the delegations, His Excellency Prof. Dr. Rahmat Mohamad, Secretary General of AALCO, Ladies and Gentlemen,

It is great pleasure for me to extend my sincere congratulations to His Excellency Mr. Liu Zhenmin for his election as the President of the current session of the Organization, and wish him all success. I would like to thank the esteemed Government of People’s Republic of China for the warm welcome and hospitality. I also thank Secretary-General, Prof. Rahmat Mohamad, for his tireless work for the success of this Organization and I thank the Secretariat as well, and I would like to commend on the report presented by His Excellency the Secretary-General and we congratulate him for releasing of publication on the law of the sea. And we wish him all success in his upcoming endeavours.

Mr. Vice President, The Kingdom of Bahrain is very keen to promote comprehensive development and to achieve prosperity in all fields of life based on rule of law and respect of

¹⁷ This statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

human rights through the basic principles set up by the National Action Charter, which was put to a referendum in 2001 and received a popular consent, reaching to 98.4 %, as well as through future economic vision of the Kingdom of Bahrain until 2030.

Mr. Vice President, The call launched by the wise leadership of the Kingdom of Bahrain for a national continuous dialogue to achieve a vision agreed upon by all spectrums of the Bahraini society, reflects the keenness of the leadership to continue its political, economic and social reform process and that was started by His Majesty, May God protect him, since more than 10 years and that embodied in the National Action Charter, which I mentioned before.

Mr. Vice President, The Kingdom of Bahrain supports all efforts that aim at boosting relations of cooperation in the international community on the basis of respect for international law and human rights, international and regional related conventions. In this context, I should mention that our region is going through some tough times and witnessing flagrant violations of international law. At this juncture, we would like to emphasize the right of people of this region to live with peace and security.

Mr. Vice President, I thank you for your kind attention I pray to God Almighty to help us in giving all attention to our topics of our agenda and to achieve the desired objectives of this session.

Vice-President: Thank you very much for your statement. I now wish to invite the distinguished delegate from Cyprus to make his statement.

The Leader of the Delegation of Cyprus: Good afternoon. Thank you very much, Mr. Vice-President. Mr. Vice- President, Secretary-General, Honorable Delegates, dear friends and colleagues. I would first like to congratulate Deputy Minister Liu Zhenmin, Vice- President Professor Githu Muigai for their election or for the way they are moderating their deliberations. I would like also to express our utmost gratitude to the government of People's Republic of China for their warm hospitality and the way they are hosting this meeting. I should also not forget to thank the Secretariat for their overall contribution and the excellent work they have put to this Annual Session.

Our conference this year takes place at a watershed moment; many challenges are lying ahead. We should make an assessment of 70 years of United Nations since the end of World War II and 60 years since the end of the Bandung Conference where the 10 principles of Bandung became shaped as the principles by United Nations. It was mentioned by the Deputy Foreign Minister of Iran who chaired our 53rd Conference and I would like to thank him for his outstanding contribution chairing our deliberations. And this organization of ours here today is the product of Bandung conference and its aim is not only to provide legal advice but is also to have an input to questions of international law in international system in particular within the United Nations. We must not forget that the Bandung conference gathered together those who should emerge differently from ashes of war and those who gained freedom and independence and paved the way for the new Member States to emerge for the membership of United Nations but it goes in all respects. 2015 is a seminal year for the international community; we are all a bit disappointed that we have not managed to fulfill the MGDs.

It is important to bear in mind that we have to elaborate the post 2015 agenda in a way that we have to combine development and environment and fight against all the problems we are facing for health and human rights and for multiculturalism and diversity. So we need holistic and comprehensive approach which will allow us collaboration and will allow us using all the means. This time around we should get it right. We need a system at record, but we need to find a way and we need cooperation or initiatives in shaping the international community we want to see emerging.

International law is crucial in this regard both in mitigating the relationships in power, in shaping the international community and in harmonizing behavior and common values. In this regard, our Organization is fully at the core of this effort. Starting from the asymmetric roles of non state actors, starting from the trans-boundary terrorism, the violent extremism, all those issues are very important and it was mentioned by many speakers. Then we have traditional questions and new challenges together from peace and security in the traditional way, from piracy which exists from centuries, from the new notion of cyberspace and international law. It is very typical to define to propose a legal framework to organizing new formidable tool to new freedom in a way that respects and promotes human rights and interests of States and international community as a whole and their probable conditions of cyberspace may become a new era of common heritage of mankind. Then we have the issue of identifying customary international law and the fundamental question at the core of law making is the role of practice and the acceptance of law, how do we define those things to avoid certainty and excuse.

What is the role of enhanced notions norms such as erga omnes, jus cogens, peremptory norms and then the law of the sea. Special attention is given to the area and the resources. We have all the recommendations by the work of the sea bed authorities. We need now to become much more concrete. Now we have climate change and environment sustainable development issue before us. Let us all go together to combine all the necessary adaptations and conditions of technology. Let us make the party conference and this year a big success. But we shouldn't forget that this all should be made in combination and considerations to all the areas of human beings' development. Then you have the humanitarian law, the condition of Palestine and the violation of the four Geneva conventions. We at the same time have to deal with trade law and we have simultaneously the events running on the Charter. This is also a very typical issue and it is a time to make an assessment on what worked and what did not work as we have a mixed understanding over the past 70 years. What cannot be put into question is that the charter and what is brought about in the international community is unique, so we need to find a way to update, to adjust, to make the system better. With this I would like to thank all of you ladies and gentlemen and wish to thank the deliberations.

Vice-President: Thank you very much for your statement. Now I wish to invite the distinguished delegate from Thailand.

The leader of the delegation of Thailand: Mr. Vice-President, I would like to begin by extending my delegation's warmest congratulations to Your Excellency on your election as the President of the 54th session of AALCO. Under your able leadership, I am certain that our Annual Session will come to a fruitful conclusion. Our congratulations also go to the Vice-President.

In addition, my delegation wishes to thank the government of the People's Republic of China for the warm welcome and hospitality extended to the Thai delegation. We also wish to commend the host for the excellent preparation for this AALCO session, along with the special event on commemorating the 60th anniversary of the Bandung Conference and the "Colloquium on UN Charter and the Post-War International Order."

Mr. Vice-President, the meeting this year in Beijing is significant. Not only does this year mark the 70th year of the United Nations which was here would discuss on the UN Charter and the Post-War Order and reflect on what we have achieved, the lessons learnt, and the challenges ahead, but this year also marks the 60th Anniversary of the Conference in Bandung, Indonesia in 1955, where AALCO originated. To date, the core principles of Bandung Conference, namely solidarity, cooperation and friendship have been a firm founded, for fostering relations among Asian and African Countries. In this regard, the Special Event to Commemorate the 60th Anniversary of Bandung Conference successfully held yesterday in the same month as the Bandung Conference in 1955 itself, has reaffirmed our commitment in moving forward the Bandung Spirit and advancing international rule of law.

Mr. Vice-President, my delegation wishes to commend the AALCO Secretary-General and his staff for the excellent report, which had provided us with updates on activities and financial situation during the past year as well as the future work plan. I would like to commend Prof. Dr. Rahmat Mohamad for his tireless effort and dedication to AALCO during the past 7 years. AALCO prominent representation in different fora has raised the profile of AALCO as well as enhanced cooperation with relevant international organizations.

Mr. Vice-President, my delegation views the permanent observer status of AALCO at the UN as a key channel of communication that would make the view and positions of AALCO be heard at the UN General Assembly. Similarly, cooperation and progressive development of international law as well as harmonization of international trade law would also enable the views and perspectives of AALCO to be taken into consideration in the process of drafting conventions, model laws or guidelines.

The annual AALCO Legal Advisors Meeting organized at the United Nations Headquarters New York during the Legal Week of the General Assembly has proved to be a very successful and useful event where key personalities shared their insights and experiences. Last year, ICJ President, ICC President, UN Legal Counsel and Chair of Sixth Committee of the UN General Assembly were among the panelists. Equally important is the Special Meeting on Selected Items on the Agenda of the International Law Commission (ILC) held during AALCO Annual Session. The Meeting has provided AALCO members with overview, updates and insights on ILC work from ILC Chair and members themselves, which my delegation views this as a rare opportunity and great benefit to AALCO members.

Mr. Vice-President, Thailand has attached great importance to the work of AALCO and has participated actively and continuously at its meetings since our membership of the Organization is 1961. Prof. Dr. Kriangsak Kittichaisaree, currently a member of the ILC, has served as a member of AALCO Legal Advisory Meeting on the topic of "Cyber Security and International

Law”. For our part, Thailand looks forward to contributing to the issue of the contemporary concerns under this forum in order to promote closer co-operation for the development of international law. Issues of Thailand’s particular interests include those concerning environmental and sustainable development, the law of the sea, the work of international law Commission, and issues of international trade law.

On the issue of environment and sustainable development, climate change and disaster are serious threats to poverty eradication and sustainable development. Developing Countries are experiencing increased impacts, including persistent drought and extreme weather. Thailand underscores the importance of global effort to strengthen action on climate change as a part of the sustainable development agenda. The climate change challenges are multi-dimensional; therefore cooperation at bilateral, regional and global levels are required to tackle this challenge. In this regard, my delegation looks forward to the conclusion of an instrument with legal force under the framework of the United Nations Framework Convention on Climate Change or UN on Climate Change at the 21st session of the Conference of the State Parties this year.

Similarly, Thailand strongly believes in building community resilience to be able to respond to and protect ourselves from the impact of climate change. We have long embraced “Sufficiently Economy” Philosophy which stresses a balance between human socio-economic development and environment protection as well as sustainable development and community resilience.

On issue relating to the law of the sea, Thailand would like to reaffirm its commitment to the UN convention on the Law of the Sea and other frameworks of cooperation in this field, in order to promote maritime safety security, environmental protection and sustainable maritime development.

On issues under the work of the International Law Commission (ILC), Thailand has always closely followed their developments. We look forward to sharing view with AALCO fellows on the topic of “Expulsion of Aliens”, “Protection of Persons in the Event of Disasters” and “Immunity of State Officials from Foreign Criminal jurisdiction”. Thailand aims to approach the to the issue to be discussed with sensitivity and regards to the complexity of the argument involved. The balance between international relations and the principle of justice and fairness, principles of human rights as well as state sovereignty shall together form a basis to our positions.

On international trade law under the UNCITRAL, Thailand has been actively and continuously participating in the Commission Meeting and all its been working groups, my delegation would like to reiterate its fullest support to the work of UNCITRAL as it has played a pivotal role in the harmonization and unification of international trade law, ranging from MSMEs, arbitration, electronic commerce, online dispute settlement, insolvency law, and security interest. The domestic laws that have been development, based on UNCITRAL works, have enhanced investors’ confidence and in turn contributed greatly to the international trade and investment.

Mr. Vice-President, on Thailand’s role and contribution to international community, I would like to take this opportunity to inform AALCO delegates that Thailand is running for a non-permanent seat in the Security Council for the period of 2017-2018. Thailand strongly supports a

rule based multilateral system, with full respect for sovereignty equality among nations. We are making it our prerogative to reach out to as many members of the international community as possible, particularly those primarily affected by the work of the Secretary Council. It is our vision that those voices need to be heard and considered. We would therefore greatly appreciate the invaluable support from distinguished Member States of AALCO at the UNSC election to be held in October 2016 during the 71st session of the UN General Assembly, in New York.

Mr. Vice-President, in closing, the Thai delegation looks forward to constructive discussion with distinguished members of AALCO during this session. I thank you, Mr. Vice-President.

Vice-President: Thank you very much for your statement. I now wish to invite the distinguished delegate from Cameroon to make his statement.

The leader of the Delegation of Cameroon: Mr. Vice President of the 54th Annual Session of the Asian-African Legal Consultative Organization (AALCO), Mr. Secretary General of AALCO, Dear Colleagues, Heads of Delegation in your different capacities and respective grades, through my voice, Cameroon, a Member State of AALCO, is elated to take part in the present session of our Organization. I am personally attending an AALCO session for the first time.

Our presence here is justified not only by the fact that Cameroon is a Member State of AALCO, but also by the interest Cameroon found on the different themes related to the substance of the issues which shall be debated upon during our meetings.

In fact, the theme on the environment and sustainable development is important to Cameroon, which is a partaker in the present research through the international community for protective measures for the environment and to ensure sustainable development of our States.

The question of treaties related to investment is also of interest to Cameroon given that our country has recently adopted a law incentive to investment and wishes to get acquainted with measures that AALCO preconizes in the course of the meeting to help Cameroon get direct foreign investment in view to enhance its development.

Being open to the sea and disposing of a littoral, Cameroon is also interested by the Law of the Sea and wishes to get acquainted with methods of maritime scientific research and exploitation of maritime resources, which will be bought up during this session.

Concerning the question of violent extremism and terrorism, no country can affirm that it will not be victim of terrorism; nobody between us can affirm that tomorrow he will not be a victim; we can see that no State is spared by this disaster.

It is therefore an important topic and we are persuaded that our exchanges on the pertinent question of terrorism are susceptible to suggest to us ideas that will enable Cameroon as well as other countries of the sub region to better face this pandemic.

I will not end my speech without indicating that French and English are the two official languages of Cameroon; this country, therefore, proposes that the possibility to add French as

another AALCO official language be carefully examined, in the view of the goals of AALCO to attract other French speaking countries of the world. Thank you for your kind attention.

Vice-President: Thank you very much for your statement. I now wish to invite the distinguished delegate from Indonesia.

The leader of the Delegation of Indonesia: Excellencies, Ministers, Mr. Vice-President, Distinguished Delegates, on behalf of the Indonesian delegation and the Minister of Law and Human Rights of the Republic of Indonesia, H.E Yasonna Laoly, allow me to convey his message as follows.

Mr. Vice-President, Distinguished Delegates, I would like to congratulate H.E. Mr. Liu Zhenmin as the newly elected President of the Fifty-Fourth Annual Session of AALCO. I am confident that under his able leadership this annual session will be productive and successful to set our organization strengthened. I would also like to extend my deep appreciation to H.E. Dr Mehdi Danesh Yazdii, the President of the Fifty Third Annual Session for his excellent leadership during the previous session. Let me also take this opportunity to convey my sincere gratitude to the People and the Government of the People's Republic of China for the hospitality extended to my delegates, as well as the excellent organization of this AALCO Annual Session.

Mr. Vice-President, Distinguished Delegates, this year's AALCO event is very special. It is held in conjunction with the upcoming 60th commemoration of the Asian African Conference and 10th Anniversary of the New Asian African Strategic Partnership in Indonesia on 19-24 April 2015.

AALCO is one of the remarkable outcomes of the Bandung Conference. Indonesia has been of the view that Asian African Countries must elevate their posture in shaping international legal systems and rule of law. Therefore, AALCO was established. To that purpose, I wish to underline the importance of the session, to discuss concrete cooperation and to rejuvenate the Organization.

Mr. Vice-President, Distinguished Delegates, the world order is continuous to changes. New challenges such as poverty, disparity of welfare, war and internal conflict, transnational crimes and communicable diseases have to be seriously addressed. I believe that AALCO could be a trouble shooter to those challenges by providing valuable legal advises.

Mr. Vice-President, Distinguished Delegates, Indonesia emphasized the significant of this 54th Session of AALCO. The issue of law of sea is definitely one of the most important issues for Indonesia. More than 75% of our globe consists of water that is sea and ocean. Most of the protein for our lives is derived from the sea resources. Therefore, we need to enhance the law of the sea including upholding the implementation of 1982 UNCLOS. In this vein, Indonesia places maritime development as "the heart" of its priority policy.

In relation to the utilization and protection of marine biodiversity, Indonesia urges AALCO to contribute to the current effort of the United Nations on the work of Biodiversity Beyond National Jurisdiction (BBNJ) Working Group towards the future process to elaborate the text of and internationally legally binding instrument under UNCLOS before the 72nd session of UNGA.

Mr. Vice-President, Distinguished Delegates, on the issue of Palestine, Indonesia believes that the Palestinian people have the right and legitimate of all the reasons to struggle for their self-determination, independence and sovereignty. It reminds our fervour hope that there will be a substantial breakthrough in the quest of Palestine and Israel conflict resolution.

Mr. Vice-President, Distinguished Delegates, Indonesia emphasizes the important of the deliberation environment and sustainable development. Through the UNFCCC negotiation this year, we will decide the new 2015 climate agreement that will lead to low carbon development. In this connection, United Nations will adopt Post 2015 Development Agenda focusing sustainable development as “the core” of the next global development agenda. Indonesia believes that AALCO should take a significant visionary role to those two issues of common concern.

Mr. Vice-President, Distinguished Delegates, Indonesia is concerned with the increasing number of investor-state dispute damaging the interest of developing countries in their capacity as host states. This is due to the fact that the investment Treaties concluded does not in reality provide mutual benefits to both investors and host states. For this purpose, we need to encourage a more equal and balanced investment treaties.

Mr. Vice-President, Distinguished Delegates, last but not least, I would highlight the issue of Genetic Resources, Traditional Knowledge and Folklore (GRTKF) which is not in the agenda of this session. AALCO Member States need to continue to engage in this issue and reinforce the joint efforts of Asian- African countries through Intergovernmental Committee on GRTKF of WIPO to conclude an international legal instrument for ensuring effective protection of genetic resources, traditional knowledge and folklore.

This session is definitely momentum for us to strengthen our commitment towards our common interest to protect genetic resources, traditional knowledge and folklore. It is therefore, necessary that the GRTKF be listed in the agenda of the future annual conference of AALCO. I thank you.

Vice- President: Thank you very much for your statement. I now wish to give the floor to the delegate from Pakistan.

The leader of the delegation of Pakistan: Mr. Vice-President, Mr. Secretary General, Excellencies, Respectable and Learned Delegates, It gives me great honor and at the same time I am humbled to present my statement in such a great gathering of leaders, scholars, teachers, academicians and state functionaries. Ladies and Gentlemen, we gather here under the umbrella of AALCO, while we hold the stem of the umbrella and feel the comfort of togetherness. I call upon the other members of the African and Asian continents to join hands and expand the circle of friends, and to this end, I like to support the proposal of Cameroon to include French as an official language of AALCO.

Ladies and Gentlemen, I will be failing in my duty if I were not to record our deepest gratitude and appreciation for the People’s Republic of China in hosting this event. AALCO is evolving and what has been the address by the honorable Secretary General, it has come a long way but frankly we need to further augment and strengthen the organization. May I suggest that while

whole heartedly supporting the suggestion of Secretary General, we need to have a bigger and more vital and interactive Secretariat. We should open our doors for establishing liaison offices in our respective countries and attract young leaders of legal profession to participate and help capacity building not only for the organization but also to bring home the importance of International Law in this important era. I would also suggest that we should put together an endowment fund and also introduce exchange programs for students in Member States.

Ladies and Gentlemen, this consultative group in my opinion should graduate to the next level through multilateral and bilateral dialogue. It is not just every year that we gather; we need to talk these things more often. Next year will make another milestone in the highway that we have chosen to take our journey to a better world. I am looking for a world where rule will be a norm. I am looking for a world where peace, economic prosperity and mutual respect will be the grundnorm.

Ladies and Gentlemen, I am sure you know that Pakistan was of the founding fathers of Bandung Conference, the alter ego of AALCO. Pakistan will remain committed to the Organization and would be available to support any concrete proposal which is clearly in line with the declared objectives of AALCO.

To conclude, my compliments to the Member States and the honorable delegates whose presence and participation is manifestation of their commitment to the cause as well as the AALCO Secretariat, the unsung heroes of this and other conferences. Thank you very much.

Vice-President: Thank you very much for your statement. I now wish to invite the distinguished delegate from Kenya.

The Leader of the Delegation of Kenya: Your Excellency the Vice President, Honourable Ministers of Justice and Attorneys-General, Distinguished Leaders of Delegations and Delegates, Distinguished Observers, Excellencies, Ladies and Gentlemen, allow me on behalf of the Republic of Kenya and my own behalf and that of my delegation to thank the Government of the People's Republic of China and the AALCO Secretariat for organizing the 54th Annual Session of the Organization in this beautiful city of Beijing which has a long and rich history and culture dating back to over 3,000 years. My delegation has been accorded warm hospitality by the Government of the People's Republic of China since our arrival and we look forward to enjoying the time that we will be here for this Annual Session.

I would like to congratulate H.E. Hon Liu Zhenmin, Vice Minister of Foreign Affairs on your election as President of the 54th Session of AALCO. On behalf of my delegation, we express our confidence in you and wish you the very best in your tenure. I wish to take this opportunity to thank the AALCO Secretariat and in particular H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO, for his tireless efforts and great dedication in steering the work of this Organization and ensuring the interests of the two regions are well articulated at various forums such as the United Nations General Assembly, the International Law Commission and even at the World Trade Organization.

At this point, I would like to congratulate the Federal Republic of Nigeria for holding their general elections peacefully, and for respecting the rule of law and the democracy of the Nigerian people.

Distinguished Delegates, Ladies and Gentlemen, It is a great honour and privilege for us to participate in meetings of this Organization, The Asian-African Legal Consultative Organization has made great strides over the past years in co-operation on legal matters of common interest. This co-operation has not only improved the relations amongst Member States but the world at large has benefitted from this cooperation given that AALCO continues to enjoy a close relationship with the International Law Commission, the UN General Assembly and other international organisations.

Given the visionary leadership of our Member States, there is no doubt that the goals that we set out for the Organization during the annual sessions will be realized at the earliest opportunity. We owe it to ourselves and our future generations to continue working closely between the African and the Asian states in order to make a positive impact in the 21st century. Distinguished Delegates, Ladies and Gentlemen, Kenya welcomes the agenda item in this session on “Legal Aspects of Violent Extremism and Terrorism”. As most of you are aware, Kenya has suffered the brunt of extreme terrorism with the most recent incident having taken place on 2nd April 2015 when a terror group attacked the Garissa University College in Kenya, killing 148 students. The number 148 of the slain students will remain forever etched in the memories of Kenyans. One hundred and forty eight mothers will never see or hold their children again because of the heinous acts of the terrorists affiliated to the Al-Shabaab terror group. On behalf of the Republic of Kenya, I take this opportunity to thank all AALCO members and the international community for standing with us during this difficult and tragic incidents.

May we also extend a message of support to the Federal Republic of Nigeria as they fight the illegal Boko Haram group which has continued to terrorize innocent Nigerians; we stand with you during this difficult time. Kenya strongly condemns the numerous atrocious, deliberate and heinous terrorist attacks that have caused enormous loss of human life, wanton destruction and damage to property. The fight against terrorism is a global war and considering that the threat against peace in one region is a threat against international peace and security, there is a need to rally together as AALCO members to fight against terrorism and violent extremism.

There can never be any justification for a terrorist act and Kenya therefore calls on AALCO members and the international community, in compliance with UN Resolution 68/119 of 16 December 2013 and Resolution 68/127 of 18 December 2013 to renew efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, and to further unite against violent extremism in all its forms and manifestations, including through the elaboration of and adherence to regional and international conventions.

Excellencies, Distinguished Delegates, with the growing concern on climate change, the Government of Kenya continues to prioritise the conservation of biological diversity so as to ensure ecological stability including regulation of climate, economic development, recreation, medical use, socio-cultural use and scientific advancement. The Constitution of Kenya, 2010, places the responsibility of enforcing environmental rights on the State. It requires, among

others, that the State ensures sustainable exploitation, utilization, management and conservation of the environment and natural resources and further ensures the equitable sharing of the accruing benefits; protection and enhancement of intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities. The state is also required to establish biodiversity and the genetic resources of the communities. The state is also required to establish systems of environmental impact assessment, environmental audit and monitoring of the environment; eliminate processes and activities that are likely to endanger the environment; and utilise the environment and natural resources for the benefit of the people of Kenya.

Kenya depends greatly on her biodiversity for her current and future development, hence the Government has put in place measures to mitigate causes of loss of biodiversity in Kenya that occur through habitat destruction, over-exploitation, air and water pollution and introduction of exotic species. Distinguished Delegates, as you are all aware the 10th World Trade Organization Ministerial Conference will be held in Nairobi, Kenya from the 15th to 18th December 2015. Towards this end, Kenya has established the WTO National Organizing Committee to oversee all preparations towards the conference. The Committee includes all government agencies and security agencies to ensure the security of all participants during the conference. Allow me, at this point, on behalf of my government to warmly welcome you all to Nairobi, the Green City in the Sun for the said Ministerial Conference in December this year. During your stay in Kenya, I encourage you all to enjoy the magical sights of Kenya's wildlife, the beautiful diversity of landscapes, sandy beaches, bird and plant life, fascinating cultures and exotic food.

Excellencies, Ladies and Gentlemen, In accordance with our undertaking to AALCO to establish a Regional Arbitration Centre in Nairobi that would serve the countries in Eastern and Southern Africa, Kenya enacted the Nairobi Centre for International Arbitration Act, which Act came into force on January 25, 2013. The Centre is a body corporate with perpetual succession and a common seal. A Board of Directors has been appointed and one of the Board's primary responsibilities is to make arbitration rules, that will among other things, govern arbitration proceedings generally, assist in the recognition and enforcement of arbitral awards and specify the procedure for filing applications to have arbitral awards set aside.

The most notable functions of the Nairobi Centre for International Arbitration include:

- Promoting and encouraging international commercial arbitration
- Administering domestic and international arbitration as well as other alternative dispute resolution (ADR) techniques, under its auspices;
- Developing internal rules encompassing conciliation and mediation processes; and
- Co-ordinating and facilitating, in coordination with other lead agencies and non-state actors, the formulation of national policies, laws and action plans on alternate dispute resolution, and facilitating their implementation, enforcement, review, monitoring and evaluation.

The Nairobi Centre for International Arbitration has held a number of stakeholder workshops to validate the Centre's Arbitration Rules. At this point in time, the Government of Kenya continues to provide support at policy level to engage at the multilateral level in advocating Kenya's position with respect to international agreements on Alternative Dispute Resolution and

in respect to the neutrality of the Nairobi arbitral institution. We are keen to work with all the stakeholders in the region to build a successful future for AR to thrive and to become a preferred mode for dispute resolution thereby transforming Nairobi to a global Centre for resolution of international commercial disputes.

Distinguished Delegates, once again, let me thank the Government of the People's Republic of China and the AALCO Secretariat for having organized the meeting in Beijing and to commend each one of the officials for working tirelessly to ensure the success of this meeting. I wish you all a safe journey when you travel back to your countries. I wish you all fruitful deliberations and I hope this conference will provide you with the unique opportunity to analyse the impact of various issues on the legal arena both regionally and internationally. Thank you.

Vice-President: Thank you very much for your statement. I now wish the distinguished delegate from Iran.

The Leader of the Delegation of Iran: "In the name of God, the Compassionate, the Merciful" Mr. Vice-President, Prof. Rahmat Mohamad, Secretary-General, Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Excellencies, Distinguished Delegates, Ladies and Gentlemen, I would like to express my sincere thanks, once again on behalf of my delegation, to the Government of the People's Republic of China, for the warm hospitality extended to us and the excellent arrangements made for organizing the Fifty-Fourth Annual Session of AALCO.

I also deem it imperative to extend my sincere congratulations to His Excellency Liu Zhenmin for his election as the President of the Fifty-Fourth Annual Session of our Organization, and HE Mr. Githu Muigai as Vice President. I am confident, Your Excellencies, with your able leadership, the Session will be directed towards fruitful deliberations. I should also like to express my appreciation to Secretary-General HE Professor Rahmat Mohamad and the secretariat for their hard work in making this session a successful event.

Mr. Vice-President, The Islamic Republic of Iran continues to attach high importance to AALCO and remains committed to do its best for the progress of its work. As the only intercontinental legal consultative organization, AALCO holds a unique place in Asia and Africa. This is especially significant due to the ample opportunity it provides for its Member States to work together to hold insightful deliberations on the main issues of common concern which can be finally conducive to codification and progressive development of international law. Annual sessions of AALCO serve as forums to reach a common legal stance in the face of the existing political realities with concrete legal consequences. The output of such an endeavor would be a thorough understanding about the current legal issues which allows us, at the end of the day, to have a more tangible impact upon the process of law-making of international law. This is especially feasible when the existing synergy between the Organization and the Member States is strengthened and the current trends and developments of international law are pursued with more vigor on the part of every single Member State.

The Agenda of this Session of AALCO, like the past sessions, holds new and old issues of concern. From among all of them and considering the pressing challenges we are faced with

today, "Violent Extremism and Terrorism", "International Law in Cyberspace" and the issue of Palestine are particularly debated in international fora and thus deserve special attention.

Mr. Vice-President, The horrible outburst of terror and violence engendered and provoked by extremism has called into question the efficiency of the existing legal framework on the fight against terrorism. It seems there remain certain lacunae in the legal rules regarding fight against violent extremism and terrorism. This, however, does not warrant the disregard of fundamental rules of international law in the name of fight against terrorism.

The timely proposal, by the Islamic Republic of Iran, of the UN General Assembly A/Res/68/127 of 18 December 2013 entitled 'A World against Violence and Violent Extremism' served to forewarn the phenomenon. The emergence of terrorist extremist groups in some parts of Asia and Africa and the commission of unspeakable crimes many of them amounting to crimes against humanity and war crimes pose a real threat to regional and international peace and security and requires strong cooperation not merely among the States in the region but among all the States prone to extremism-originated violence.

The adoption of resolutions 2170, 2178 and 2199 against the so-called ISIL and the splinter groups of Al-Qaida by the UN Security Council, a measure taken in line with the international efforts to curb the menace posed by extremist movements, have proven to address only part of the scourge. Various official reports prepared by UN bodies and statements made by its Member States still affirm the commission of heinous crimes on a daily basis, the latest being a report, by UN Human Rights Office, confirming the existence of 'manifest pattern of attacks' against religious minorities to be qualified as genocide.

Having said all that, it is a source of delight to be availed of the opportunity to conduct our deliberations on the item 'Violent Extremism and Terrorism' on the agenda of the Fifty-Fourth Annual Session and to try to outline the relevant Guiding Principles as mandated by the Member States during the Fifty-Third Session. Through our concordant action at AALCO and beyond we can win the fight against violent extremism and terrorism both in law and in action. AALCO provides the opportunity to gain a better understanding of the existing legal gaps and challenges and to reach a common position to counteract them.

Mr. Vice-President, There is still no consensus amongst practitioners and lawyers on the diverse aspects of application of international law in cyberspace. Jurisdiction over cyberspace remains controversial, State sovereignty and territorial integrity are seriously jeopardized, and there is almost no such thing as privacy on the Internet.

In addition, developing countries and AALCO Member States in particular cannot tolerate the supremacy and domination of a single country over cyberspace. All states are entitled to enjoy the use of advanced technologies and to meanwhile to have their sovereignty and territorial jurisdiction respected, even in a borderless space such as cyberspace.

While the cyberspace is used by all and supervised by a single State, cyber-attacks are launched against infrastructures of countries on a daily basis by State as well as non-State actors and the issue of state responsibility becomes vague and difficult when it comes to attribution of injurious

cyber-attacks to States. Since these cyber-attacks are launched both during peacetime and in times of war, the question arises as to the applicability of international humanitarian law and once the question is answered, we are faced with a conundrum of issues concerning the implementation of international humanitarian law namely distinction between civilian and military objectives, proportionality in attacks, collateral damage and/or status of combatants.

Furthermore, the question of cybercrimes and prevention and punishment of harmful cybernetic activities brings into play national, regional and international cooperation which could also be another aspect of cyberspace to be considered by AALCO Member States.

Having said all that, the timely inclusion of the topic “International Law in Cyberspace” on the agenda of AALCO during the 53rd Annual Session can help draw the outlines of cyberspace in light of international legal norms and further elaborate the issue. In this regard, it seems preferable by having a clear picture from the start by delving into each sphere of law in a detailed and specialized manner and to avoid generalizations.

Mr. Vice-President, On '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', it should be noted that despite the passage of years since the adoption of the topic by AALCO, the issue remains to be of critical concern to the Member States and crucial to the peace and stability of the region. The Israeli regime continues to defy numerous calls by the international community, including by the Security Council and other bodies of the United Nations, to respect fundamental principles of international law and international humanitarian law in particular. The ICJ's dictum in the 2004 Advisory Opinion likewise continues to be disregarded despite numerous calls by the UN General Assembly to that effect.

In addition, the 8-year-long siege and the land, air and sea blockade on the Gaza strip still continues and the Palestinian people are still in need of international support. Yet, the Israeli regime continues to disregard well-established principles of international law of occupation with an ever-present persistence. Provisions of the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949 are violated by the Israeli regime on a daily basis and the ongoing impunity of those who are responsible is evidence of the futility of the efforts made in that respect so far.

To look at the glass half full, however, over the past months, some new prospects have opened up for Palestine. Now with the vigilance demonstrated on the part of some states and Palestinian authorities, after years of struggle, there is all the reason to pave the way for the recognition of the rights of the Palestinian people. We hope with the proper consideration of the issue by AALCO and Member States, the existing efforts would bring justice to the perpetrators of the atrocities committed against the Palestinian people during the 2014 50-day massacre and the past criminal acts.

To close this statement, I hope we can hold fruitful deliberations on all the items on the Agenda of the Fifty-Fourth Session and a fruitful outcome.

Thank you, Mr. Vice-President.

Vice-President: Thank you very much for your statement. I now wish to invite the distinguished delegate from Ghana.

The Leader of the Delegation of Ghana: Excellencies, the Delegation of Ghana joins all other delegations to congratulate the Honorable Mr. Liu Zhenmin and Prof. Githu Muigai on the election as President and the Vice-President respectively of the 54th Session. We also comment the Secretariat led by distinguished Prof. Rahmat Mohamad the Secretary-General for the able manner in which they have conducted the affairs of our Dear Organization. We salute Dr. Danish Yadzi the immediate past President of the organization for his tenure which was very eventful and produced positive outcomes. Finally, wish to convey our most profound appreciation to the Government and people of the People's Republic of China for the warm reception and excellent facilities placed on our disposal since our arrival in this beautiful country.

Excellencies, this year's session is without doubt a landmark event. This is because it coincides with the 60th anniversary of the Bandung conference which gave the birth to our organization. The extraordinary gestures by the organizers of the Bandung conference in inviting our founding President to participate in the proceedings even though Ghana was under colonial occupation is greatly cherished by all Ghanaians His presence at that conference gave ample testimony to Ghana's attachment to the ideals of freedom, international justice, peaceful coexistence amongst nations and solidarity between and amongst the states. All of which were later to become the guiding principles of Bandung conference.

In that respect it is safe to say that the great premium that Ghana places on its relationship with AALCO is born out of history and principles. Ghana is fully committed to upholding international law as emaciated by the Bandung principles. The UN charter and other bilateral and multilateral instruments to which it is signatory, all aim at securing a world of peace, justice, security, equality and mutual respect. In that connection Ghana has continued to play a pre-eminent role either alone or in consent with other countries who review to build peace in the West-African sub-region, Africa and the world at large. This is exemplified in or does not exclusively limited to the many peace keeping missions that Ghana has and continuously participated since 1960.

In conclusion, Ghana keenly looks forward to work even more closely with AALCO in the coming years of its noble objective of developing and consolidating international law for the benefit of Africa, Asia and the world at large. We wish this session fruitful and productive deliberations Thank you very much.

Vice-President: Thank you very much for your statement. I now invite the distinguished delegate from Saudi Arabia.

The Leader of the Delegation of Saudi Arabia¹⁸: In the name of God, the beneficent the merciful, His Excellency the President of 54th Session of AALCO, Distinguished delegates, Ladies and Gentlemen, Peace, mercy and blessings of God, At the outset, I congratulate the President of the session and his deputy for the confidence they received from members of the participating delegations and we wish them success in the management of this session. The

¹⁸ This statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

agenda of this session is full of topics of relevance to our countries and that we look forward achieving the desired goals of this meeting.

My country, the Kingdom of Saudi Arabia pays great attention in the work of the Organization, which is one of the most important legal organizations in the world and appreciates the efforts carried out in this direction. The importance of the issues raised in its agenda the ones which are affecting our countries and other nations of the world.

There is no doubt that the most important item among is the 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. The Kingdom of Saudi Arabia, since the beginning of the Israeli occupation of the State of Palestine, is standing with the side of right and stresses in all international forums the entitlement of the Palestinian people to self-determination and emphasizes the renunciation of violence and mass displacement practiced against the unarmed Palestinians. What is happening in Palestine is a clear violation of human rights and all international treaties and resolutions of the United Nations. My country also supports the exemption of the State of Palestine from the accumulated debt of the membership fees of the AALCO.

The topic of environment and sustainable development is of paramount importance, and Kingdom of Saudi Arabia is following developments in this subject and emphasizes the necessity of activating the international conventions in this regard, including climate change, biodiversity and combating desertification. We, in the Kingdom, are following with great concern the crawling desert, especially in Africa and try to its devastating effects for the environment.

The role of the United Nations Convention against Corruption is of great importance and that the Kingdom of Saudi Arabia seeks inside and outside the country to contribute efforts to combat corruption, and this scourge requires concerted efforts to combat it in all ways and means. The Kingdom has signed and ratified many international and regional conventions; the most important of them is Arab Convention against Corruption.

Terrorism and extremism are two sides of the same coin and Saudi Arabia has suffered from terrorism and has worked to combat it, and has alerted the world of its gravity. Sensing of the danger of terrorism, the Custodian of the Two Holy Mosques King Abdullah bin Abdul Aziz called in 2005 for the establishment of a world center to combat terrorism and continued to call for it, and in 2011 it was signed to establish a United Nations Centre for the fight against terrorism with the support of the Kingdom of Saudi Arabia. I shall not forget to point out that the Kingdom has signed the international, regional and Arab conventions to combat terrorism. I would like to point out that terrorism is not linked to any religion or culture. On this occasion, I call everybody to unite to confront extremism and terrorism and activate the international conventions to combat it.

At the end, I shall not forget to thank the Secretary-General of the Organization and his assistants and the Secretariat for their outstanding efforts to follow up the work of the Organization and attend related events, and I thank to the People's Republic of China for hosting of this session and for good organization. I thank you for your kind attention.

Vice-President: Thank you very much indeed for your statement. I now wish to invite the distinguished delegate from Sudan.

The Leader of the Delegation of Sudan¹⁹: His Excellency Mr. Vice President, Honorable Ministers and Heads of the Delegations, Distinguished Delegates and Observers, Ladies and Gentlemen, It gives me pleasure in the start of my speech to express my appreciation and sincere congratulation to you.

We are fully convinced, Mr. Vice President, that your experience will lead this Organization to success to which we look forward to and leads towards an excellent results and significant recommendations.

Mr. Vice President, I am pleased also to express my appreciation and deep gratitude to the Government of the People's Republic of China for hosting this session in this beautiful city, Beijing which has hosted a lot of international and regional fora. The city is a bright beacon of an integrated model of international and regional cooperation between all countries of the world, especially between Asia and Africa.

My greetings and appreciation goes to the Secretariat of the AALCO for its continuous activities in general and on its organization and arrangement for the convening of this session in particular. Salute and appreciation also to all participants of this session and thanks to all of you for giving me opportunity to present the statement of Sudan on some of the topics which are in the agenda items of this conference.

Mr. Vice President, Ladies and Gentlemen, This session takes place at the stage where the world is witnessing important political and legal occurrences the fallout of which are closely linked to the issues of international law which requires identifying a unified and integrated vision from African and Asian countries.

I am fully convinced that there is a significant and effective role for this Organization in identifying unified and integrated visions on these fallout and international legal developments that is its effectiveness and the power of organizing as a regional legal blocks comprising two largest continents in the world in terms of geographical area and in terms of population.

Mr. Vice President, Ladies and Gentlemen, Indeed the rules of international justice oblige us to identify a unified vision about the proper application of international law, and under that the adherence of international system to the application of the concept of the rule of law fairly and on the basis of equality and non-discrimination between all countries regardless of economic or political or military position.

The proper application of the rules of international law is based mainly on the fairness and effectiveness of institutions of international law based on the integrated legal approach and distance from the pressures and dominance of the major powers.

Mr. Vice President, Ladies and Gentlemen, A fundamental principle of international law is the principle of the rule of law, which is based primarily on the objectives and principles set by the international charters and norms, the most important of which is the Charter of the United

¹⁹ This statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

Nations, which decided the principle of justice in the preamble and other materials. It emphasizes on sovereignty of the State as one of basic components for the application of international justice in the framework of international law. The Charter of the United Nations also decided another important principle which is non-interference in matters within the domestic jurisdiction of a State. These principles together represent the basic elements of the rule of law which sets the framework of the global compliance.

The application of those principles according to the overall concepts of justice and rule of law requires real reform of institutions of international law so they can play their role effectively in the application of aforesaid principles in accordance with the provisions of international law and on the basis of justice and equality.

Mr. Vice President, Ladies and Gentlemen, our Organization is an important regional legal mechanism in which African and Asian countries presents their vision about applications of international law.

Mr. Vice President, Ladies and Gentlemen, The decisions of ICC and its international reports against Sudan represent a fundamental breach of the principle of the rule of law and clear contravention of principles of international law. These decisions constitute a dangerous precedent which makes the entire international legal system at crossroads. The International Criminal Court has been targeting clearly Sudan and patently violates the basic principles of international law and violates the principles of justice as it involves clear politicization. The International Criminal Court violated all the basic rules of international law by targeting the sovereignty of a UN Member State that targeting the Head of a State which is a violation of international immunity provided for in the rules of international law.

The continuing violation of international law by the International Criminal Court and the continued targeting of Sudan clearly highlight the weakness of the so-called International Criminal Court and its appearance as a tool in the hands of the major countries which are targeting leaders of the small liberal States. For this is reason we call, as we have called in the previous meetings, to adopt a unified vision that rejects the decisions of the International Criminal Court against Sudan.

Mr. Vice President, Ladies and Gentlemen, one of the main topics of focus of the Organization, is terrorism, which is a key threat to the international peace and security. It also affects directly the regional security, and undermines the Charter of the United Nations and it is thus led to negative impacts on the international and regional economy and lead to the destabilization of countries in all aspects. The fight against terrorism is more difficult because of the complex nature of this crime, which requires international and regional significant efforts.

Sudan has adopted an effective legal framework in the field of counter-terrorism. It is a party to the agreements of international and regional counter-terrorism. Sudan also has adopted a special national law for combating terrorism that includes a comprehensive criminalization of terrorist offenses, that is the counter-terrorism law of the year 2010. Sudan is aware of the importance of international and regional cooperation, especially the Asian-African cooperation in the field of combating terrorism. In this regard we call for the importance of the exchange of views and information to conclude legal and judicial cooperation agreements, as well as the agreements of legal assistance and extradition, and also promotion of cooperation between national mechanisms

to combat terrorism. Sudan also sees the importance of the unification of visions and legal concepts within the framework of the mentioned cooperation, in order to avoid loopholes in the international legal framework of counter-terrorism.

Mr. Vice President, Ladies and Gentlemen, as Sudan rejects the unfair decisions issued towards it, in the same vein, it rejects the decisions and Israeli policies and actions towards the Palestinians. The Israeli practices towards Palestinians are a clear violation of the principles of the international law and in particular fourth Geneva Convention, 1949.

Mr. Vice President, Ladies and Gentlemen, the continuation of policy of aggression which Israel is practicing on Palestinian territories, especially on Gaza Strip, is a clear indication of unwillingness of Israel to seek peace in the Middle East. Peace cannot be achieved unless Israel withdraws from all occupied territories and Jerusalem and stops all military operations stand against Palestinians. Israel never wanted to achieve peace in the region of Middle East, is determined to exercise aggression against Palestinian citizens in all its forms, and the denial of them from human rights. In this regard, we appeal to the international community to adopt unified vision which implements the rules of international law in case of Israeli aggression on Gaza Strip.

Mr. Vice President, Ladies and Gentlemen, one of the key features of this meeting is a proposal for an international law to protect cyberspace by China. In this regard, Sudan confirms and strongly supports the adoption of this proposal and accelerates the preparation of it. The presence of international law for the protection of cyberspace is necessitated by modern contemporary fallout. While new technologies emerged they produced negatives which have a direct impact on the information available in cyberspace.

As a result, the means of transnational organized crime, international terrorism, and money laundering have evolved through cyberspace. Consequently, the fight against international crime and terrorism and money laundering also requires the renewal of an international legal framework for the protection of cyberspace.

Mr. Vice President, Ladies and Gentlemen, Unilateral sanctions negatively affect the infrastructure and development in all its forms: political, economic, social and cultural. Sudan has been suffering from the unilateral economic sanctions imposed by the United States of America for a long time, resulting in significant economic depravity. Unilateral economic sanctions imposed on Sudan does not have any legal basis; it violates provisions of international law and human rights conventions.

Sudan would like to highlight three main points as follows:-

First point: - unilateral economic sanctions imposed on Sudan is in violation of the provisions of international law and human rights conventions.

Second point: - repercussions of these sanctions on the international economic institutions.

Third point: - negative effects of economic sanctions on Sudan.

First: unilateral economic sanctions imposed on Sudan is in violation of the provisions of international law and human rights conventions.

At the outset, we would like to make it clear that term of punishment or sanctions in international law means a penalty imposed by the international community on a certain country to compel compliance with the provisions of international law or modify its policies in areas consistent with international law. Therefore, it is applied only on collective punishments which are imposed under Chapter VII of the UN. Therefore, the Security Council is empowered to resort to international peace-keeping and security procedures. This authorization includes the imposition of economic sanctions. Accordingly, any State cannot legitimately impose unilateral economic sanctions on other countries and this is what the United States has done towards Sudan.

That the imposition of unilateral economic sanctions, violates the fundamental principles set out in international law that regulate and control international relations, which have been in its Charter of the United Nations.

Such principles include: principle of the sovereign equality of States, principle of non-use of force, principle of non-interference in internal and external affairs of States, principle of peaceful settlement of international disputes, principle of cooperation between States and principle of fulfilling international obligations in good faith in accordance with the provisions of international law.

These sanctions also are a violation of a basic principle of international law- principle of the application of national legislation outside national borders.

This principle requires not applying such legislation outside the territorial boundaries of the State because that contradicts the basic application with the principle of state sovereignty and is considered a clear violation of the principles of respect for national sovereignty and non-interference in the internal affairs of States.

The unilateral economic sanctions imposed on Sudan violate all international conventions and declarations of human rights issued by the United Nations and regional organizations.

The concerned conventions and declarations issued by the United Nations are: Universal Declaration of Human Rights 1948; International Covenant on Civil and Political Rights 1966; International Covenant on Economic, Social and Cultural Rights 1966; Declaration on the Right to Development, issued in 1983; and Other international Convention for the Protection of Women and Children.

We would like to mention regional conventions and declarations which are considered a violation of sanctions: Arab Charter on Human Rights 1994; Cairo Declaration on Human Rights in Islam; The African Charter on Human and Peoples Rights 1981; As well as Arab and African conventions and declarations on women's and children's rights.

Second: the repercussions of unilateral economic sanctions on the financial and economic institutions in Sudan

Unilateral economic sanctions violate the provisions of international law and also the methodology and the international financial and economic policy, as well as the financial institutions of the state, particularly the Central Bank. The imposition of these sanctions is causing a great imbalance in the dealings of financial institutions in general, and the Central Bank in particular. More specifically, these sanctions violate the rules and regulations of

international and regional financial institutions to which Sudan belong. In addition to the above, these sanctions also violate international trade agreements and economic partnership agreements and thus represent a clear violation of the provisions of the commercial code.

The negative effects of the unilateral economic sanctions on Sudan:

It is fixed that the economic sanctions lasted for more than twenty years have affected Sudan. It affected Sudanese economy and development projects. Sudan is now negotiating in the context of accession to the World Trade Organization and fulfilling all the obligations required by the WTO agreements to harmonize domestic laws with the provisions of these agreements. This joining requires, in the next phase, lifting of these sanctions for Sudan to play its role in an integrated manner in the international economy and international trade.

Sudan would like to submit to AALCO all of the above facts and requests this to issue a resolution of illegality of the unilateral sanctions imposed by United States of America on Sudan and demand the lifting of these sanctions.

Finally, I wish a fruitful deliberation at this meeting resulting in reffective recommendations and resolutions.

Vice President: Thank you very much for your statement. I now wish to invite the distinguished delegate from Nigeria.

The leader of the delegation of Nigeria: Your Excellencies, Vice-President of the 54th Session of AALCO, Distinguished Secretary-General, Distinguished Delegates, on behalf of my delegation, let me convey the warm and fraternal greetings to the government and the good people of the People's Republic of China for hosting this Session, for the warm hospitality accorded us since our arrival and for the excellent facilities provided for this Session. Mr. President, we congratulate you and His Excellency, Mr. Vice President on your election. We are hopeful that you tenure will offer a fresh opportunity to consolidate the current work of our organization.

Mr. Vice-President, my delegation is pleased to observe that the Agenda of this session has built on the on-going work of the Organization from the 53rd Session in Teheran, The Agenda items, particularly the threat of global terrorism and violent extremism, the continuous threat of environmental degradation and the need to promote the sustainable development of the environment, the plight of refugees and internally displaced persons, disaster management and conflict resolution affect our collective and individual interests and therefore deserve extensive deliberation in the interests of deepening African and Asian solidarity.

Mr. Vice-President, since the 53rd Session was concluded in Teheran in 2014, the Government of the Federal Republic of Nigeria has continued to take steps to ensure that the ideals espoused by AALCO in respect of the rule of law are reflected in our domestic policies and practices. We believe particularly that the entrenchment and consolidation of a democratic order will place Nigeria in a strong position to remain a credible and responsible member of this organization and indeed of the international community.

A crucial step in this direction was the organization of the recently concluded General Elections at the National and State Levels across Nigeria's thirty-six States. The successful conduct of the Elections which will lead to the swearing-in of a new Government at the Federal level on May 29, 2015 has demonstrated the resolve of all Nigerians to move ahead in a peaceful manner towards the consolidation of democracy in our country. We are equally conscious of our role, in concert with our partners, to pursue the maintenance of peace and stability in our region and in the world as a whole.

Mr. Vice-President, an important matter for consideration at this Session relates to the adoption of a Resolution on 'AALCO Guiding Principles to Combat Violent Extremism and Terrorism'. May I, in this context, commend all Member States of this organization for the support and solidarity my country has enjoyed in the ongoing war against the Boko Haram terrorist sect in Nigeria's North-East region, Further to our statement on this matter at the 53rd Session, we are delighted to report that Nigeria in concert with our regional partners of Cameroon, Chad and Niger, as well as other global partners, has achieved tremendous success in countering the threats posed by this terrorist group in its desire to derail the peace, security and stability of Nigeria and the West and Central African regions.

The successes achieved in this campaign through regional collaboration demonstrate the fact that international cooperation is crucial in countering violent extremism and international terrorism as emphasized in relevant United Nations General Assembly and Security Council Resolutions. We must reiterate our concern about the growing menace of foreign fighters in conflict zones around the globe as aptly reflected in the United Nations Security Council Resolution 2178 and urge all Member States to continue to take measures to curtail the movements and activities of such persons.

We therefore reiterate our commitment to the early negotiation and conclusion of the Draft Comprehensive Convention on International Terrorism within the context of mutual respect for the sovereignty of all States and a regime of shared obligations by all Member States of the United Nations.

It is also important to inform this Session that in addition to the on-going security operations, a crucial component of the anti-terror strategy in Nigeria has been a vigorous implementation of the legal counter-measures anchored on the Terrorism Prevention (Amendment) Act 2013, which is our pioneer legislation to deal with for the prevention, investigation, tracking and prosecution of terrorism and financing at domestic level. Pursuant to the implementation of this law, over a thousand cases have already been processed for trial, a significant number of which are already being prosecuted.

Permit me at this juncture, in the spirit of solidarity, to convey my delegation's sympathy to the delegation of the Republic of Kenya over the recent heinous and senseless terrorist attack on the University in Garissa which left about 147 young people dead.

Mr. Vice-President, my delegation also commends the on-going evaluation by this organization of the issue of the Environment and Sustainable Development. It is our conviction that humanity has a duty to ensure the safe and sustainable use of the environment in order to build a cleaner

and healthier world. Nigeria and other countries continue to suffer from the ruinous effects of the wrong use of environmental resources worldwide, especially by developed countries whose pollution activities impact adversely on our collective survival. It is therefore our expectation that this Organization will continue to contribute to the strengthening of the existing international legal mechanisms for the sustainable and progressive use of the earth's natural resources.

Mr. Vice-President, my delegation looks forward to the deliberations on the Agenda Item on International Law of Cyberspace as well as other matters listed for this session. At domestic and international levels, the responsible use of cyberspace by States has become a matter of extreme importance and concern. We believe that the challenge lies in balancing the need for free speech, openness, innovation and creativity using cyberspace on one hand and the protection of the larger interests of society from the negative activities of persons who use cyberspace for activities which threaten domestic and global security through cyber-attacks on critical infrastructure, promote terrorism, facilitate money-laundering, financial crimes and human trafficking, incite violence and hate through the broadcast of malicious messages, among others, on the other hand.

At national level, let us also emphasize the need for responsible use of cyberspace by State institutions. It is our position that technologically-advanced nations must avoid the temptation to use their control of the commanding heights of cyberspace technology to undermine the sovereignty, security and commercial interests of other nations. Mr. Vice-President, in view of the contending views on the extent and scope of permissible State intervention in the regulation of individual access and use of cyberspace, we are confident that the discussion of the item at this Session will contribute significantly to the global dialogue necessary to achieve consensus on this issue. On the domestic front, Nigeria is at the final stage of passage of a comprehensive bill on cybercrime and the responsible use of cyberspace. This bill is expected to be passed before May 29 this year and will provide the first comprehensive legal framework for tackling cybercrimes in Nigeria.

Permit us to advise, from our experience that in dealing with the issue of responsible use of cyberspace by individuals, it is important that we continuously emphasize the need for enlightenment and education by our various domestic authorities on its legitimate and proper use of cyberspace. This is against the backdrop of the widespread access to telecommunications facilities in our world today among young persons whose knowledge of right and wrong may sometimes not be fully developed.

Mr. Vice-President, as this Fifty-Fourth Session commences, we congratulate all distinguished delegates once more on the steady progress being made by this organization and urge it to continue in its task of providing expert knowledge and guidance to Member States in order to improve our collective competences and expertise and enhance our solidarity within the United Nations system. Mr. Vice-President, Your Excellencies, Distinguished Delegates, I thank you for your attention and wish you a fruitful 54th Session.

Vice President: Thank you very much for your statement. This brings us close to four more statements by Delegates. We now have two observer delegations that have expressed the wish to make some intervention and I wish them to do so. First, Russia.

The Leader of the Observer Delegation of Russia: Distinguished President of the fifty fourth session of the Asian-African Legal Consultative Organization, Distinguished Secretary General, Distinguished participants of the session. It is my pleasure to address this august gathering on behalf of the delegation of the Russian Federation, which is present here in its capacity as an observer. Let me first on behalf of my country express the deepest appreciation to the host State of the current session of the Asian-African Legal Consultative Organization – the People’s Republic of China – and the Leadership of the Organization, for extending an invitation to my delegation to participate in the work of this session and the warm hospitality.

The achievements of AALCO in this process are impressive. This Organization brings together eminent politicians, scholars and practitioners in the field of international law, who make the voice of Africa and Asia, heard in international legal and political fora. We are all aware of AALCO’s contribution to the negotiation process on the United Nations Convention on the Law of the Sea. We see the results of its interaction with the International Law Commission, the VI Committee of the United Nations General Assembly. We appreciate its contribution to the most topical issues of contemporary international law in major legal conferences. Let me also congratulate the outgoing Presidency of AALCO – the Islamic Republic of Iran for a successful session of the Organization in Tehran, which the Russian delegation had the honour to attend.

The Russian Federation greatly values the opportunity to take part in the deliberations of this Organization. The interaction between AALCO and Russia has become traditional and this is not a mere coincidence. More than half of Russia’s territory lays in Asia and my country’s link to this part of the world is not just geographical. Russia considers itself to be a part of Asian culture and tradition. Being a Eurasian State, Russia is always conscious of the fact that harmonious international relations and their effective legal regulation may be built only on the basis of contributions from all parts of the world, including those from different legal schools.

In conclusion, I would wish to express yet another word of appreciation to the host country for this session of AALCO for allocating time in our schedule for a colloquium on the important topic of “The Charter of the United Nations and the Post-War International Order”.

In the year of the 70th Anniversary of the Second World War and the victory over Nazism as well as of the 70th Anniversary of the United Nations Charter, it is crucial to reflect on the origins of contemporary international law, its basic principles and latest development as well as challenges to the international legal order we face today. I wish this session of AALCO every success. Thank you.

Vice President: Thank you very much. I now wish to call upon Ethiopia

The Leader of the Observer Delegation of Ethiopia: Your Excellency Mr. Vice President, Your Excellency Prof. Dr. Rahmat Mohamad, Secretary General of AALCO, Distinguished Ministers and Heads of Delegations, Distinguished Delegates, Ladies and Gentlemen, I am pleased to be here in Beijing to attend the Fifty Fourth Annual Session of the Asian-African Legal Consultative Organization (AALCO) representing the Federal Democratic Republic of Ethiopia.

Allow me to express my gratitude to the government of the People's Republic of China for the warm welcome and hospitality accorded to me and my delegation. Excellencies, Ladies and Gentlemen, as an inter-governmental organization serving the two continents, namely Asia and Africa, as an advisory body in the field of international law AALCO made significant contributions so far. Asian and African States joined hands to collectively act to the challenges we encounter. Our future destiny has been tied to our common cause and solidarity towards achieving our goals.

Ethiopia as an observer, witnessed with growing admiration the work of AALCO; since its establishment, addressing our common challenges and making a remarkable contribution to in the international legal regime. The Agenda items of AALCO which includes issues of environmental law, international trade law and the emerging challenges such as violent extremism and terrorism and cyberspace at international level are urgent issues that call for action and demand our contribution in the formation of the norms. As we maintain our solidarity the Organization would continue to make considerable contribution in international law-making processes.

The current global challenges such as environmental pollution and international terrorism have made it clear that in this globalized world, no nation can be immune to the effects of such challenges. These global challenges have impacted particularly developing countries in so many ways. For instance, recurrent droughts resulting from climate change in many parts of Africa. Hence our deliberations on environment protection, sustainable development and fighting terrorism need to bring out new norms in international law that address our concerns.

Excellencies, Ladies and Gentlemen, the threat of climate change is a common concern of the international community in general and the developing countries in particular. Climate change is not a future possibility, but it is a present reality. Ethiopia developed a green economic trajectory and adopted a Climate-Resilient Green Economy (CRGE) initiative launched since 2011, which has three complementary objectives, fostering economic development and growth, ensuring abatement and avoidance of future emissions, i.e., transition to a green economy, improving resilience to climate change.

Taking Africa's stance and perspective on climate variability and weather extremes, this is ideal time to agree on the standard regulatory framework on this issue. Unless necessary measures are taken by the international community, countries especially in African and Asia may lose the momentum in economic growth that they have registered over the last few decades which would also jeopardize progress in building peace and stability.

Excellencies, Ladies and Gentlemen, We are witnessing that violent extremism and terrorism at international level have been illegally imposing economic, social and political problems on our nations. Terrorism endangered international peace security in various parts of the world. International terrorists are struggling to widen their base in the Middle East, Asia, Africa and the entire world. AALCO, since its establishment in 1956, has been playing a vital role in addressing such developments in line with the international legal aspects. AALCO as an inter-governmental organization of our two continents should be more forthright to communicate the interests of

Asian- African countries in this regard. The readiness of our partners to work hand in gloves with African-Asian countries is also very critical.

On behalf of my government and that of my own, I would like to congratulate AALCO for its remarkable contribution it has made so far, and hoping that it would continue to play a more vital role for the wellbeing of our two continents. I thank you.

Vice-President: Thank you very much indeed for your statement. Ladies and Gentlemen, this brings us to the end of this session. We will break for fifteen minutes. Thank you very much.

**X. VERBATIM RECORD OF THE THIRD GENERAL
MEETING**

X. VERBATIM RECORD OF THE THIRD GENERAL MEETING HELD ON TUESDAY 14 APRIL 2015 AT 4.15 PM

His Excellency Prof. Githu Muigai, Attorney-General of Kenya and Vice-President of the Fifty-Fourth Annual Session in the Chair.

Agenda Item: Environment and Sustainable Development

Vice President: Now I invite Ms. Yukiko Harimoto, Deputy Secretary General for her introductory remarks.

Ms. Yukiko Harimoto, Deputy Secretary General: His Excellency Mr. Vice President; Excellencies, Distinguished Delegates, Ladies and Gentlemen; The agenda item “Environment and Sustainable Development” constitutes an important item on the work programme of AALCO and has been followed by AALCO for nearly four decades now. The present report is focused on climate change and sustainable development goals. It attempts to furnish the recent developments in multilateral fora on climate change and sustainable development, together with comments and observations from the AALCO Secretariat.

Aimed at efforts for a Comprehensive Agreement on Climate Change, the report touches upon related conferences including the sixth part of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) UNFCCC, the 40th session of the Intergovernmental Panel on Climate Change (IPCC-40), the 20th session of the Conference of the Parties and the 10th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol. The Lima Conference for 2014 Climate Summit raised political momentum for a meaningful universal climate agreement in Paris in 2015 and galvanized transformative action in all countries to reduce emissions and build resilience to the adverse impacts of climate change. Lima conference witnessed global leaders, from all regions and all levels of economic development advocated for a peak in greenhouse gas emissions before 2020, dramatically reduced emissions thereafter, and climate neutrality in the second half of the century. Leaders had committed to finalize a meaningful, universal new agreement under the UNFCCC at COP-21, in Paris in 2015, with a legal force, and to arrive at the first draft of such an agreement at COP-20 in Lima, in December 2014. Leaders concurred that the new agreement should be effective, durable and comprehensive, balancing the support for mitigation and adaptation. Many underlined the importance of addressing loss and damage. Many leaders also affirmed their commitment to submit their Intended Nationally Determined Contributions (INDCs) for the new agreement in the first quarter of 2015.

South-South cooperation on climate change was evident as many countries putting a price on carbon will provide markets with the policy signals needed to invest in climate solutions. Seventy-three national governments, 11 regional governments and more than 1,000 businesses and investors signaled their support for pricing carbon. Together these countries represented 52 % of global GDP, 54 % of global greenhouse gas emissions and almost half of the world’s population.

Excellencies, Ladies and Gentlemen, As for the Efforts for Adopting Sustainable Development Goals, the Rio+20 outcome document, The Future We Want *inter alia* set out a mandate to establish an Open Working Group to develop a set of sustainable development goals for consideration and appropriate action by the UN General Assembly at its 68th session. It also provided the basis for their conceptualization. The Rio outcome gave the mandate that the SDGs should be coherent with and integrated into the UN development agenda beyond 2015.

The Open Working Group underscored that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, with a view to accelerating the reduction of global greenhouse gas emissions. It recalled that the United Nations Framework Convention on Climate Change provides that parties should protect the climate system for the benefit of present and future generations of humankind on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.

It noted with grave concern the significant gap between the aggregate effect of mitigation pledges by parties in terms of global annual emissions of greenhouse gases by 2020 and aggregate emission pathways consistent with having a likely chance of holding the increase in global average temperature below 2°C, or 1.5°C above pre-industrial levels.

It shall also be noted that the first intergovernmental negotiation on the post-2015 development agenda convened in January 2015 to conduct a “stocktaking” of the preparations for a new global sustainable development agenda, which will succeed the Millennium Development Goals. This was the first of eight scheduled sessions, to prepare the outcome that will be adopted at the UN Summit on the Post-2015 Development Agenda in September 2015. In February session on declaration and in March one on SDGs and Targets were held.

Excellencies, Ladies and Gentlemen, The new global development agenda is anticipated to comprise four elements, namely a declaration; a set of Sustainable Development Goals (SDGs), targets, and indicators; their means of implementation (MOI) and a new Global Partnership for Development; and a framework for follow-up and review of implementation. Speakers at the stocktaking session, from the opening statements by the UN Secretary-General, President of the General Assembly and President of the Economic and Social Council (ECOSOC), to government delegates and representatives of major groups and other stakeholders, addressed each of these four elements and recalled the commitments that had brought the intergovernmental decision-making process to this point.

Excellencies, The challenging year of negotiations is ahead for the Member States. It is important for us to closely follow the Paris Conference as it is a crucial conference. Asian African countries may prepare and make an effort to work together in addressing issues of climate change and sustainable development goals for present as well as our future generations.

Vice President: Thank you for the very lucid presentation, Madam. We will now take interventions. May I invite the distinguished delegate of Japan, first.

The Delegate of Japan: Thank you, Mr. Vice President. Mr. Vice President, Excellencies, Ladies and Gentlemen, On the question of climate change, we are currently all working on the negotiations to adopt a fair and effective post-2020 framework applicable to all Parties at COP21 in 2015. Japan intends to continue to contribute constructively for the 2015 agreement.

In November 2013, the Government of Japan submitted an emission reduction target for Japan, which is a target of a 3.8% emission reduction in 2020 compared to the 2005 level, replacing the 25% emission reduction target it submitted in January 2010, in accordance with the Copenhagen Accord. Japan is aiming to submit its INDC as early as possible, keeping in mind COP decisions, efforts by other Parties, discussions on the new framework, and domestic consideration of the energy policy and the energy mix. With regard to the Green Climate Fund (GCF), Japan welcomes the total amount to pledge to the GCF having exceeded 10 billion dollars. Japan had announced to make a contribution of USD 1.5 billion to the GCF, subject to the approval of the Diet. Japan will contribute to assisting the developing countries through the activities by the GCF. Thank you

Vice President: Thank you very much. I now invite Sri Lanka.

The Delegate of Sri Lanka: Mr. Vice President, Secretary General, Your Excellencies, Distinguished Guests, The notion of sustainable development that owes its origin to a number of environmental movements in the earlier decades was defined by the World Commission on Environment and Development in 1987—“development that meet the needs of the present without the ability of future generations to meet their own needs.” The definition therefore bridges the divide between the present and the future by ensuring the ample availability of means to the subsequent generations to fulfill their needs whatever they may be. The emerging global dialogue underscores the importance of converging sustainable development and the post-2015 development agenda into a single path towards a sustainable and inclusive future.

Although relatively new, the concept of sustainable development is fast gathering momentum and forms part of the corpus of international law. The growing number of international treaties and declarations on sustainable development are a testament to its recognition as an accepted legal concept. It embodies the idea of environmental economy and social progress and equality; all within the limits of world’s natural resources. The notion demarks that environmental protection is an integral cog within the development process.

Mr. Vice President, while cultures across ages have recognized the importance of preserving biological diversity on earth, the rapid race for development has affected the precarious balance. While on the one hand international concerns and efforts are channeled towards sustainable development and the consumption of resources sparingly, on the other hand, human activities are reported to be responsible for mass extinctions. Biodiversity losses continue despite increased efforts at conservation and costs associated with deteriorating ecosystem would soon be irreversible.

The popularity of tourism as a tool to promote and assess development has impinged upon the efforts to conserve marine biodiversity. A coral reef, an ecosystem that is arguably most rich in biodiversity is most often neglected. The failure to meet global biodiversity targets in 2007 is

indicative of the insufficient integration of the biodiversity issues into policies, strategies and programmes. The consistent challenges in securing adequate funding for conservation programmes and its lack of bargaining power compared to infrastructural and industrial development programmes thwart all efforts towards achieving the identified targets.

Mr. Vice President, there is also a growing concern among the environmentalists that climate change is one of the greatest threats facing the planet. The alarming rate at which global warming is increasing and erratic extremities in weather patterns combined with the disintegration of the rich ecosystems forecast a volatile stretch ahead. While cautioning that the world is yet to witness the worse, the UN Intergovernmental Panel on Climate Change alerted the international community to the startling effect of melting sea ice.

Mr. Vice President, in respect of deforestation and wildlife conservation, a significant challenge the government has been grappling with is human –animal conflict. One of the causes for this can be attributed to deforestation for the development projects. Given this the government is looking for a more durable solution to human-elephant conflict. Furthermore, the government has strengthened laws for holding responsible persons harming wild animals. Thank you.

Vice President: Thank you very much for your statement. I now invite Iran.

The delegate of Islamic Republic of Iran: Thank you, Mr. Vice- President. At first I would like to express my appreciation to the concise but inclusive report presented by her Excellency Deputy Secretary General of AALCO. My delegation would like to express its appreciation to AALCO for the inclusion of the topic and the continuous inclusion of the topic over the past 40 years is indicative of its particular significance to all Member States as well as to the international community at large.

Mr. Vice- President, I quote that “the protection of the human environment is a major issue which affects wellbeing of people and economic environment throughout the world. It is the urgent desire of the people of the world.” This is an excerpt from the 1972 declaration of United Nations Conference on the human environment so called Stockholm Declaration echoed the concern of community expressed by the urgency of action with regard to the environment. Forty years on this urgency is felt more changeably and concretely and with special necessities of developing countries to be even more pressing than before. The urgency of the need to protect environment is especially relevant in the existing global initiatives concerning climate change. A global problem fraught with matchless intricacies climate change requires a response with full fledged participation of the developed countries. Successful efforts aimed at curbing the efforts of the detrimental and harmful effects of climate change requires first and foremost the reservation of the core pillars of the United Nations Framework Convention on Climate Change on the responsibility of the developed countries to mitigate greenhouse gases. Iran is of the view that any endeavor of establishing the new global arrangement in consensus of the Kyoto Protocol should be achieved with the highest possibility in the context of the climate change convention.

In this context the developing countries must be put in place to realize the approach that there ought to be due consideration to the overarching principle of the convention than to say the common but differentiated responsibility as a substantive guiding rule which directs the

negotiation process for achieving the new item. The 20th century session of the conference of the state parties has contributed to the 1992 UNFCCC to the meeting of the parties to the 1972 Kyoto Protocol. Then, the States saw the issue of climate action at larger context of stake holder and yet an effective scheme and the conference which will be taking place coming September require specific national and regional development priorities, objectives and circumstances. Mr. Vice-President, Iran is committed to the preservation of the environment and to implementing plans that are environment friendly following the proper impact assessment consistent with the secretariat principles. Article 50 of the Islamic Republic of Iran states that “the preservation of the environment in which the present as well as the future generations have a right to flourishing social existence is regarded as a public duty in economic and other activities that involve the pollution of the environment which cause irreparable damage is therefore forbidden.” This Article has interestedly been included in the Section 4 of the Constitution entitled as economy and financial affairs. Accordingly as stated in the preamble of the Stockholm Declaration the protection of the environment and the economic issues are meaningfully inter-related such a conviction is also there on the convention on the climate change and economic development is necessary for adopting measures in climate change. This highlights the special role accorded to the special countries in protection of environment and in efforts to tackle climate change successfully.

Mr. Vice-President within the ongoing inter-government resolutions on the post-2015 environment agenda, development driven rights must be one of the main set up of the guiding notions and framework priorities and setting the goals, targets which lead to the means of implementations. Bearing in mind the efforts agreed to reaching inter-governmental working groups open sustainable development goal, we would like to reiterate that the principle of common but differentiated responsibility would not only be considered but underpinned under new you and development in general. To address the global challenges effecting the developing countries, it is important to maintain this principle highly on the agenda where the substantive support of the developing countries through the existing collaborations and coordination mechanism. By the same token and to be more specific, poverty eradication, change in and promoting sustainable patterns of consumption and production and protecting and managing recourse base of economic and social development are the overarching objective or the essential requirements for sustainable development. And due to the strong link between economic and sustainable development, the sustainable development goals at the Rio +20 conference would not be attainable unless the implementation of plans to contribute to the development of the developing countries is all its aspects. Thank you, Mr. Vice President.

Vice President: Thank you, Iran. I now call upon the delegation of Indonesia to present their statement.

The delegate of Indonesia: Mr. Vice President, Indonesia commends the current progress by the UNFCCC process towards a new 2015 climate agreement that is expected to be in force after 2020. The 2015 climate agreement is a commitment to ensure a better life for future generations. The agreement will result in a low carbon development that intends to save our generation and the next from the adverse effects of climate change.

The agreement should cover important elements such as global targets that are based on science, legally binding and applicable to all, involving every possible actions in a balanced manner in accordance with the principle of equity, common but differentiated responsibilities and respective capabilities. This agreement will also ensure participation from multiple stakeholders, providing room for ambitious adjustments, as well as ensuring transparency to gain trust among Parties. The 2015 Agreement could promote a coherent approach on climate action to co-benefit mitigation and adaption measures, which will have a direct impact towards development and the prosperity of the people.

As the world's largest archipelagic country, our people live mostly in the coastal areas and depend on the marine sector for their livelihood. Indonesia therefore stressed the importance of mainstreaming maritime issues in the mitigation and adaptation actions, as this is closely associated *inter alia*, with food and energy security.

Mr. Vice President, It is essential that Parties both developed and developing countries, based on the principles of common but differentiated responsibilities and respective capabilities, achieve an innovative and comprehensive 2015 agreement, as it will catalyze climate actions in both developed and developing countries to fight the adverse impact of climate change and build climate/resilient communities. As part of their commitment, all countries should make their best efforts in reducing their emissions. On its part, Indonesia will do its utmost to contribute to the reduction of greenhouse gas emission by 2020 and beyond.

Our Organisation may have an important role with regard to the effort in concluding the new climate agreement, in particular to contribute to the legal aspect of the new climate agreement negotiation. To that purpose, AALCO may contribute by arranging workshops that can serve as a forum for discussion of the legal aspects of the new climate agreement and its implementation.

Mr. Vice President, Climate change and sustainable development are two sides of the same coin. We will not succeed to tackle the climate change without implementing sustainable development agenda, and we will not succeed to implement sustainable development agenda without tackling the challenges posed by climate change. I thank You.

Vice-President: Thank you, Indonesia. Now I invite China.

The delegate of People's Republic of China: Mr. Vice President, Sustainable Development is the common pursuit of all countries in the field of development, which concerns the fundamental interests of individual countries and the wellbeing of mankind. The UN Conference on Environment and Development in 1992, the World Summit on Sustainable Development in 2002 and the UN Conference on Sustainable Development in 2012 have provided action plans and programmed on sustainable development for the international community and individual countries. The United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification, known as the Rio Conventions, have played an important role in promoting the global cooperation of environment protection and sustainable development. As this year marks a critical juncture for global environment governance and sustainable development agenda, the issue of environment and sustainable development has commanded great attention of the international community and

the public. China will work together with the international community to promote the cause of global environment governance and sustainable development.

Mr. Vice President, The international community shoulders heavy responsibilities in the course of cooperation to tackle climate change. Today the international climate governance has entered a new and important stage. The Paris Climate Change Conference this year is expected to complete the negotiations to develop the protocol, another legal instrument or an agreed outcome with legal force under the UNFCCC, and is of historical significance in the course of global cooperation in addressing climate change. China has consistently and actively participated in international cooperation in this area and played a constructive role in negotiations. China will continue to work together with all other parties for a comprehensive and a balanced outcome at the Paris Conference in accordance with principles of common but differentiated responsibilities, equity and respective capacities, thereby providing genuine and effective solutions to the global challenge of climate change.

Mr. Vice President, Biological Diversity provides important natural resources and constitutes the fundamental conditions for the survival and development of mankind. China welcomes the entry into force last year of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. China is now actively conducting the research and preparations to accede to the Nagoya Protocol. The global conversation of biological diversity requires enhanced international cooperation. The individual countries should endeavour to commit to the shared responsibilities of biological diversity and conservation, meanwhile follow the principle of common but differentiated responsibilities, taking into account individual countries' development levels and capacities.

Mr. Vice President, Desertification constitutes a direct threat to ecological environment, food security and poverty eradication in rural areas and is of grave concern to developing countries, particularly the African countries. The target of a Land Degradation Neutral world set at Rio+20 Summit has provided a new opportunity for the international community to enhance cooperation and combat desertification jointly. China supports the work of the Intergovernmental Working Group on the follow-up to Rio+20 and has participated actively in this regard. China expects that new and concrete results will be achieved by all the parties in realizing the goal of a Land Degradation Neutral world under the framework of the UNCCD. Over the years, China has made exploratory efforts in combating desertification and achieved satisfactory results. We are willing to share our experiences and strengthen exchanges with other countries.

Mr. Vice President, The United Nations formally launched the intergovernmental negotiations on the post-2015 development agenda last year and will hold Sustainable Development Summit this September and adopt the post-2015 development agenda. China welcomes the above-mentioned developments and progress. In our opinion, the international community should, in the process of advancing sustainable development, respect the right of individual countries to chose independently their paths of sustainable development; take full account of national conditions and levels of development of respective countries; treat the economic, social and environmental dimensions in a balanced way; adhere to the principle of common but differentiated responsibilities, and pay special attention to addressing the concerns of developing countries.

Mr. Vice President, The Chinese Government attaches great importance to environmental protection and sustainable development. Now, the Chinese economy has entered a state of new normal. It is shifting gear from high speed to medium-to-high speed growth, from an extensive model that emphasized scale and speed to a more intensive one emphasizing quality and efficiency, and from being driven by investment in production factors to being driven by innovation. Its efficiency and quality continues to improve. Thus, we give greater priority to ecological progress in our national modernization agenda, take active actions in addressing climate change and protecting environment, promote green, circular and low-carbon development, and seek economic development and improvement of people's lives in the process of environmental protection. China has set the target of cutting CO2 emissions per capital GDP by 40 to 45 percent by 2020 from the 2005 level, and announced its intention to achieve the peaking of CO2 emissions around 2030 and to make best efforts to peak early.

At the same time, as a responsible developing country, China has consistently attached great importance to mutual help among the developing countries and vigorously promoted the South-South cooperation on climate change. Vice Premier Zhang Gaoli announced at the United Nations Climate Summit in September 2014 that starting from 2015, China will double its annual financial support for the establishment of the South-South Cooperation Fund on Climate Change. China is willing to further enhance cooperation among developing countries to help each other addressing climate change under this framework.

Green mountains and clean waters can bring us prosperity and wealth. Protecting environment and promoting sustainable development concern the well-being and future of mankind, breed historical opportunities for world development and are where the interest of all countries converge. We will continue to strengthen win-win cooperation with all other countries on the basis of equality, friendship and mutual benefit to further enhance the implementation of international environment conventions, work together to address climate change, preserving biological diversity and combating desertification, and jointly promote the cause of environment and sustainable development for mankind. Thank you, Mr. Vice President.

Vice President: Thank you for your statement. I now invite India.

The delegate of India: Thank you, Mr. Vice President, Excellences, Ladies and Gentlemen, Let me at the outset take this opportunity to congratulate the Secretary General and the Secretariat of the Asian African Legal Consultative Organization for preparing an excellent background note titled AALCO/54/BEJING/2015/SD/S10 on the topic "Environment and Sustainable Development". We hope that this document would generate a valuable discussion on the diverse issues relating to climate change sustainable development goals.

India is faced with the challenge of sustaining its rapid economic growth while dealing with the global threat of climate change. This threat emanates from accumulated greenhouse gas emissions in the atmosphere, anthropogenically generated through long-term and intensive industrial growth and high consumption lifestyles in developed countries. While engaged with the international community to collectively deal with this threat, a country needs a national

strategy to firstly, adapt to climate change and secondly, to further enhance the ecological sustainability of its development path.

Climate change might alter the distribution and quality of a nation's natural resources and adversely affect the livelihood of its people. With an economy closely tied to its natural resource base and climate-sensitive sectors such as agricultural, water and forestry, India may also face a major threat because of the projected changes in climate.

In charting out a developmental pathway which is ecologically sustainable, India is exploring a wider spectrum of choices. The success of our national efforts would be significantly enhanced provided the developed countries affirm their responsibility for accumulated green house gas emissions and fulfill their commitments under the UNFCCC, to transfer new and additional financial resources and climate friendly technologies to support both adaptation and mitigation in developing countries. Our objective ought to be to establish an effective, cooperative and equitable global approach based on the principle of common but differentiated responsibilities and respective capabilities, enshrined in the United Nations Framework Convention on Climate Change (UNFCCC).

Mr. Vice President, We are convinced that the principle of equity that must underlie the global approach must allow each inhabitant of the earth an equal entitlement to the global atmospheric resource. In this connection, India is determined that its per capita greenhouse gas emissions will at no point exceed that of developed countries even as we pursue our development objectives. Thank you, Mr. Vice President

Vice President: Thank you. I now invite the delegate of Republic of Korea,

The delegate of Republic of Korea: Thank you, Mr. Vice President. Since the discussion on sustainable development was reignited through the Rio+20 Summit in 2012, the international community is reinforcing concerted effort, notably through the implementation of the SDGs. Among so many environmental problems, the most serious one which threatens humanity as a whole is the climate change. 2015 is a particularly important year, since a post-2015 development agenda will be drawn up and a new climate regime for the Post-2020 will be established this year.

As for the new Post-2020 climate regime, which is expected to be concluded at the 21st Conference of the Parties to the Convention on Climate Change in Paris late this year, my delegation is expecting the formation of an effective and flexible regime for climate change that engages both developed and developing countries, thereby maximizing the synergy of sustainable development.

As for the Green Climate Fund to be established in Korea, it received, in 2014 alone, the pledges of contributions to its initial financing worth more than 10 billion dollars, which is an encouraging signal of the political commitment of both developed and developing countries to tackle the issue of climate change.

At the domestic level, the Republic of Korea has implemented, starting in 2015, the Emission Trading Scheme to address the issue of climate change more proactively. At the international

level, the Republic of Korea is seeking to make constructive contributions to the establishment of a new climate regime, particular, Korea is ready to cooperate with other State Parties to the Convention on Climate. Thank you.

Vice President: Thank you for your statement. I now call upon Kenya.

The delegate of Kenya: Thank you, Mr. Vice President, On behalf on my delegation I wish to make the following statement on the topic of Environmental and Sustainable Development.

Ladies and Gentlemen, Kenya's economy is highly dependent on the natural resource base, making it highly vulnerable to climate variability and change. In its fulfillment of safeguarding sustainable development, Kenya has developed a National Climate Policy which provides clear and concise articulation of overall response priorities to climate variability and change.

Kenya supports and is committed to protecting the climate system for the benefit of present and future generations by supporting the United Nations Framework Convention on Climate Change process. Kenya has ratified the Kyoto Protocol and continues to support climate change initiatives including the East Africa Community Climate Change Policy and the Master Plan & Strategy Change Policy. This regional policy serves as a blue print to guide regional climate change response measures in the long term. The Constitution of Kenya sets out the commitment by the State to maintain ecologically sustainable development and clean environment to all of its citizens.

Distinguished delegates, Kenya makes a low net contribution the global greenhouse gas emissions and the Government has taken a significant number of priority development initiatives including increased geothermal electricity in the energy sector; switching to rail for the transport sector; and reforestation and agro-forestry in order to reduce greenhouse emissions. The adverse effects of climate change significantly inhibit sustainable development for Kenya's priority sectors which include among others, agriculture, fisheries, trade, energy tourism, industries and physical infrastructure. To this end, Kenya has initiated the development of the National Green House Gas Inventory Mechanism. Kenya has further established a Joint Credit Mechanism on greenhouse gas emission though an agreement signed with Japan. In this regard, Japan will contribute to efforts to prevent global warming by cooperating in reduction of greenhouse gas emissions in Kenya through the said mechanism.

Distinguished delegates, in order to counter the challenges of climate change, Kenya continues to equip and build capacity in the various coordinating agencies of the National and Country Governments to effectively respond to the complex challenges of climate change. Public awareness has also been increased including the launch of green schools program, a program through which the country has increased its forest cover to 7.24% against the target of 10% forest cover. Further to this, Kenya has developed national policies on water, forest and wildlife to ensure that there is sustainable development and environment. Thank you, Mr. Vice President.

Vice President: Thank you. Now I invite South Africa.

The Delegate of South Africa: Thank you, Mr. Vice President. Distinguished delegates, ladies and gentlemen, it is an honour to address you here in Beijing to discuss the issue of environment and sustainable development which is a great concern for all of our countries. I will, however, focus my remarks on the issue of climate change which we regard as a global challenge that threatens to reverse the development gains that we have made thus far and hampers our efforts to develop our economies and eradicate poverty.

Mr, Vice President, we believe that the Lima COP was an important milestone for the successful conclusion of the negotiations of the 2015 agreement by providing as for the guidance for the information to be presented by countries with the intended nationally determined contributions. We are pleased that the recent session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action adopted a draft text as the basis for now until Paris COP.

South Africa further believes that it is only through a multilateral rule based system that international community can successfully address the climate change and we should further remain focused on our goal for reaching a comprehensive, inclusive multilateral agreement under which all members of the international community will contribute to the global effort according to the principles of CBDR and respective capabilities. Only a legally binding agreement that is rule based and fair can succeed in building sufficient trust to unlock the highest levels of ambition. The Paris agreement should enhance the full, effective and sustained implementation of the Convention and the success of the ADP will be measured against our ability to build upon the existing legal of the UNFCCC. We therefore urge the Member States of AALCO to come out strongly at the upcoming international meetings leading up to Paris COP in support of strengthening the multilateral rules based system by adopting a legal binding ambitious and equitable agreement.

We wish to emphasize the need that the 2015 agreement accords adaptation the same priority as mitigation. In this regard, South Africa has championed the adoption of global goals for adaptation as part of the new agreement in order to give legal recognition to the fact that adaptation is a global responsibility and that the adaptation action and the support that it will require depends on the level of mitigation and ambition.

Mr. Vice President, Important cross-cutting such as the question of differentiation including how the questions of equity and CBDR will be operationalized in the 2015 agreement as well as the issue of the legal form of the agreement, will need to be resolved by Paris. While parties agreed at the Durban COP the Paris agreement must have legal force, there is not much clarity about the precise legal form of the Paris agreement as a whole or the status and legal nature of the parties' intended nationally determined contributions or commitments under the agreement.

Finally, it is important to mention that we should not lose sight of the important task to also address the issue of the pre-2020 ambition gap which is the second track of the work of the ADP. In this regard, South Africa has argued for the enhanced implementation of existing commitments especially by developed countries including the speedy ratification of the Doha amendment to the Kyoto Protocol. South Africa has completed its constitutional requirements needed to become a party to this amendment and we will deposit our instrument of acceptance very soon. Thank you.

Vice President: Thank you very much for your statement. I now invite Democratic People's Republic of Korea.

The delegate of Democratic People's Republic of Korea: Mr. Vice President, The climate change and subsequent environmental deterioration are the serious challenges exposed to humankind and currently considerable damage in steady socio-economic development of all countries; the socio-economic advancement will not be guaranteed through generations.

It should be noted that the climate change and subsequent environmental deterioration becomes more serious among the developing countries. Those countries, with insufficient resilience and capability of responding to climate change and environmental deterioration, fail to make full use of their potential sustainable development and suffer huge damages from the natural disaster caused by climate change.

The DPRK delegation considers it very important for the Member States to strengthen the cooperation to fight jointly against climate change. It is also essential to secure the right of sustainable development by applying the principle of common but differentiated responsibilities and respective capabilities as provided in the United Nations Framework Convention on Climate Change.

The DPRK Government, under the wise leadership of the Respected Leader Kim Jong Un, has placed the environment protection as one of the important strategic objectives and put its constant efforts in law-making and its revision so as to meet the current requirements in protecting the natural environment. Those domestic law of environment protection included "Laws on Environment Protection", "The Forest Law", "Law on Water Resources", "Law on the Environment Impact Assessment" and so on.

The DPRK Government has joined international efforts to cooperate in combating the climate change and subsequent environment deterioration by acceding to the United Nations Framework Convention on Climate Change in December, 1994 and to "Kyoto Protocol" in April, 2015. The DPRK Government, this year, has set the forestation as the important state goal and is calling forth the entire people to tree planting campaign to turn the desolated mountains into forestation within 10 years.

In addition to that, the DPRK Government is putting primary attention to cut down the fossil fuel usage and improve the efficiency of wind and solar power generation while actively developing and introducing more renewable energy sources on the basis of the actual situation of the country.

In future, we will further strengthen the cooperation with all the Member States in the sector of environmental protection and make its contribution to the international efforts to maintain sustainable development. We will also intensify the regional and international cooperation for the global environment protection and fulfill our obligations under the United Nations Framework Convention on Climate Change. Thank you.

Vice President: Thank you. Saudi Arabia is the last speaker in this segment. I invite the distinguished delegate of Saudi Arabia.

The delegate of the Kingdom of Saudi Arabia²⁰: Mr. Vice President, Excellencies, Ladies and Gentlemen, the question of clean environment and sustainable development takes big attention, and Saudi Arabia encourages the developments in this subject and emphasizes the implementation of international conventions in this regard. Saudi Arabia has signed a number of international and regional conventions related to the environment and sustainable development.

Saudi Arabia has established Bureau of Meteorology and Environmental Protection, and the General Presidency of Meteorology and Environmental Protection, in 2001, and the most important goals of this presidency are to raise awareness among the citizens to keep the Alibih and optimal use of different environmental elements. Thank you.

Vice President: That was the last speaker of this segment. Let us move to the next segment, that is “The Report on the Work of the UNCITRAL and Other International Organizations in the Field of International Trade Law”.

Agenda Item: Report on the Work of the UNCITRAL and Other International Organizations in the Field of International Trade Law

Vice President: Let me first invite Mr. Mohsen Baharvand, Deputy Secretary General of AALCO for his introductory statement.

Mr. Mohsen Baharvand, Deputy Secretary General: His Excellency Mr. Vice President, Distinguished Delegates, Ladies and Gentlemen, The Asian-African Legal Consultative Organization (AALCO) has been concerned with the issues relating to UNCITRAL since 1970. AALCO’s interest in the work of UNCITRAL has been enhanced by the success of the regional arbitration centres that it has established in places such as Kuala Lumpur, Cairo, Lagos, Tehran and Nairobi. That these regional centres too have started relying on the work of UNCITRAL is well-known. For instance, the Kuala Lumpur Regional Centre for Arbitration (KLRCA) has adopted the new *UNCITRAL Arbitration Rules 2010*. This year, in an effort to streamline deliberations and outcome, AALCO Secretariat has suggested that deliberations on this topic may concentrate on the implications of International Investment Agreements (IIAs) on Member States. The report of the Secretariat focusing on this area is contained in AALCO/54/BEIJING/2015/SD/S12.

Excellencies, A large number of arbitrations on IIAs are held under UNCITRAL Rules. In this globalized economy foreign direct investment (FDI) is considered as a significant contributor to economic growth and the resultant improvement in the standard of living. With a view to attracting diversified FDI from across the globe, many States have signed hundreds of IIAs in the last two decades. IIAs, particularly Bilateral Investment Treaties (BITs), offer investors direct access to a binding, neutral form of investment dispute resolution to enforce their treaty rights. In the recent past, there has been an explosion in the number of investment treaty arbitration claims filed against developing nations, challenging a wide array of sensitive government

²⁰ This statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

regulations and routinely seeking millions and even billions of dollars in damages. According to U. N. Conference on Trade and Development (UNCTAD) data, nearly two-thirds of known investment treaty claims have been filed against developing nation governments.

There are new concerns over how well-prepared developing nations are to cope with the challenge of litigating these claims. Investment treaty arbitration is a complex form of litigation that demands much in the way of resources and legal expertise. Due to financial and administrative barriers, many developing nations do not have the legal expertise within their government service to defend investment treaty claims. Hence, developing states are in dire need of experts in investment arbitration. Expertise in this field is generally limited to a close-knit community of lawyers and arbitrators who work for one of a handful of major international law firms with specialty practices in this area.

Another major concern is a lack of transparency at every stage of the arbitration process. Without the consent of the parties to the arbitration, there is generally no public access to the pleadings, evidence, hearings, or even the tribunal award. One of the major barriers to finding relevant precedent is a lack of public knowledge that even an investment treaty dispute exists. Of the major arbitral forums, only the *International Centre for Settlement of Investment Disputes* (ICSID) maintains a public registry of claims. The year 2014 witnessed significant multilateral developments geared towards increased transparency in Investor-State Dispute Settlement (ISDS). These include the coming into effect of the United Nations Commission on International Trade Law (UNCITRAL) Rules on Transparency²¹ and the adoption of the Convention on Transparency in Treaty-based Investor-State Arbitration, which will be opened for signature later in 2015.

Excellencies, By signing an IIA a State assumes obligations that may be potentially detrimental to itself in the long-run. As capital importers, developing countries bear most of the risk of investor litigation inherent in signing an IIA. This is a critical concern. Moreover, IIA obligations can lead to a loss of "national policy space" for host states by creating legal obstacles that restrict its ability to change key economic and regulatory policies in the future.

The functioning of Investor-State Dispute Settlement (ISDS) under investment treaties has led to concerns about systemic deficiencies in the regime. Questions have been raised as to whether three individuals, appointed on an *ad hoc* basis, can be seen by the public at large as having sufficient legitimacy to assess the validity of States' acts, particularly if the dispute involves sensitive public policy issues. In many cases foreign investors have used ISDS claims to challenge measures adopted by States in the public interest (for example, policies to promote social equity, foster environmental protection or protect public health). In the recent past, States have started reacting to the challenges emerging from the current ISDS system. Some countries have terminated their investment treaties and withdrawn from ISDS, or certain aspects of it – an option that raises a number of complex and novel legal questions.

²¹ UNCITRAL undertook work on transparency in treaty-based investor-State arbitration as from 2010, and adopted in 2013 the Rules on Transparency in Treaty-based Investor-State Arbitration (Transparency Rules).

In order to effectively address these concerns, States may consider adopting a proactive approach in reforming the existing norms and structure of IIAs and ISDS. It is our firm belief that today's deliberations provide us a good opportunity to discuss these issues which would lead to finding solutions to the concerns of the Member States. I thank you, Mr. Vice President.

Vice-President: Thank you so much. Now it is time for delegations for their interventions. Let us start with the delegation of Japan.

The delegate of Japan: Thank you Mr. Vice President. Japan considers dispute settlement clauses under IIAs effective to provide fair protection to investors making overseas investment. These clauses are also beneficial to the economy of the host state since they attract foreign investments by granting investors an option of having recourse to impartial international arbitration. An IIA which is properly negotiated and concluded brings benefits to both investor and host state. Thus Japan finds increase of such treaties desirable.

Mr. Vice President, investment agreements do not necessarily prevent a state from necessary and reasonable measures. For instance, the insertion of exceptions or reservations in a treaty expressly ensures policy space of a state party and will improve capabilities of states. To effectively handle ISDS cases, it could be suggested that the States experienced in actual ISDS cases as a respondent or third party share their best practice with other States. This approach would improve the skill of internal governmental lawyers and enables States not to rely on external lawyers and thus reduce the cost of litigation that they have to bear.

Mr. Vice President, from the viewpoint of the accountability of a host state to its nationals having high level of interest in ISDS, Japan supports, in principle, the improvement of transparency in investment arbitration. In addition, Japan considers that the improvement of transparency in arbitration process will ensure the impartiality of tribunals and thus desirable for investors as well. Japan, from this point of view, appreciates the completion of the work of UNCITRAL concerning its transparency rules. Thank you.

Vice President: Thank you very much for your statement. I will now call upon the delegation of Myanmar.

The delegate of Myanmar: Mr. Vice President, Excellencies, Ladies and gentlemen, An International Investment Agreement (IIA) is a type of treaty between countries for the purpose of protection, promotion and liberalization of cross-border investments present between UNCITRAL countries. Most IIAs cover foreign direct investment (FDI) and portfolio investment, but some exclude the latter. Countries concluding IIAs commit themselves to adhere to specific standards on the treatment of foreign investments within their territory. IIAs further define procedures for the resolution of disputes should these commitments be not met. The most common type of IIAs are Bilateral Investment Treaties (BITs) and Preferential Trade and Investment Agreements (PTIAs). International Taxation Agreement and Double Taxation Treaties are also considered as IIAs. Bilateral investment treaties deal primarily with the admission, treatment and protection of foreign investment. They cover investments by enterprises or individuals of country in the territory of its treaty partner. Preferential Trade and Investment Agreements are treaties among countries and cooperation in economic and trade

areas. Usually they cover a broader set of issues and are concluded at bilateral or regional levels. In order to classify as IIAs, PTIAs must include, among other content, specific provisions on foreign investment. International taxation agreements deal primarily with the issue of double taxation in international financial activities (e.g. regulating taxes on income, assets or financial transactions) They are commonly concluded bilaterally, though some agreements also involve a larger number of countries.

It will be explored in this paper of how IIAs have integrated into Bilateral Agreements and later domestic investment legislation. It will also be explored the efforts of UNCITRAL Arbitration Rule giving a helping hand to dispute settlement in investment.

Historically, the emergence of the international investment framework can be divided into two separate eras. The first era- from 1945 to 1989- was characterized by disagreement among countries about the degree of protection that international law should offer to foreign investors. In 1965, the Convention for the Settlement of Investment Dispute between States and Nationals of Other States (Washington Convention) was opened to countries for signature to establish ICSID as an institution that facilitates the arbitration of investor-State disputes.

The second era from 1989 to fill date is characterized by a generally more welcoming sentiment towards foreign investment, and a substantial increase in the number of BITs concluded. The mid-1990s also show that the creation of three multilateral agreements namely the General Agreement on Trade in Services (GATS), the Agreement on Trade- Related Investment Measures (TRIMS), and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). In this era there were the conclusion of NAFTA in 1992 and the establishment of the ASEAN Framework Agreement on the ASEAN Investment Area in 1998. These agreements typically also began to pursue liberalization of investment more intensively. However, IIAs may be entering a new era as regional agreements, such as the European Union, North American Free Trade, and dozens of others already in existence or under negotiations are set to supplant traditional bilateral agreements. Moreover, the number of IIA-based investors-State dispute settlement cases has also been on the rise in recent years.

Investor-state dispute settlement (ISDS) is an instrument of public international law that grants an investor the right to use dispute settlements proceedings against a foreign government. Provisions for ISDS are contained in a number of bilateral investment treaties, in certain international trade treaties, such as the North American Free Trade Agreement and in a international investment agreements, such and the Energy Charter Treaty. If an investor from one country (the “Home State”) invests in another country (the “Host State”), both of which have agreed to ISDS, and the Host State violates the rights granted to the investors under public international law, then that investors may bring the matter under public international law, then that investor may bring the matter before an arbitral tribunal. While ISDS is often associated with arbitration under the rules of ICSID (the International Center for Settlement of Investment Dispute of the World Bank) it in fact often takes place under the auspices of international arbitral tribunals governed by different rules and / or institutions, such as the London Court of International Arbitration, the International Chamber of Commerce, and the UNCITRAL Arbitration Rules.

Under customary international law a state can vindicate injury caused to its nation by the host state by exercising diplomatic protection, which may include retorsion and/ or reprisals. In addition to diplomatic protection and to avoid having to resort to coercive means, states can and do establish ad hoc commission and arbitral tribunals to adjudicate claims involving treatment of foreign nationals and their property by the host state.

The legal protection of Foreign Direct Investment under public international law is currently guaranteed by a new network for more than 2750 bilateral investment treaties (BITs), Multilateral Investment treaties (BITs), Multilateral Investment Treaties, most notably the Energy Charter Treaty and number of Free Trade Agreements such as NAFTA containing a chapter on investment protection. The Majority of these legal instruments provides foreign investors with a substantive legal protection (including the right to “fair and equitable treatment”, full protection in and security “, free transfer of means” and the right not be directly or indirectly expropriated without full compensation) and access to ISDS for redress against Host States for breaches of such protection. Some of these standards are framed in vague terms, given extensive discretion to arbitrators in their interpretation and application.

Notably, only foreign investors can sue States under investment treaties, and only states can be held liable to pay damages for breach of the treaties. States have no corresponding right to bring an original claim against a foreign investor. Thus, a decision in favour of the State means that the State has not been ordered to pay compensation, not that it has received any compensation from the investors. A state cannot “win” in ISDS in the manner of a foreign investor.

The United Nations Commission on the International Trade Law (UNCITRAL) was established by the United Nations General Assembly by its Resolution 2205 (XXI) of the 17th December 1966 “promote the progressive harmonization and unification of international trade law” United Nations Convention on Transparency in Treaty-based Investor-State Arbitration is open for signature in Port Louis, Mauritius, on 17th March 2015, and thereafter at the United Nations Headquarters in New York. The Convention was adopted by the General Assembly Resolution A/RES/ 69/ 116 on 10th December 2014. The New York Convention of 1958 entered into force on 7th June 1959. The Convention on the Recognition and enforcement of Foreign Arbitral Award (the Convention) seeks to provide common legislative standards for the recognition of arbitration agreement and court recognition of foreign and non- domestic arbitral awards.

The ASEAN Comprehensive Investment Agreement (ACIA) came into effect on 29th March is to bolster ASEAN investment by establishing free, open, transparent and integrated regime for domestic and international investors through the ASEAN Member States. The Agreement supports the Economic Community integration of the region before and after the ASEAN Economic Community integration in 2015. Two earlier ASEAN investment frameworks, the ASEAN investment Area agreement (AIA) and the Investment Guarantee Agreement (IGA) are the foundation of the ASEAN Comprehensive Investment Agreement. The main objective of ACIA was to enhance ASEAN’s attractiveness as an investment destination, to create ASEAN free, open and integrated investment area. The Agreement speed up to the establishment of ASEAN Economic Community (AEC) and ASEAN Community by 2015.

Another valuable component of the ACIA is its Investor-State Dispute Settlement mechanism (ISDS) and the promotion of alternative disputes by using domestic courts and tribunals, through international arbitration including ICSID, UNCITRAL, and other agreed rules.

Myanmar has a strong legal framework with laws promulgated in the sphere of corporate structure after British annexation of our country in the 19th century. The machinery of corporate legislative structure has been maintained in different eras of our history. To this legislative structure, modern laws are added and out into legal effect. These business laws of Myanmar were commonly known as commercial law in the olden days of our legal history.

When Myanmar was separated from India under the Government of Myanmar (the then Burma) Act 1935, Section 14 of said law provided the laws prescribed for Myanmar under the Government of India Act shall, unless amended, alter or repealed continue to have effect, Myanmar regained her independence in 1948 and Commercial Law of Myanmar continues to be in existence. During the centralized economy system in Myanmar, the laws that were not consistent with the socialist system were kept intact as “dead letter laws”. After 1988 with the adoption of market economic system, dead letter laws have become “live letter laws”. Commercial laws of Myanmar continued to have legal effect. Since Myanmar has adopted the market continued to have legal effect. Since Myanmar has adopted the market economy system, under section 35 of our Constitution. Myanmar added various legal steps for a better investor friendly climate.

Today, these “live letter laws” are given a new dimension with the promulgation of new laws that are added to them with the coming into force of new laws that are added to them with the coming into force of the 2008 Constitution. As a package of the modernized legal force of 2008 Constitution and as a package of the modernized legal landscape, the laws relating to business sector such as the such as the Special Economic Zone Law (2014), the Union of Myanmar Foreign Investment Law (2012) (FIL) and Myanmar citizen Investment Law (2013) have been recently enacted. The Pyidaungsu Hluttaw of the Republic of Union of Myanmar enacted the Foreign Investment Law 2012 in 2nd November 2012 in which the below mentioned four main issues are embedded in fitting squarely within the below mentioned four main issues are embedded in fitting squarely within the restrictions deemed acceptable by the world bank guidelines on the treatment of foreign direct investment. It provides for some significant changes to the previous Foreign Investment Law, 1998, especially for more flexible shareholding ratios for joint ventures between domestic and foreign entities, more flexible tax holidays, greater land use rights, and a statutory commitment against nationalization during the contract period of operations and disputes settlement mechanism. Consequently, the Rules for implementation for Foreign Investment Law have also been released on 31st January, 2013.

As the new Foreign Investment Law was approved by the Pyidaungsu Hluttaw together with the key changes, it has marked some significant milestones for Myanmar that recently emerged as the new investment hotspot or golden business destination due to its natural resources and untapped markets. According to the Foreign Investment Law 2012, the key reforms are designed to encourage foreign investment including land, use, tax incentives, mode of investment, no minimum foreign capital participation, transferability, foreign exchange, non- nationalization, dispute resolution, timeframe of approvals and international treaty protection.

Furthermore, other related laws in business area such as the Securities Exchange Law 2013, the Essential Supplies and Services Law, 2012, the Export law 2013, the Essential Supplies and Services Law 2012, the Multi-Transportation Law 2014, the Central Bank of Myanmar Law 2013, the Microfinance Business Law 2011, the Foreign Current Supervision Law 2012 and the Telecommunications Law 2013 were substituted with new laws to meet the time.

In the area of dispute settlement mechanism, Myanmar has been using the Arbitration Act 1944 and the Arbitration (Protocol & Convention) Act of 1939. It put domestic legal effect to the Geneva Protocol of 1923 and Convention on the Execution of Foreign Arbitral Awards (New York Convention) by the approval of the Pyidaungsu Hluttaw on 5th March 2013 at the seventeenth day sixth regular session. Instrument of accession was made on 16th April 2013 by the Ministry of Foreign Affairs and this Convention entered into force on 15th July 2013 for Myanmar. Consequently, the New Arbitration Draft has been publicized for public comments and now is being discussed at the Hluttaw our House of Parliament as it is urgently necessary to be enacted in line with the international standard in order to create a new more investor friendly climate.

Relating to the investment promotion and protection so as to keep up the investor friendly relations with foreign partners, Myanmar concluded many bilateral treaties such as the promotion and reciprocal protection of Investments Agreement with the Republic of the Philippines on the 17th May 2000, with People's Republic of China on 12th December 2001, while the Lao People's Democratic Republic on 5th May 2003, with the Kingdom of Thailand on 14th March 2008, with the Republic of India on the 24th June 2008, the Encouragement, Reciprocal Protection of India on 24th June 2008, the Encouragement, Reciprocal Protection of Investments Agreement with the Republic of Singapore and the Liberalization, Promotion and Protection of Investment with Japan on the 25th December 2013 in accordance with the International Standards.

Besides, Myanmar is trying to conclude many other bilateral agreements with other countries such as Mongolia, the People's Republic of Bangladesh, The Republic of Maldives, the Hong Kong Special Administrative Region, the Republic of Korea, Japan, the Republic of Serbia, Iran, Russian Federation, the European Union and so on. On 22nd May 2013, the Republic of the Union of Myanmar signed the Trade and Investment Framework with the United States of America.

The following are the findings of this paper:

- (1) Historical setting gives new insights to every legal subject in both spirit and letter of law
- (2) There is always a link between FDI and Public International Law giving a new creation called the International Investment Law
- (3) The United Nations and Regional Organizations play a crucial role in the development of International Law of Trade

- (4) The IIA have integrated into Bilateral Agreement and later domestic legislation with UNCITRAL giving a helping hand to the settlement of disputes.

Vice President: I thank the delegate of Myanmar. Now I invite Thailand.

The delegate of Thailand: Mr. Vice President, Thailand has been a proud member of the United Nations Commission on International Trade Law (UNCITRAL) for nearly thirty years since its inception by the United Nations General Assembly Resolution 2205 during its 21st Session in 1966. Thailand commends the achievements of UNCITRAL in harmonization and unification of international trade law as well as the ensuing increase in international trade and investment. We, as a member, share the conviction and wish to reaffirm Thailand's commitment and support to the work and activities of UNCITRAL. In this regard, we have actively and continuously participated in the UNCITRAL Commission meetings and all its working groups.

Today, the development of new forms of international commercial activities and the integration of information technology in business transactions have made the work of the UNCITRAL more important and relevant than ever. My delegation is pleased that this item has been included as a deliberated item of AALCO this year after it was considered last time during its 43rd Session in Bali in 2004.

Mr. Vice President, In light of the work progress of UNCITRAL in the past year, Thailand takes note that the Commission has finalized the Convention on Transparency in Treaty-based Investor-State Arbitration, following the adoption of the UNCITRAL Arbitration Rules under the same title in 2013. Together, these two have become the first international procedural regimes that provides transparency and accessibility to the public for treaty-based investor-State arbitration, both for investment agreements in force before and after 1 April 2014. Thailand would be pleased to exchange views with fellow members of AALCO on their positions and perspectives on this matter.

The initiative and effort of Working Group I in addressing legal issues surrounding the simplification of legal structure for Micro, Small and Medium-sized Enterprises (MSMEs) are worth noting here. It is expected that the draft UNCITRAL model law will offer the advantages of limited liability, legal personality, flexible structure and freedom of contract to MSMEs. Standards and rules for the simple and low-cost registration and formation of MSMEs would facilitate the growth of those enterprises. As MSMEs represent a vast majority of enterprises in AALCO members, and, in fact, accounting for more than 97 percent of Thai businesses, the work under UNCITRAL in this area will definitely be of great benefit and use to us.

Mr. Vice President, this year marks 35th anniversary of the United Nations Convention on Contracts for the International Sale of Goods (CISG). The Convention provides uniform rules for the international sale of goods as well as a modern, uniform and fair regime for the settlement of disputes related to the international sale of goods, which have contributed to the certainty in commercial exchanges and lower transaction cost. In this connection, Thailand is in the process of developing required laws to become a party to the Convention.

On online dispute resolution (ODR), we would like to commend UNCITRAL for its invaluable contribution in capturing current trend in this field for cross-border e-commerce transactions. Such development marks an important step to the way disputes can be resolved, especially for alternative dispute resolution, for both corporates and consumers. Thailand is of the view that a uniform and harmonized approach on this issue would help improve the existing online dispute resolution mechanism. My delegation is delighted to inform AALCO members that Thailand is currently in the process of drafting its first ODR rules by using the current work under UNCITRAL as a guideline. It is with high hope that the ODR rules will help offer an alternative means for addressing and preventing disputes in a more systematic manner.

Mr. Vice President, Thailand views the establishment of UNCITRAL Regional Centre for Asia and the Pacific (RCAP) as a significant step in facilitating the provision of technical assistance regarding the adoption and use of the UNCITRAL texts. In this connection, we wish to commend the Republic of Korea for its role and contribution to make this possible. Thailand is ready to cooperate with the UNCITRAL RCAP in raising awareness of UNCITRAL and its works and activities in the regions. Two weeks ago, the UNCITRAL RCAP and the Ministry of Justice and Electronic Transactions Development Agency (ETDA) of Thailand, successfully co-hosted workshops regarding the United Nations Convention on Contracts for the International Sale of Goods (CISG) and on the UN Electronic Communications Convention: a legal tool to promote cross-border electronic commerce in Bangkok, Thailand.

Mr. Vice President, Thailand fully supports the progressive modernization and harmonization of international trade law as a means to reduce legal obstacles to the flow of international trade, which would contribute to peace, stability and well-being of the regions. I thank you, Vice Mr. President.

Vice President: I thank you for your statement. I now call upon the delegation of China.

The delegate of People's Republic of China: Thank you very much. Mr. Vice President. Distinguished delegates, our delegation is very happy to discuss about UNCITRAL and its legislations under AALCO 54th Annual Session. Our government's work in the past few decades have been very productive and it has drafted and passed every important conventions as well as model laws and guidelines which plays a very important role in international trade and investment as well as in domestic legislations of each country. For the time being, UNCITRAL has six different working groups. The second working group is on the transparency rules of treaty based Investor-State arbitration. We fully participate in this working group and we think that this will eliminate the obstacles occurred because of the differences between different domestic laws and will provide more predictability and certainty in international trade. Our government is satisfied with the achievement of UNCITRAL legislation work and will carry on our efforts in the participation in investment legislation as well as in trade law.

Mr. Vice President, the Chinese government and our delegation look forward to work closely with the distinguished members of AALCO in UNCITRAL and other international trade organizations to actively participate in future legislations especially in investment and looking

for the best investment practice and contribute to the unification of the trade and investment law. Thank you.

Vice President: Thank you very much. I now invite Indonesia.

The delegate of Indonesia: Mr. President, Distinguished Delegates, I would like to thank Mr. Mohsen Baharvand from Islamic Republic of Iran who has presented the Report on the Work of UNCITRAL and Other International Organizations in the Field of International Trade Law. It is in our opinion that the topic of International Investment Agreement is of high importance especially for us, members of AALCO. The inclusion of International Investment Agreement as a topic in AALCO meeting is just in time because it responds to today's need for a more balanced and fair international investment regime.

Mr. Vice President, Indonesia experienced with International Investment Agreements and their implementation have brought us to the conclusion that there is a need to preserve policy space, strike a balance between investor protection and national sovereignty as well as a growing necessity to adopt sustainable development principles for investments. Such needs have driven Indonesia to review its Investment Agreements to ensure that Indonesia provides assurance and security to protect the rights of foreign investors while at the same time ensuring that our interest is not harmed and that both foreign investors and Indonesia gain mutual benefit from the cooperation.

Mr. Vice President, Indonesia's approach in the review process is to provide room for Indonesia to set policies for the purpose of pursuing national development objectives while at the same time preserving the rights of investors and not in any way meant to weaken the investor's protection. Imbalance of existing Investment Agreements lacking opportunities for host states to revisit or enact laws and regulation for economic growth and the protection of public interest, that were concluded at the time when Indonesia as any other developing countries was in need for foreign investment have resulted in the exposure of host states brought before Investor-State Dispute Settlement (ISDS) mechanism.

Indonesia views that there is a pressing need to assess and reformulate the mechanism of ISDS that open for misuse by bad faith investor's frivolous claim taking advantage of the existing deficiencies in the mechanism. It is also worth noting that going into arbitration is a very costly undertaking for developing countries, let alone for developed ones. Therefore, the issue of "investor-state-dispute settlement" has become a main focus and rationale to conduct our International Investment Agreement Review. We wish to ensure our fellow AALCO Member States that the review and the rebalancing of International Investment Agreement conducted by Indonesia are for the benefit and interest of host states and investors and not scaring off foreign investors. In fact, the review has not caused any existing investor to flee. Instead FDI is still increasing.

Mr. Vice President, finally, we encourage AALCO Member States to share experience on the issue and establish elements as guidance for recommendation for Member States and negotiating or reviewing investment treaties. With this in mind, therefore we support the resolution on

“Work of the UNCITRAL and other International Organizations in the Field of International Trade Law”. I thank you.

Vice President: Thank you very much for your statement. Now I invite the distinguished delegate from the Republic of Korea.

The delegate of the Republic of Korea: Thank you, Mr. Vice President, The delegation of the Republic of Korea appreciates the Secretariat’s analysis of the problems in the systems of dispute settlement relating to international investments. In theory, my delegation is of the view that the rules of the ICSID Convention, the UNCITRAL Rules of arbitration, and the provisions of the prototype Bilateral Investment Treaties are well formulated, if not perfect. My delegation believes that there are no particular discriminating elements in those systems of dispute settlement. The causes of the real problems that developing states encounter in settling investment disputes reside in the inequalities between giant foreign investors and developing host countries in their legal and financial capabilities in their adjudications in international arbitrations.

My delegation considers that these inequalities should be corrected somehow. In hammering out some ideas for the correction of these imbalances in capabilities, my delegation is of the view that two aspects should be taken into account simultaneously. On the one hand, the sovereignty of the developing host countries must be duly protected. On the other hand, developing countries need to introduce more foreign investments to accelerate their economic development. Therefore, my delegation considers that an appropriate balance between the protection of sovereignty of developing host countries and their needs to promote foreign investments should be maintained. In this consideration, my delegation is of the view that the draft resolution contains pragmatic ideas for the enhancement of the capacity of developing states in dealing with investment disputes. Thank you.

Vice President: Thank you, very much for your statement. Now I invite the distinguished delegate from India.

The delegate of India: Thank you, Mr. Vice President, Excellencies, Ladies and Gentlemen, on behalf of the delegation of India, let me thank the Deputy Secretary-General for the introductory remarks on the topic. Let me also commend the AALCO Secretariat for the brief on the agenda item, ‘Work of UNCITRAL and other International Organizations in the field of International Trade Law’. UNCITRAL has been actively harmonising and simplifying arbitration rules for investment disputes. A large number of arbitrations on International Investment Agreements (IIA) are being held under UNCITRAL rules. Adoption of UNCITRAL Arbitration Rules, 2010 by Kuala Lumpur Regional Centre for Arbitration (KLRCA) of AALCO is a welcome development. We appreciate efforts of AALCO in bringing this topic for discussion which has special relevance for trade regime of developing countries particularly in the field of investment dispute settlement.

India is a growing economy and one of the fastest developing countries of the world. India has a huge market and supports a liberal trade policy to attract potential investors. As a result, in the last two decades, India has witnessed a rapid growth in trade and attracted huge FDI by creating

more stable and transparent investment environment for foreign investors. We would like to share some of the concerns which India has with respect to its investment treaties.

India has an experience of having entered into more than 75 bilateral investment agreements, largely confirming to the OECD model. Of late, India has witnessed some developments in the field of investments whereby a delicate balance needs to be taken care of in protecting the national interests on one hand and the interests of investor on other hand. The reasons could be plenty, out of which, some of the issues pertain to the investor state dispute settlement mechanism, expansive interpretation of the law of investments and the proactive jurisprudence developed by investment tribunals, legalisation of treaty shopping etc.

In the process of revamping its investment treaties, India is keen to address these new developments by changing its model investment agreement which could be an attempt to maintain a fine balance between the State and the investor within the broad trade policy objectives of India. In principle, India does not believe in linking of FDI with environment related or other labour issues which of course hold merit in their own. In other words, the environmental requirements should not hamper the prospective investors from making investments.

We take note of draft resolution introduced by the Secretariat and also welcome the proposal for organising workshops for law officers aimed at enhancing their expertise in investment treaty arbitrations. I thank you all.

Vice President: Thank you very much for your statement. Now I invite the distinguished delegate from South Africa.

The delegate of South Africa: Mr. Vice-President, Distinguished Delegates, Ladies and Gentlemen, It is indeed an honour to address this august gathering of African and Asian states on behalf of the South African government.

Mr. Vice President, South Africa believes that the relationship between the host state and foreign investor has to be carefully balanced in the context of its differing interests. Sovereign actions are conducted to implement regime and host state policies in its territory and for its citizens. These actions are lawful when made in the public interest and are usually made in good faith and not intended to harm foreign investors. Host states have an interest in providing investors protection in order to promote investment but they must weigh this economic welfare goal against a variety of other economic and non-economic welfare goals, such as national security, environmental protection, health and safety regulation, protection of the economy, and wealth redistribution through taxation. No State protects property to the exclusion of all other interests, so a myopic focus on this goal is inappropriate. Instead, maintaining regulatory autonomy represents an important aspect of state sovereignty.

Mr. Vice-President, It is against this backdrop that South Africa initiated a review of its bilateral investment treaties in 2008. The review revealed several important conclusions. Firstly, South Africa had concluded these treaties at the dawn of the new democratic dispensation to provide confidence to foreign investors at a time when South Africa's economic policy was untested and before the adoption of the new Constitution in 1996 that was to provide safeguards to protect

private property and investment. It also noted that since the mid-90s, South Africa has steadily built up a robust legal framework protecting all investment-domestic and foreign.

Secondly, the review demonstrated that early generation bilateral investment treaties were deeply flawed in that provisions were poorly drafted, ambiguous and in some cases, conflicted with existing national legislation in South Africa. Further, the early Bilateral Investment Treaties did not establish a balance between protection of investor rights and the right of the government to regulate. These treaties sometimes extend far into developing countries' policy making space, imposing damaging binding investment rules with far reaching consequences for sustainable development. This state of affairs imposes unacceptably high risk to governments as they seek to regulate in public interest.

The review also revealed profound inconsistencies in the outcomes of international arbitration as they relate to investment disputes. Of particular concern is the risk that three arbitrators reach decisions that overturn national policies and measures that are arrived at through legitimate and fully democratic process at a national level. South Africa faced such a risk when its affirmative action policy legislation in the mining sector was challenged in the *Foresti v Government of South Africa* international arbitration case. The claim was made under the Italy South Africa BIT and the South Africa Luxemburg BIT and the claimants demanded an abolishment of the policy as well as an amount of 165 million US dollars in damages. The government's cost in defending the case was about 5.6 million US dollars of tax payers' money. The case was however eventually decided in the Government's favour in a default judgment where a cost order of only 420,000 US dollars was made against the claimants. Even though the government successfully defended this case, over 5 million US dollars of tax payers money which could have been utilised to address pressing socio-economic challenges was lost in this whole process.

Thirdly, the review observed the empirical analysis on the relationship between BITs and investment flows and found there was no clear evidence that bilateral investment treaties lead to increased investment inflows. Indeed, South Africa's own experience shows we continue to receive large investments from countries with whom we have no BIT and in some cases little or no investment from countries we do.

Fourthly, the review observed that major countries around the world had abandoned their early generation treaties in favour of updated and modern forms of protection for investment and investors.

Mr. Vice President, It is against this background, the South African cabinet concluded that South Africa should: Firstly refrain from entering into bilateral investment treaties in future, except in cases of compelling economic and political circumstances.

Secondly, most 'first generation' bilateral investment treaties have been reviewed and some terminated, with a possibility of renegotiation on the basis of a new model BIT to be developed

Thirdly, Cabinet elevated all decision-making in respect of Bilateral Investment Treaties to an Inter-Ministerial Committee tasked with oversight of investment, international relations and economic development matters.

Fourthly and most importantly, the Cabinet decided that South Africa should strengthen its domestic legislation in respect of the protection offered to foreign investors. In this regard, an investment bill designed to regulate foreign direct investment is in the process of finalisation. The new bill seeks to ensure that South Africa remains open to foreign investment and does not impose new obligations on investors. The bill also strikes an appropriate balance between the rights and obligations of investors and government, particularly in respect of the Government's right to regulate in the public interest. Furthermore, provisions ordinarily found in BITs such as National Treatment and free transfer of funds have been accommodated in the bill and brought in line with South Africa's Constitution and our existing legal framework.

Finally, Mr. President, South Africa is playing an active role in the review of the Southern African Development Community's Finance and Investment Protocol" SADC FIP" in ensuring that investment rules at a regional level do not contradict regional integration efforts but also contribute positively to the growth and sustainable development of the region and the African continent at large. Thank You.

Vice President: Thank you very much for your statement. Now I invite the distinguished representative of UNCITRAL who is the last speaker.

The representative of UNCITRAL: Thank you, Mr. Vice President. At first, on behalf of UNCITRAL and its Regional Centre for Asia and the Pacific, I would like to extend our sincere appreciation to the AALCO and the People's Republic of China for your strong support of the work of UNCITRAL and the kind invitation to this important event. And it is our great honour to have an opportunity to speak on our work.

As many of AALCO delegates may be aware, UNCITRAL, that is the United Nations Commission on International Trade Law, is an organ of the General Assembly of the United Nations, which aims to remove or reduce legal obstacles to the flow of international trade and to further the harmonization and modernization of international trade law. And UNCITRAL has worked in a number of key areas of commercial law which include dispute resolution, international contract practices, transport, insolvency, electronic commerce, international payments, secured transactions, procurement and sale of goods.

For example, UNCITRAL continues to co-sponsor the Multinational Judicial Colloquium on Cross Border Insolvency with INSOL (International Association of Restructuring, Insolvency and Bankruptcy Professionals) and the World Bank and it maintains a database of case law on UNCITRAL texts – known as CLOUT- which provides the international legal community an exceptional information source on court and arbitral decisions considering various UNCITRAL texts.

Especially this year, UNCITRAL is celebrating the 35th Anniversary of the United Nations Convention on Contracts for the International Sale of Goods – known as the CISG. Therefore regional meetings discussing current issues related to the CISG and to uniform contract law are being held around the world.

And now I would like to turn towards investor-State dispute settlement which is focused on today. The Commission of UNCITRAL recognizing concerns raised about lack of public access to information on investment arbitration, has taken steps to address the issue.

As one of the efforts to address the problems and to achieve fundamental UN principles of good governance and the rule of law, the Commission adopted the UNCITRAL Rules on Transparency in Treaty-Based Investor-State Arbitration in 2013, which aim to make investment arbitrations more open and accessible to the public.

Because the rules are applicable to investment treaties concluded after 1st April 2014, in December 2014 the UN further introduced the UN Convention of Transparency in Treaty-Based Investor-State Arbitration to provide for an efficient mechanism to States that wish to make the UNCITRAL Rules applicable to their investment treaties concluded before April 2014: there are some 3000 treaties in force.

At a ceremony in Mauritius on March 17th 2015, eight States – including Canada, Finland, France, Germany, Mauritius, Sweden, the United Kingdom and the United States – signed what is now known as the Mauritius Convention on Transparency. And two more States – the Syrian Arab Republic and Switzerland – have since become signatories. The Convention will enter into force six months after the deposit of the third instrument of ratification.

The underlying reasons for these efforts obviously include the benefit of informing and involving the public, promoting good governance and, it may be hoped, helping to counter corruption. The overall purpose is to enhance confidence in the system of investor-State arbitration. This accelerates recent trends favouring transparency, reflected in certain arbitration rules (ICSID revised its rules in 2006), in case law, in legislation, and in investment treaties.

A major concern was to balance two interests: that of the public in being informed, and of the parties in having an efficient procedure. Under the Rules, the arbitral tribunal is given that task. There are two broad categories of exceptions to transparency. The first is that confidential or protected information (a defined term in the Rules) is not to be made public. A determination as to whether information is confidential is to be made by the arbitral tribunal after consultation with the parties. Secondly, the need to protect the integrity of the arbitral process may be invoked, for example closing hearings where there is a risk of threats to witness or arbitral counsel.

The Rules also address the question of submissions by third parties and by non-disputing State party to the Treaty. The arbitral tribunal may allow third persons who meet certain criteria to make a submission, but it shall accept submission by non-disputing parties to the treaty when those submissions relate to matters of treaty interpretation. So, what do we expect in the future from these instruments on transparency? First, that transparency enhances confidence in the dispute resolution system which is currently employed under thousands of treaties. Next, that it modernises Investor-state disputes by permitting the public to be better informed about the process. And finally, these texts show that it is indeed possible to bring reforms to this area of practice, so it may be a first step towards wider improvements in the field.

Your Excellences and distinguished guests, UNCITRAL believes that your efforts here would also contribute the harmonization and integrity of international trade law not only among States of the AALCO but also throughout the world. So we would very much like to express our sincere support of your efforts to achieve these goals. Thank you very much.

Vice President: That brings us to the end of this session. Thank you very much.

The meeting was thereafter adjourned.

**XI. VERBATIM RECORD OF THE SPECIAL HALF-DAY
MEETING ON “INTERNATIONAL LAW IN
CYBERSPACE”**

XI. VERBATIM RECORD OF THE SPECIAL HALF-DAY MEETING ON “INTERNATIONAL LAW IN CYBERSPACE” HELD ON WEDNESDAY, 15 APRIL 2015 AT 9.30 AM

H.E. Liu Zhenmin, Vice Minister of Foreign Affairs of the People’s Republic of China, and President of the Fifty Fourth Session AALCO Annual Session is in the Chair.

President: Good morning distinguished delegates and dear colleagues. Today we enter our third day of meetings and I hope you have all rested well from last night. I welcome you all to the “Half-Day Special Meeting on International Law in Cyberspace”. As you are aware, the development of internet technology has brought to people around the world immense economic benefits and, at the same time, it has also brought unprecedented challenges without geographical limits. In 2013, the report of a group of governmental experts of the UN affirmed the applicability of international law, and in particular the UN Charter, which is essential to maintaining peace and stability, and promoting an open, secure, peaceful, and accessible ICT environment.

However, there is still limited consensus on how international law might apply in cyberspace, or how to prevent the risky trend of militarization and ensure peace in cyberspace through international law. I feel this meeting presents to us an important opportunity to try and identify ways and means of doing so. The issue we are discussing is a new issue to all international forums, but I think the AALCO Annual Session provides a good opportunity for Afro-Asian countries to have a debate on the issue.

To begin this meeting I invite the Deputy Secretary General, Mr. Feng Qinghu to make his introductory remarks on the topic. Mr. Feng, you have the floor.

Mr. Feng Qinghu, Deputy Secretary General of AALCO: Thank you, Your Excellency, Mr. President. Respected Panelists, Excellencies, Distinguished Delegates, Ladies and Gentlemen;

This agenda item is one of the latest additions to our programme. It was People’s Republic of China that proposed “International Law in Cyberspace” as an agenda item to be deliberated at the previous Annual Session of AALCO, held in Teheran in 2014, and it was accepted by consensus. Cyberspace is the newest realm of human interaction and its unique structure and framework poses considerable challenges to nation States and the international community as a whole. These challenges include, *inter alia*: 1) disagreement over a universally accepted structure of internet governance and associated issues including State sovereignty in regulating the internet within its jurisdiction; 2) articulation of rules relating to State and non-State conduct during cyber-warfare; and, 3) burgeoning transnational cybercrimes and the need for multilateral treaties to effectively prevent its escalation. The report of the Secretariat focusing on this area is contained in AALCO Report AALCO/54/BEIJING/2015/SD/S 17.

Excellencies, the existing internet governance regime has often been portrayed as a non-hierarchical, ‘multi-stakeholder-model’, which consists of governments, private companies and non-governmental organizations. However, in practice this model features the anomaly of the historical US government’s leadership and the continuing contractual relationship between its Department of Commerce and Internet Corporation for Assigned Names and Numbers (ICANN). Some of the Member States of AALCO have been cognizant of this reality and have been arguing for the establishment of a UN-centric model of internet governance with the International Telecommunication Union (ITU) at its center. This appears to be a distant possibility, as is evident from the result of ITU’s recently concluded Plenipotentiary Conference 2014, wherein the position of the developed nations prevailed.

Excellencies, an associated issue that was stressed in the last Annual Session is State sovereignty in cyberspace. The arguments favouring greater State control over internet governance primarily hinge on the extension of State sovereignty to cyberspace. The UN Group of Governmental Experts on Information Security in its 2013 report declares that, “State sovereignty and international norms and principles that flow from sovereignty apply to State conduct of ICT-related activities, and to their jurisdiction over ICT infrastructure within their territory.” (para.20) However, it is significant to point out here, as embodied in Article 19 of the Universal Declaration of Human Rights, that freedom of expression and information must be promoted without exception. The exercise of sovereignty by any State must be subjected to this right.

Excellencies, cyberspace has become the “fifth domain” of war with militaries across the globe increasingly becoming reliant on cyber networks and computer-aided warfare. The articulation of traditional rules of war, both on the use of force (*jus ad bellum*) and International Humanitarian Law (*jus in bello*), applicable to cyberspace is a prime concern. Tallinn Manual on the International Law Applicable to Cyber Warfare may serve as an important reference in this regard.

Further, cyber espionage factors in as a critical concern with respect to cyber security. Large-scale snooping on the foreign missions and other activities of many nations has been reported in the recent past. In this context, it is to be emphasized that the Vienna Convention on Diplomatic Relations reaffirms the inviolability of diplomatic correspondence and it equally applies to cyberspace as well.

Lastly, burgeoning cyber crimes perpetrated by non-State actors including financial theft and other cross-border crimes are threatening national security and financial health. A report estimates the annual damage to the global economy to be at \$445 billion.¹ Given the low number of international legal instruments that can be used to deter the cyber crime, it becomes pertinent to question whether the antecedent customary law dealt with the issue of cyber crime. In fact, the Convention on Cyber Crimes, which is also called as Budapest Convention, is the only existing multilateral treaty that specifically addresses computer related crimes. However, its provisions do not adequately address various new threats such as terrorist use of the internet, botnet attacks and phishing.

¹ <http://reuters.com/article/2014/06/09/us-cybersecurity-mcafee-csis/idUSKBN0EK0SV20140609>

Excellencies, it is roughly in this context that we are deliberating this agenda item. It is our firm belief that today's deliberations provide us a good opportunity to discuss these issues which would lead to finding solutions to the challenges posed by transnational activities in cyberspace. Thank you.

President: I thank Mr. Feng, the Deputy Secretary General of AALCO, for his introductory statement. Dear colleagues, you may have noticed that for today's discussion we have invited two panelists. On my left is Mr. Richard Desgange, the Regional Legal Advisor for ICRC. To my far right is Mr. Fan Zhijong from *Huawei*. Let me first give the floor to Mr. Fan Zhijong to provide us with some background knowledge about cyberspace. Mr. Fan, you have the floor.

Mr. Fan Zhijong, Representative of Huawei: Thank you, Your Excellency. Ladies and gentlemen, good morning. My name is Fan Zhijong, and I am the Vice-President of Intellectual Property Strategy at *Huawei*. The internet is changing our life, and the internet itself is also changing. So, the way it is changing our life is changing. Engineers describe change over change as acceleration. Today we are going to look at the past, present, and future of the internet, and navigate through the economic and policy implications of the accelerated changing.

I want to begin with the case study of a Chinese company called *Taobao*, a client of *Huawei*. *Taobao* is a leading e-commerce company in China for online shopping. On 11 November 2014, \$3.9 billion were spent by consumers using *Taobao*'s mobile phone application. That's 460% up from 2013. The question is, why has there been such a dramatic growth of almost five-fold in merely a year? Has anything changed?

The secret is here: In December 2013, the Ministry for Industry and Information Technology issued licenses to all three mobile operators in China allowing them to operate Fourth Generation (4G) wireless networks. The main difference between 4G and 3G (third generation) is about ten times in speed. Think of downloading a movie; a full-length high-quality movie will take 70 minutes using 3G under the best network conditions, but it would only take 7 minutes using 4G. The faster 4G networks led to the thriving of mobile internet applications that dramatically changed the Chinese peoples' lives in 2014. But that was just the beginning. Engineers working at *Huawei* and many other companies are working hard to bring Fifth Generation (5G) networks to life within ten years. The 5G network will be 66 times faster than 4G, and will open doors to a totally new world.

But before we look at the case of present-times and dive into the future, let us take some time to review our case study of *Taobao* from an economic perspective. As policy makers, you should be interested in seeing those figures. By 2013, *Taobao* and its online merchants created 12 million jobs; greater than the population of Tokyo. In case your economic advisor may say that is merely a transitioning from real shops to online shops, the World Bank Report provided its estimation that every 10% of broadband penetration will lead to 1.3% growth of GDP and 2-3% of new jobs, and that is GDP growth not at the cost of our precious environment. 10% of broadband penetration will also lead to 5% reduction of CO2 emission, and perhaps most importantly 15-fold increase in innovation efficiency. This innovation will lead to further acceleration of the economy.

Now let us look at some examples of what the internet is bringing us presently. In the city of Nairobi, Kenya, *Huawei* is working with our local partners to build a much smarter and safer city, with a new mobile broadband network. Convergence command is dramatically improving the efficiency and reaction time of emergency services. Panoramic video surveillance and intelligent analytics is helping public security officers to conduct much more efficient and effective criminal investigations. Field officers are getting access to online files wherever they are carrying out their duty.

On another continent, Brazilian national power grid company, *Copel*, is building its network and data centers to convert itself to a smart-grid company fully connected with fiber-optics running at 400 gigabytes per second. The smart-grid offers on demand and real-time intelligent distribution power and quick fault diagnostics covering every corner of the grid no matter where the fault is. The annual power network downtime of cities and communities powered by *Copel* reduces from 2000 minutes to an unprecedented 3 minutes.

Yet another example, that the internet is changing, is the way that banks operate. Banks are often recognized as pioneers in terms of IT and networking applications, with data from decades of operation. The networked computing power big data analytics is providing the banks the means to quickly adapt to financial incidents and opportunities. The largest personal bank in China, *China Merchants Bank*, now can reduce credit check time from three weeks to ten minutes. *Industry and Commercial Bank of China*, the largest bank in the world, now executes online transaction of 380 trillion Chinese yuan every year. All these stories will soon become the past by 2025. With the 5G mobile network we will be able to connect 100 billion things in the world together, which is more than 14 times our current population. Everything electrically powered will have a chance to be connected by then. All wireless and wire-line connections will be running at unprecedented speed. This will result in another industrial revolution comparable to every industrial revolution in the past.

5G will bring ultra-high definition video to your mobile device. If you were to have a car accident you would not have to wait for representatives of the insurance company to come on-site. Simply use your mobile phone to feed the live video showing the scratch details to the service centers of the insurance company and you can finish the reporting in minutes. It will save time for you and save money for the insurance company. If you decide to sit down to watch a football game in your living room instead of your mobile device, the optical network will bring you the live game projected to the size of a wall in your living room. Human-sized players and figures will become the new standard for TV programs.

Wireless technology will also change the way we transport. With greater bandwidth and less latency of wireless signal connections, more locomotives can be used to drive much longer trains. Think of a 2.5 kilometer long train carrying 20,000 tons of goods. That's more than three times greater efficiency in using the railways to drive your economy.

Having said all that, the world will not change automatically. Right now we still have 4.4 billion people unconnected, translating to 1.1 billion unconnected households. 90% of them are in developing countries, including China. To connect billion devices

in 2025 using 5G technology, there will be both engineering and policy challenges that we must overcome.

On the engineering side the hardship is visible. This is an award-winning picture from *Huawei's* internal employee photography contest. A bunch of *Huawei* engineers were carrying an oil-electrical power generator to the top of a hill in order to restore power to our base stations. A blizzard blacked out the village and before the power could be restored, the communication had to be restored first to allow the villagers to ask for help. When the communication network is becoming so vital to support our society, our engineers' job is not simply about sitting in fancy laboratories and writing computer programs.

On the policy side, the job can be equally challenging. An open investment environment, friendly to foreign trade, is critical to bringing world-class internet technologies to a country. If industrial enterprises do not receive the internet infrastructure it requires to compete in the new world, the industrial revolution could turn into a lake of fire and they could end up as frag. But, with a well-built internet infrastructure, they will have equal footing to face challenges. If we embrace the technology, the technology will reward us.

On the other hand, like protecting other vital resources like air and water, regulations also need to be deliberately drawn to protect the network from being misused. Things can never be hacked only when they are not connected. Misusing the internet will only undermine the efforts of technology and slow down the revolution itself.

Finally, as a brief introduction of *Huawei*, we are dedicated to provide the best ICT solutions to serve our telecom enterprises and consumer customers. We will build networks in more than 170 countries and connect one-third of the global population. We are obsessed with innovation and bringing new technologies to the world every day. Thank you very much.

President: I thank Mr. Fan for his introductory statement. Now I invite our next panelist, Mr. Richard Desgange of ICRC to present his statement.

Mr. Richard Desgange, Regional Legal Advisor, ICRC, Beijing: Mr. President, Mr. Secretary-General, Mr. Deputy Secretary General, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen; At the outset, we would like to take this opportunity to thank the Asian-African Legal Consultative Organization (AALCO) and the Government of the People's Republic of China for giving the International Committee of the Red Cross (ICRC) the opportunity to take part in AALCO's 54th Annual Session, in particular, this special meeting on International Humanitarian Law in Cyberspace.

I will address four points in the next few minutes: 1) what is cyber warfare? 2) what limits does International Humanitarian Law (IHL) impose on cyber warfare? 3) some of the challenges in applying IHL to cyber-operations; and, 4) some concluding remarks.

What is "cyber warfare?"

Businesses, media and governments regularly report that their websites or networks have been subject to cyber-attacks. However, there is no authoritative definition of the notions of “cyber-attack” or “cyber warfare” and they have been used by different people to mean different things. A large proportion of operations referred to as “cyber-attacks” constitute illicit information gathering-such as industrial espionage-or other cyber-crimes, and occur outside the context of armed conflicts. They are not governed by IHL.

In our context, “cyber-warfare” is used to refer to means and methods of warfare that consist of operations against or via a computer or a computer network through a data stream, when such cyber operations are conducted in the context of an armed conflict within the meaning of IHL. Put otherwise, cyber warfare is the use of computer codes to cause death, injury, destruction or damage during armed conflicts. It is only in the context of armed conflicts that IHL. Cyber warfare is thus only one aspect of the broader cyber security debate.

What limits does International Humanitarian Law impose on cyber warfare?

By prohibiting the threat or the use of force, the United Nations Charter imposes fundamental limits to States’ resort to cyber warfare. These limits are part of what is usually referred to as *jus ad bellum*. As I am sure you all know, *jus in bello*-international humanitarian law-regulates the conduct of hostilities independently of questions of *jus ad bellum*. It put constraints on the belligerents’ choice of means and methods of warfare with a view to protecting civilians as well as combatants.

Cyber-operations during armed conflict are subject to IHL in the same way that any new weapons, means and methods of warfare are. Article 36 of the First Additional Protocol provides notably that in the study and development of new weapons, means and methods of warfare-a State Party has to determine whether its employment would, in some or all circumstances, be prohibited by the Protocol or other rules of international law. Beyond the specific obligation is imposed in terms of legal review of means and methods of warfare, this rule shows that IHL applies to the use of technology in armed conflicts.

It should be stressed that asserting IHL applies to cyber warfare is not an encouragement to militarize cyberspace, nor does it legitimize cyber warfare; quite the contrary. By asserting that IHL applies, we reaffirm that limits exist if and when States would resort to cyber operations during armed conflicts. Such assertion constrains rather than legitimize cyber warfare. Indeed, the cardinal principle of conduct of hostilities under IHL is the obligation to direct attacks against combatants and military objectives only. Attacks against civilians and civilian objects are prohibited and this prohibition also governs cyber-attacks.

In recent years, there has been increasing concern for the protection of critical infrastructures against cyber-attacks. During armed conflict, such attacks would most often constitute violations of IHL. Indeed, drinking water and electricity networks that serve the civilian population, banks, railway networks and public health infrastructure are civilian objects in the first place (at least as long as they have not become so called “dual-use objects”). As such, they are protected against direct attack. Water systems, in particular enjoy special protection for being objects indispensable to the

survival of the population. Similarly, dams and civilian nuclear plants do not usually fall within the definition of what constitutes a military objective, and are thus protected against direct attacks.

Without prejudicing on whether States will agree on specific norms regulating their behaviour in cyberspace to recall that IHL applies to a cyber-operation during armed conflicts reaffirms that existing international law already puts important limits to such operations.

However, to apply pre-existing legal rules to a new technology also raises the question of whether the rules are sufficiently clear in light of the technology's specific characteristics and foreseeable humanitarian impact. We cannot rule out that there might be a need to develop the law further to ensure that the protection it provides to the civilian population is sufficient. This will have to be determined by States.

Challenges for the interpretation and application of IHL

To re-affirm the relevance of IHL for cyber warfare and recall such fundamental rules is only the first step. Indeed, cyber warfare raises a number of challenges for the interpretation and application of IHL. Let me mention some of them.

Anonymity

Anonymity in cyberspace is easy to achieve, and this complicates the ability to attribute aggressive activities to the perpetrators and especially to do so in a timely manner. Since IHL relies on the attribution of responsibility to parties to an armed conflict, anonymity may create major challenges. If the perpetrator of a given cyber-operation cannot be identified, it may even be difficult to determine whether IHL is applicable to the operation. The answer to this challenge might, however, not lie in the legal field alone, but first in the technical field.

Do cyber operations amount to a resort to armed force triggering the applicability of IHL?

There is no doubt that armed conflict exists where cyber operations are resorted to in combination with traditional kinetic weapons. However, when the first-and possibly the only-hostile act is a cyber-operation, can this amount to an armed conflict in the meaning of IHL? This question is closely related but nevertheless distinct from whether a cyber-operation alone could amount to a "use of force" or an "armed attack" under the United Nations Charter. Such jus ad bellum issues are of crucial importance and thus widely debated. However, issues pertaining to jus ad bellum and the question of scope of application of IHL should not be confused.

IHL applies in situations of armed conflicts, whether international or non-international, as defined in international humanitarian law. In that regard, there seems to be no reason to treat cyber-operations that would cause effects similar to those caused by kinetic operations differently than the latter. Beyond such kind of operations, the disruption of critical infrastructure as a resort to armed force triggers the applicability of IHL-in view of IHL's purpose to protect the civilian population against such consequences. Defining the type of cyber operations that would trigger

the applicability of IHL in the absence of any kinetic operation will be determined through future State Practice.

Definition of a “cyber-attack”

In situations where IHL applies, such as when an armed conflict is already being waged through traditional kinetic means, the question that arises as to the definition of “cyber attack.” The notion of “attack” is cardinal for the rules on the conduct of hostilities in particular for the application of the principles of distinction, proportionality and precautions in attack. Indeed, while parties to a conflict have to take constant care to spare civilians in all military operations and to protect them against the effect of hostilities apply to “attacks.” In the 1977 First Additional Protocol defines attacks as “acts of violence against the adversary, whether in offence or in defence.” (Art 49 (1)).

The group of experts which drafted the Tallinn Manual on the International Law Applicable to Cyber Warfare defined a “cyber attack” under IHL as a “cyber-operation, whether offensive or defensive, that is reasonably expected to cause injury or death to a persons or damage or destruction to objects.” The crux of the matter, as often, lies in the details namely what is ”damage “ in the cyber world.

A number of IHL experts agree that the loss of functionality of an object may also contribute damage while others argue that only physical damage is relevant. The ICRC considers that if an object is disabled, it is immaterial whether this occurred through destruction or in any other way. This issue is very important in practice, as a more restrictive view of the notion of attacks might imply that fewer and less precise IHL rules would govern and thus restrict each type of operations. In particular, a cyber-operation aimed at making a civilian network dysfunctional might not be covered by the IHL prohibition of directing attacks against civilian persons and objects under an overly restrictive understanding of the notion of attack.

Interconnectedness

The interconnectedness of cyber-space creates specific challenges for the application of IHL rules. The same networks, routes and cables are shared by civilian and military users. It might even make it impossible to distinguish between military and civilian computer networks when launching a cyber-attack; if carried out nevertheless such an attack would violate the prohibition of indiscriminate attacks. The use of malware, which replicates itself without control and damages civilian cyber networks, is similarly forbidden. For example, a party to a conflict would violate the prohibition of indiscriminate attacks if it release via the internet a malware tailored to block enemy radars, while expecting that the malware’s code will spread to and affect air civilian traffic control radars.

Furthermore, when launching an attack, parties to the conflict have to take all feasible precautions to avoid or at least minimize incidental civilian casualties and damage to civilian objects, including civilian cyber-infrastructure and networks. The interconnectedness of cyberspace that entails the risk that cyber-attacks causes incidental damage indirectly. Such indirect incidental damage, however remote it is, has to be considered to the extent that it can be expected and parties to the conflict

that plan or launch cyber-attacks have to expect that they risk causing incidental damage indirectly. One could even question whether it is always possible to appropriately assess such indirect effects.

This is just a brief overview of the issues and there are many other challenges, such as the geography of cyber conflicts, the application of the law of neutrality and the concept of sovereignty, or the definition and legal review of cyber weapons, just to name a few.

Despite these challenges, the key question is not whether new technologies are inherently good or bad. A holistic reflection is warranted to fully consider the risks and implications of the use of new technologies in armed conflicts from all perspectives and States should consider them well before they develop such technologies. While the relevance of IHL as the main body of law that constrains cyber warfare and protects civilians needs to be reaffirmed, there might be a need to develop the law further to ensure that the protection it provides to the civilian population is sufficient. That will have to be determined by States. In that regard, there is some debate within the international community on the manner to address the challenges raised by cyber warfare and more broadly those related to information security.

These challenges also underline the necessity for parties to armed conflicts to be extremely cautious, if and when resorting to cyber operations to avoid harm to civilians and civilian networks. They underscore the importance that States, which may develop or acquire cyber warfare capacities for offensive or defensive purposes, assess their lawfulness under IHL, as is necessary for any new weapons or methods of warfare. This is required by Art. 36 of the 1977 First Additional Protocol, and is the only way to ensure that armed forces and other governments agencies possibly resorting to cyber capabilities during an armed conflict will be able to abide by their obligations under international law. The fact that a growing number of States are developing cyber warfare capabilities only reinforces the urgency of these concerns. Thank you for your attention,

President: I thank Mr. Desgange, the Regional Legal Advisor for ICRC, for his presentation. Dear colleagues, we have now had two presentations; Mr. Fan presented us with the issues from a technological perspective, and Mr. Desgange has presented us the issue from a legal perspective. After listening to the two of them, I am now opening the floor to comments from the delegations of Member States. I notice that the first speaker is from China. You have the floor.

The Delegate from China: Thank you, Mr. President. Distinguished Delegates; Ladies and Gentlemen,

International law in cyberspace is at present a hot topic in international law and international relations. The Chinese Delegation has taken note of the first report on the agenda item of “international law in cyberspace” prepared by the Secretariat. We would like to thank the technical expert from Huawei Technologies Corporation of China and the legal expert from the ICRC for their presentations on the topic at this meeting.

The special meeting on “international law in cyberspace” highlights the importance of this issue and the urgent need to address it. At the initiative of the Government of the People’s Republic of China, the item “international law in cyberspace” was firstly incorporated into the agenda of AALCO at the Tehran Session held last year. Preliminary exchanges of views on the item have also taken place between Member States. Although it has only been half a year since the Tehran Session, many important international conferences on cyberspace have been held, and various incidents emerged one after another. The international community is attaching increasing importance to the international rules on cyberspace. The first World Internet Conference successfully held in November 2014 by the Chinese Government in Wuzhen, established an international platform for the inter-connectivity of internet between China and the rest of the world, as well as a domestic platform in China for the sharing and governance of the international internet. In January 2015, China, Russia, Kazakhstan, Kyrgyzstan and Uzbekistan jointly submitted an updated draft version of the *International Code of Conduct for Information Security* to the UN General Assembly, which elaborates on the norms and principles governing the responsible behaviour of States in cyberspace. Currently, the UN Group of Governmental Experts on Development in the Field of Information and Telecommunications in the Context of International Security (the UN GGE) is holding discussions over this draft report, and the “London Process” is holding its Global Conference on Cyberspace in the Hague. International law in the Cyberspace has been included as an important agenda item at both conferences.

This special meeting focuses on four key issues. Here I would like to elaborate on the position of the Chinese Delegation respectively as follows:

First, a UN-Centric governance model on cyberspace; Cyberspace is a *sui generis* domain, with the dual characteristics of reality and virtuality and also the dual nature of sovereign and common space. On the one hand, as an inter-connected and indivisible global information channel, cyberspace, which is shared by the global netizen, possesses the characteristics of global commons. As opposed to the outer space, the High Seas, the Antarctic and other global commons, cyberspace does not have any inherent territory. Cyberspace is an artificial and virtual space, which is formed by the intertwining of cyber activities of human beings on the basis of internet facilities. The orderly functioning of cyberspace concerns the interests of all States, which should not be appropriated by any single State. On the other hand, cyberspace has a sovereign nature. Each State is entitled to exercise sovereignty over cyber infrastructure, network data, cyber activities and internet governance within its territory. Each State may also exercise extra-territorial jurisdiction over cyber activities pursuant to international law. Therefore, the international cyberspace should be governed by sovereign States and the international community.

The Chinese Government is supportive of making full use of the existing mechanisms under the UN framework such as the ITU, the IGF and the WSIS process, taking into account the interests of multi-stakeholders, including those of different States, the private sector, the technological community and civil society, and coordinating responsibilities and functions of different platforms and mechanisms on internet governance, so as to build a harmonious order for cyberspace. We welcome the globalization efforts by the ICANN and the United States’ announcement in 2014 of its intention to transfer the stewardship of the ICANN. We take these steps as initial

progress in the long-lasting joint efforts by the international community. The Chinese Government calls upon Asian-African States to participate in the process of global internet governance led by the United Nations and its specialised agencies in a more active manner, enhance our representation of an equal, just and reasonable international order of internet governance.

Second, State sovereignty and fundamental freedom of speech and expression in cyberspace; The principle of State sovereignty is the cornerstone of the contemporary international relations and international law, which, as a rule, is applicable to cyberspace. In this regard, the report put forward by the UN GGE in 2013 affirms that State sovereignty and derived international norms and principles can be applied to relevant activities conducted by States on the technology of information and communication, and is also applicable in the jurisdiction of countries over the infrastructure of technology of information and communication. The above-mentioned consensus marks that important progress has been made on the application of the principle of sovereignty in cyberspace.

State sovereignty is the combination of rights and obligations, which means that the application of State sovereignty in cyberspace implies both the enjoyment of rights and the assumptions of obligations. States are entitled to rights of sovereignty in cyberspace, including but not limited to the following: rights of sovereignty over cyber infrastructure; cyber data; cyber activities and internet governance; extra-territorial jurisdiction under international law over cyber activities outside one's territory; the right to self-defence; the right to invoke counter-measures; the right of State to equally participate in internet governance and international law-making.

State sovereignty in cyberspace also implies that States are to fulfil their obligations accordingly, which include but not limited to the following: first, respect for the sovereignty of other States, including that States shall not knowingly allow cyber infrastructure located in its territory to be used for acts that adversely and unlawfully affect other States; secondly, the obligation to ensure the peaceful use of cyberspace and to refrain from the threat or use of force; thirdly, the obligation of non-intervention by means of cyberspace; last but not the least, States should respect and protect human rights and freedoms, including the freedom of speech and expression.

The freedom of speech and expression is a fundamental right that has been enshrined in international human rights instruments. In accordance with relevant international law, it is forbidden for citizens, in exercising such right, to endanger national security, public order, as well as the lawful rights and freedom of others, including rights of privacy and intellectual property. The freedom of speech and restrictions thereupon are equally applied to cyberspace. Therefore, State sovereignty on cyberspace does not exempt States from their obligations. Also, there is no absolute freedom of speech and expression in cyberspace. The Chinese Government supports the freedom of speech and expression in cyberspace, and at the same time, maintain its position on striking a balance between national security, public order in cyberspace and the freedom of speech and expression of individuals.

Third, the application of the existing rules of armed conflict; There is no legal vacuum in cyberspace. Existing international law, including the Charter of United Nations, applies in principle to cyberspace. This has already been explicitly presented in the

statements put forward by UN GGE in 2013. In recent years, the issue of cyber attack has attracted increasing attention of the international community. Some States and scholars, however, have exaggerated the issue, by categorically describing cyber attacks as cyber warfare, invoking the provisions of the Charter of the United Nations on the threat or use of force or armed attack, and advocating the application of *jus ad bellum*, *jus in bello*, and the law of State responsibility to cyber attacks. This “military paradigm” in response to cyber attacks has aggravated arms race and the militarization of cyberspace.

“Cyber warfare” is the severest form of confrontation between States in the cyberspace. That said, it is not that case that all cyber attacks are acts of States constituting “cyber warfare”. In fact, most cyber attacks are committed by individuals or other non-State actors. Such cyber attacks that are generally regarded as cyber crime or infringement of cyber rights should be regulated by domestic criminal laws or the law of torts. Even if some of these attacks are committed by States or may be attributed to States, most of such attacks fall below the threshold of “threat or use of force” and “armed attack”; rather, they only are cyber attacks of minimal level of intensity, which may only constitute other internationally wrongful act such as espionage. These attacks should be first addressed by taking non-military measures such as counter-measures and sanctions, rather than resorting to force. In certain situations, even if the cyber attacks are suspected of constituting a “threat or use of force” or “armed attack”, due to the anonymity and the difficulties in attribution, substantial uncertainties exist as to the source and identification of attackers. To date, State practice concerning cyber warfare is still scarce, and whether relevant rules can be applied to the so-called “cyber warfare” would require further exploration with great caution.

Regarding the use of force in cyberspace, *lex lata*, including *jus ad bellum* and *jus in bello*, applies in principle to cyberspace. At the same time, there is a need to adopt new rules on cyber-Wild West. China hopes that we, nations in Asia and Africa, could actively participate in international law making on cyberspace. As a matter of priority, our current task is to clarify which existing rules of international law are applicable to cyberspace, and seek consensus among Asian and African States on the areas or issues of priority to be addressed.

Fourth, international cooperation in combating cyber crimes; the international community should make joint efforts to deal with the common challenge posed by cyber crime. The Chinese side notes the Budapest Convention on Cyber Crime that has been referred to in the document of the Secretariat. China acknowledges that, the Convention, as the only existing comprehensive multilateral treaty that specifically deals with cyber crime, plays an important role in promoting regional cooperation in fighting against cyber crime. However, it is undeniable that the Convention has its drawbacks. First of all, since the Convention was formulated mainly by western developed countries without the participation of the developing countries, our concerns and requests have not been taken into consideration. Secondly, provisions in the Convention that States may conduct cross-border investigation without the consent of the territorial State would jeopardize the judicial sovereignty of a State. Therefore, the Chinese side supports negotiating an international convention on combating cyber crime under the framework of the United Nations with the above-

mentioned Budapest Convention serving as a reference for the drafting of the new convention.

In conclusion, the clarification of *lex lata* and *lex ferenda* is the common challenge encountered by all nations. As the important stakeholders in cyberspace, Asian and African States should actively participate in related discussions and strive for the voice and influence that match their status. The Chinese Government, therefore, proposes establishment of a working group on international law in cyberspace within the AALCO, with a 2-year mandate to study and explore issues such as the application of existing international law in cyberspace and the development of international law in cyberspace. This working group is intended to build consensus between Asian-African States to formulate principles and suggestions that meet the common interest of all parties, and to produce an outcome document to the 2017 Annual Session. The Chinese Government looks forward to conducting extensive exchange with all parties on this issue, and would like to work together with all parties in order to seek broader consensus on the resolution of this Annual Session. Thank you, Mr. President.

President: I thank the distinguished representative of China for his statement. I now give the floor to the distinguished representative of Japan. You have the floor Ambassador.

The Delegate from Japan: Thank you, Mr. President. Distinguished Delegates, Ladies and Gentlemen; My delegation is pleased to participate again in the deliberation of this important agenda item. We greatly appreciate the informative presentations by the two distinguished panellists this morning.

As we stated in our previous intervention on this subject at last year's Annual Session, we consider that cyberspace serves as a basis for socio-economic activities. Securing free flow of information in cyberspace is one of Japan's basic policies. The international community has been striving to build a safe and reliable cyberspace by securing its openness and interoperability without States' excessive control or restriction, while giving due attention to strike a balance between the protection of privacy and assurance of security.

Japan is aware of the risk, such as the cyber attack against Sony Pictures Entertainment, against the stable use of cyberspace as one of the urgent security issues that no single country can address by itself. Under these circumstances, Japan has been actively engaged in the discussion on the scope of application of existing international law to cyberspace in the UN Cyber Group of Governmental Experts (CGGE) and has also recognized the need for further dissemination of the Budapest Convention on Cybercrime in order to address cybercrime in concert with the international community.

We believe that Cyberspace has been a driver for social and economic growth as well as innovation, which has been led by the private sector. In order that cyberspace continue to be the driver for social and economic growth, it is essential to maintain an open and transparent environment based not on multilateral, but multi-stakeholder approaches that all stakeholders, such as civil society, academic, private company, NGO and government should participate in the process.

I wish to give our view on a few important specific issues.

First, with regard to sovereignty and freedom of cyberspace: a State where cyber infrastructure or person using cyberspace are located can exercise territorial sovereignty over such infrastructures or persons. Freedom of expression and secrecy of correspondence (confidentiality of communication) should be respected to the maximum extent possible as fundamental human rights. However, these fundamental human rights are not guaranteed without limitations. If there are higher legal interests, they can be limited for the purpose of public welfare.

Second, with regard to peaceful use and militarization of cyberspace: addressing various threats in cyberspace is an urgent issue in the international community. Application of existing international law should be further considered for the stable use of cyberspace. Moreover, States are encouraged to take confidence-building measures (CBM) bilaterally and multilaterally to prevent unintended escalations that are not intended by parties.

Third, cybercrime and Budapest Convention: cybercrime is a transnational threat that needs to be tackled jointly by the international community. The convention on cybercrime of the Council of Europe, or the so-called Budapest Convention, to which the AALCO Secretariat briefing paper also refers, is so far that only effective multilateral instrument on the use of cyberspace. We believe that, if more countries harmonize their domestic legislations to the standard of the Budapest Convention, it will contribute greatly to the stable use of cyberspace.

Japan participated in the negotiations process of the Budapest Convention and finally acceded to the convention in July 2012. We are currently the only Party from the Asian region to this convention but gradually more and more non-European countries are adopting the standards of Budapest Convention in their domestic legislations. Other non European Parties to the convention so far include the United States, Australia, the Dominican Republic, Panama and Mauritius. South Africa and Canada also signed the Convention.

We believe that the Convention is based on universal needs of the practitioners working on cybercrime investigation and prosecution and that can be applied in any countries around the world, including both developed or developing countries, as the universal standard for cybercrime investigation and prosecution.

With respect to the proposal to develop cybercrime convention at the UN level, our belief is that if we consider the urgent need of assistance for many countries in terms of cybercrime legislations and capacity building of law enforcement agencies, we should be prudent so as not to duplicate the efforts to create something very similar to the Budapest convention. Thank you very much.

President: I thank the distinguished representative of Japan for his statement. Now I give the floor to the distinguished representative of the Republic of Korea.

The Delegate from the Republic of Korea: Thank you, Mr. President. My delegation appreciates the quality of the initial analysis of this complex issue-area

conducted by the Secretariat in a brief period of time. I'd like to thank the two panelists for the precious presentation.

Because of the transboundary effect of cyber operations, most of the problems arising in cyberspace have international or global dimensions, threatening sovereignty and security of States, as well as privacy, human rights and economic interests of individuals. In particular, because of the digital-divide, which is ever widening, developing countries are especially vulnerable to the damages caused in cyberspace. However, development of international legal regimes regulating cyber operations has fallen far behind the development of abuses of ICT. My delegation is conscious of the urgent necessity of establishing international governance of cyberspace.

In abstract, the concept of sovereignty, the principles and rules of State responsibility, the Charter of United Nations, the rules of international humanitarian law etc., can largely be applied to human activities in cyberspace, as suggested by a group of experts in Tallin Manual.

However, conceptual applicability is not enough to regulate effectively human activities in cyberspace. Because of the particular characteristics of cyber operations, it is extremely difficult to make operational rules regulating activities of State or non-State actors in cyberspace. Even though a certain rule of international law is conceptually applicable to a certain category of cyber operations, it is not easy to establish causal relationships between a particular cyber operation and its consequences. In such a case the rule is neither operational nor enforceable. Even in domestic legal system, it is difficult to make sufficient legal rules regulating human activities in cyberspace.

Considering the difficulty of designing governance of cyberspace due to these characteristics of activities in cyberspace, my delegation is of the view that it is desirable for us, the delegations to the AALCO meetings, to be very realistic and cautious in developing ideas for international governance of cyberspace.

It would be better to begin by reflecting on the general approach to the issue-area, and, we might begin by examining the possibility of applying the existing rules of international law to the activities of State or non-State actors in cyberspace, and the limits of such application.

Considering unlimited variety of human activities in cyberspace, it would be preferable for us to confine the scope of our deliberations to a certain extent in the initial stage. In this regard, my delegation considers the draft resolution this agenda item, prepared by the Secretariat, indicates a good orientation for deliberations, which will be a long and difficult journey. Thank you.

President: I thank the distinguished representative of the Republic of Korea for his statement. Now, I give the floor to the distinguished representative of Kenya. You have the floor.

The Delegate from Kenya: Thank you, Mr. President. Allow me to join the other speakers in congratulating the AALCO Secretariat in presenting this important topic on "International Law in Cyberspace". Similarly, Mr. President, allow the Kenyan

Delegation to thank the Secretariat for the publication for the special issue in the AALCO Journal of International Law on the topic “Cyberwarfare and International Humanitarian Law”. The topics covered in that book are very useful to the discussions we are having today.

Mr. President, Kenya welcomes the special half-day forum to discuss international law in cyberspace and, in particular, Kenya supports the need to have a multilateral treaty that effectively prevents escalation of cybercrime, preferably through a UN-centric governance model for cyberspace. Kenya recognizes that cyberspace plays a critical role in the global economy. It has national and international dimensions that include industry, commerce, intellectual property, security, technology, culture, policy, and diplomacy. As such, Mr. President, it has its own distinct characteristics and challenges that emerge even as technology advances on a daily basis.

Distinguished delegates, Kenya recognizes the importance of these developments in international law and, as a nation, we are actively encouraging its continued growth through national initiatives, such as the Kenya Vision 2030, Information-Communication Technology Masterplan, and the recent deployment of a nation-wide fiber-optic network infrastructure. Kenya’s Informational-Communication Act has been established to facilitate the development of the information and communication sector and the need to protect the privacy of information.

Distinguished delegates, as Kenya moves further into becoming an information, communication, and technology-oriented society, cyber-threats have become glaring. Without a proper legal regulatory framework, cyber-criminals the world over are bound to exploit countries’ ICT vulnerabilities. While these actors seek to illicitly access, alter, disrupt, or destroy sensitive personal, business, or government information, the country is working diligently to effectively enhance the means of protecting information in order to counter today’s cyber-threats, from within and out of the country.

Distinguished delegates, in response to these threats, and in direct support of the national priorities and ICT goals, Kenya has developed a national cyber-security strategy. The strategy defines the nation’s key objectives: an ongoing commitment to support national priorities through ICT growth, while at the same time aggressively protecting critical information infrastructure. The Government of Kenya is committed to the safety, security, and prosperity of our nation and its partners. Kenya views cyber-security as a key component for upholding that commitment, thereby providing organizations and individuals with increased confidence in online and mobile phone transactions, encouraging foreign investment, and opening a broader set of trade opportunities within the global marketplace. Successful implementation of the national cyber-security strategy will further enable Kenya to achieve its economic and societal goals through a secure online environment for citizens, industry, and foreign partners, to conduct business.

Distinguished delegates, Kenya has for a long time relied on physical evidence to arrest cyber-criminals; a move that has stifled efforts towards reduction of the vice. Cyber-criminals require expert cyber-surveillance since it is hard to physically detect both international and local cyber-criminals. Kenya is therefore in the process of bringing into law the “Cybercrime and Computer-related Offences” bill. This law

seeks to address offences against confidentiality, integrity, and availability of computer data and systems. It also seeks to curb cyber-stalking, hate-speech, and identity-related crimes. The bill will be the most effective cyber-security law in Kenya, as it aims to concentrate on ways of getting electronic evidence against the accused.

Distinguished delegates, as a region, East Africa has recognized the emerging challenges of cyber-criminal activity, and each of the East African States is at various stages in the development of their cybercrime legislation. The East African States also held a regional workshop recently to discuss cyberspace security, and the States resolved to increase collaboration with the view of promoting intervention to meet the needs of all African legislative jurisdictions in the matter of cybercrime legislation. The States also recognized the need to ratify the Budapest Convention on Cybercrime, and to domesticate its provisions. Finally, the States undertook to encourage their respective law-enforcement agencies to enhance transborder operations with a view to promoting faster responses to cybercrimes through the sharing of information, experiences, and good practices.

In conclusion, the African Union has developed the Convention on Cyber-security and Personal Data Protection, which addresses cyberspace-related matters, including data-protection and the prevention of cybercrimes in line with the increasing adoption of similar legislation in other parts of the world. The Convention also recognizes the need for the African Union to create a legislative framework that will enable Member States to participate in the digital economy, while at the same time protecting the fundamental rights of individuals in relation to their personal data. The AU Convention creates a framework that enables Member States to combat cyber-risks and cybercrime. Kenya supports this Convention, which we believe will address the transboundary cyberspace crimes. Thank you, Mr. President.

President: I thank the distinguished delegate from Kenya. I now give the floor to the distinguished delegate from Iran.

The Delegate from The Islamic Republic of Iran: Thank you, Mr. President. In the name of God, the most compassionate, the most merciful; Your Excellency, Prof. Dr. Rahmat Mohamad, the Secretary General; Mr. President; Distinguished Panelists;

I would first like to express my appreciation for the enlightening and informative report and presentations given by the distinguished panellists. My delegation would like to thank the Secretariat for the serious consideration of the new item “International Law in Cyberspace” and the comprehensive report on the topic. The Islamic Republic of Iran attaches high importance to the issue and believes that its serious and effective consideration by AALCO can help shape the rules of international law applicable to cyberspace.

Mr. President, the exponential expansion of technology in recent years has created an increasingly interconnected world. While efforts to regulate cyberspace at the international level have spanned miscellaneous spheres of international law, the Islamic Republic of Iran believes that AALCO Member States could expand the debate on the issue to cover such diverse questions as possible applicability of existing rules of international law to curb cyber-attacks, the strengths and weaknesses

of international humanitarian law *vis-à-vis* cyber warfare and the regulation of cybercrimes.

Mr. President, enjoying all features of *res communis omnium*, cyberspace is without borders. State jurisdiction in such a virtual universe is therefore exercised by every single State based on other links, i.e. their physical territories, their nationals, and the control they exercise upon individuals' activities. The elusive feature of this type of jurisdiction requires that it be controlled by all States. The dominance, or ownership, of a single State with respect to the Internet may undermine the sanctity of sovereignty and calls into question whether a new scheme should replace the current one. That is why the Islamic Republic of Iran believes in the multilateral management of the Internet. We believe that the very existence of cybernetic services must be rooted in, and accompanied by, respect for territorial sovereignty of States, described by the International Court of Justice in its decision in *Corfu Channel case* to be 'the foundation of international relations', and emphasized as such on the 2013 report of the UN Group of Governmental Experts on Information Security. Therefore, serious efforts are needed to amend the current system provided by Internet Corporation for Assigned Names and Numbers (ICANN) and these must be founded on conviction. We believe that the first step in curbing cyber-attacks is the exercise of sovereignty by every single State, within its borders, without supremacy given to a single State by way of unlimited powers over cyber activities of other States.

That said, while cyber security requires every State to protect itself against cyber threats, email correspondence and all kinds of data stored in the virtual space must remain protected and free from supervision by the providing entity. Article 24 of the Vienna Convention on Diplomatic Relations on the inviolability of archives and documents is also consistent with such interpretation. In this regard, views of some States at the debates on the topic "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" at the Sixth Committee of the UN General Assembly in October 2014 have been expressed to that effect.

Mr. President, while cyber-attacks may be directed by State or non-State actors against the infrastructures of other States in time of peace or in wartime, the question remains on the applicability of rules of international humanitarian law to instances of so-called cyber warfare. Due to the heavy involvement of the so-called cyber warfare in the Internet of private sector and non-governmental organizations, an attack on any node of the system can be tantamount to the destruction of the entire infrastructure of a country including dams, electrical grids, nuclear power plants, air traffic control, communications, and financial institutions. It is therefore inevitable to State that rules of international humanitarian law, i.e. rules derived from the Hague Regulations of 1907, or Geneva Conventions of 1949, do apply to cyber-attacks launched during military operations. However, due to the ubiquitous nature of cyber-attacks as a means and method of warfare, the launching entity is bound to fail to discriminate between civilians and military personnel or between civilian and military objectives. In such circumstances, as avoiding superfluous injury or unnecessary suffering or causing severe or long term damage to the environment is unmanageable, the question of compliance is far from certain. All that said, the threshold of armed conflict in cases of cyber-attacks in conventional peacetime is yet a more rudimentary question fraught with uncertainties.

For all these reasons, the Islamic Republic of Iran is of the view that despite the impossibility of creating a new treaty system from whole cloth to regulate cyber-warfare, dealing with details would require, without doubt, hard work on the part of all States and specifically AALCO Member States.

Mr. President, equipped with a comprehensive law on cybercrimes adopted in 2009, the Islamic Republic of Iran has followed with interest the work of the UN Group of Governmental Experts on Cybercrimes, mandated by the UN General Assembly Resolution 65/230. My delegation hopes that the outcome of the working group deliberations, which includes a comprehensive study on the different aspects of the issue and possible solutions, would lead to a suitable global legal framework under the aegis of the UN to promote international cooperation. In any case, we maintain that consistent application of international rules is vital and oppose double-standards and selective application of international law in any form. Thank you, Mr. President.

President: I thank the distinguished delegate of Iran for his statement. Now I give the floor to the distinguished delegate of Malaysia.

The Delegate from Malaysia: Thank you, Mr. President. Malaysia welcomes the deliberation of this important topic after it was first introduced during the Fifty-Third Session of AALCO in Tehran in 2014. Malaysia will focus its intervention based on the AALCO Secretariat's Report AALCO/54/BEIJING/2015/SD/S 17 on three issues, namely: 1) the necessity and stability of a UN-centric governance model treaty; 2) importance of balancing sovereign rights of States and fundamental rights of freedom of speech and expression; and, 3) transnational cybercrime and the need for a multilateral treaty to effectively prevent its escalation.

Malaysia notes that both global and regional climate on cybercrime strongly suggests that there are strong initiatives for international instruments to be forged among Member States to ensure that countries are serious and well equipped to combat cybercrime. Developed Member States are not only looking at enacting adequate laws but also exploring on the possibility of harmonizing of laws to not only enable international cooperation to be rendered, but for it to be rendered expeditiously.

Malaysia is currently considering the implications of accession to the Budapest Convention, which came into force on 1st July 2004. Amendments are required to the relevant domestic laws in order to strengthen the regulation and governance of computer/ cyber crime for the purpose of considering accession to the convention. Malaysia emphasizes a thorough review of substantial and procedural law at the national level to enhance its current capacity to address cybercrimes even if accession to the Budapest Convention is not a positive outcome.

Mr. President, Malaysia recognizes the importance of balancing sovereign rights of the States and fundamental freedoms of speech and expression of its citizens in cyberspace. Malaysia notes the view that the exercise of sovereignty by any States towards the cyberspace should take into consideration its citizens freedom of speech and expression.

Nonetheless, Malaysia would like to reiterate its views that such exercise of freedom of speech and expression, whether in cyberspace or otherwise, must be within reasonable restriction to address any threat to the peace and security of the country. As cyberspace had been used as a medium by the terrorist groups to preach, propagate, incite, promote, publicize and disseminate their extremist ideologies to the society, the issue of fundamental human rights and sovereign rights must be carefully balanced.

Mr. President, Malaysia notes that there may be other international initiatives to address cybercrime such as the proposed “UN Centric Governance Model for Cyberspace” and the need for multilateral treaty initiatives so as not to result in duplication of efforts similar to the Budapest Convention. Proper study should be given and a lot of commitment would be required from Member States to ensure its proper execution.

Noting that cybercrime is transnational and transboundary in nature, Malaysia realizes the importance of having a formal legal framework on international cooperation. Hence at the national level, Malaysia has in place laws to cater for international cooperation such as the Mutual Assistance in Criminal Matters Act 2002 [Act 479] (“EA”). Malaysia has also put in place the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 [Act 621] to complement both the MACMA and the EA to facilitate the conduct of complex computer crime investigations and the ability to collect necessary evidence and cooperation for the purposes of confiscation of proceeds and instrumentalities of these crimes. These existing domestic legislations, which allow for international cooperation, are invaluable to facilitate the conduct of complex computer crime investigations.

Finally, Mr. President, Malaysia takes the view that unless countries in both our regions work together to render international cooperation, either under a multilateral, bilateral, or domestic legal framework, cybercrimes cannot be addressed effectively in our region and beyond. Thank you, Mr. President.

President: I thank the distinguished delegate of Malaysia for her statement. I now give the floor to the distinguished delegate of India.

The Delegate from India: Thank you, Mr. President. Excellencies, Ladies and Gentlemen; I thank all the panelists for their presentation and congratulate the AALCO Secretariat for the preparation of detailed background document on the topic and also the introductory statement made by the Deputy Secretary-General. Today’s Special Meeting has identified three broad sub-topics, namely State sovereignty; peace of cyberspace and cyber crime to deliberate upon. The following are some of our thoughts on the topic based on the position we undertook in various fora.

Mr. President, the rapid growth of information and communication technologies (ICTs) has contributed immensely to human welfare, but has also created risks in cyberspace, which can destabilize international and national security. Global and national critical infrastructure is extremely vulnerable to threats emanating in cyberspace. Additionally, the growth of social media (Twitter, Facebook, etc.) has created a new medium for strategic communication that bypasses national boundaries

and national authorities. The global data transmission infrastructure also depends critically on the network of undersea cables, which is highly vulnerable to accidents and motivated disruptions.

In the late 2000s, the international community realized the importance of developing international norms to ensure that States behave responsibly in cyberspace, especially when cyber attacks had brought some of the countries almost to a standstill in many of their official functions. We firmly believe that cyberspace activities need to be addressed from both an international and a national perspective as it requires the concerted cooperation of the international community.

From an international law point of view, the relevance of the Charter of the United Nations and its applicability to various aspects of international cyber security has to be given adequate emphasis. The UN Charter, particularly Article 2(4) read with Article 51, provides a basic framework to maintain international peace and stability in order to promote an open, secure, and peaceful environment for cyberspace activities. A study of this framework may be useful in providing guidance to determine the norms pertaining to State behavior in the activities relating to international cyber security.

However, on the question of prohibition of ‘use of force’ under Article 2(4) of the UN Charter, there is no consensus as to the precise threshold at which cyber operations activities would amount to an internationally wrongful threat or use of force. Similarly, the interpretation of Article 51 with a view to accommodate cyberspace activities is fraught with many difficulties and fewer convergences. It is difficult to determine when a ‘cyber attack’ could be considered as an armed attack for the purpose of ‘self-defense’ under Article 51 of the UN Charter.

State sovereignty and international norms and principles that flow from sovereignty apply to State conduct of ICT related activities and to their jurisdiction over ICT infrastructure within its territory. In this regard, categorization of cyber incidents and identifying the legal gaps are most important to address.

The concept of warfare is no longer restricted to armed attack in the traditional sense of the term. The crippling of critical information systems of a country, or cyber attacks that block government websites for a few hours, are also now being considered as methods of gaining military advantage. This only emphasizes the pressing need for internationally agreed rules to check cyber crime, cyber terrorism, and cyber warfare. There would, however, also be a corresponding need to also further work on the definitions of key terms in international law such as sovereignty, right to self-defense, use of force, armed attack, and combatants, so as to apply them in the cyber context.

While IHL rules seem to be the most suitable existing international regime that might be extended to cyber terrorism and cyber crime, it also has a large number of limitations and would most likely not serve as an effective means of addressing the pressing issue of cyber crime. Aside from these specific issues in extending IHL rules to the cyber context, IHL would also suffer from the general concerns that arise in application of international law.

The Budapest Convention (2001) is the only existing multilateral convention on cyber crimes. However, it has been criticized as being fundamentally unbalanced and its long-effectiveness has been brought into question on numerous occasions. For various reasons, India is not a Party to the Budapest Convention.

Mr. President, it is our firm belief that the core values of liberty, freedom of expression, and rule of law, apply equally to cyberspace and it is in our common interest to maintain a peaceful, secure, and resilient cyber space. To ensure this, we have put in place a robust institutional and legislative framework to facilitate e-commerce and also to deal with cybercrime and challenges to cyber security. The Government is also actively partnering with the private sector, industry associations, services providers and other stakeholders, to jointly try to secure cyberspace. At the national level, India has enacted a national legislation, the Information Technology Act, 2000 as amended in 2008 to deal with vital issues such as electronic transactions, digital signatures, cyber crimes, cyber measures for handling cyber-security and data protection. The Act also seeks to foster security practices within India that would serve the national interests in a global context.

India's computer emergency team's response team, called CERT-IN, operates on a 24/7 basis to undertake emergency measurer's security incidents in the country. Similarly, the National Association of Software and Service Companies (NASSCOM) and its member organizations have launched several initiatives, through the Data Security of India, to promote data protection and develop security and privatization to respond to privacy codes and standards. Taking cognizance of the significant growth in cyber breach instances in India, the Government came out with the National Cyber Security Policy (NCSP) in July 2013, which aims to facilitate a secure computing environment and guide actions for protection of cyberspace.

Mr. President, in order to move forward, we support the Secretariat's Resolution to establish an open-ended working group on the subject matter and further discuss it in the meetings or workshops. However, a clear mandate is required on the basis of which the working group can work and discuss specific issues which can then be considered at the next Annual Session of the Organization for this purpose. We propose to suitably modify Operative Paragraph 1 and incorporate it in Operative Paragraph 3 so that the open-ended working group and the relevant workshop can focus their efforts in the identification of relevant provisions of the UN Charter and other relevant instruments related to State conduct in cyberspace. And, analysis of such instruments should also be carried out and put up for consideration of the Fifty-Fifth Session of AALCO. I thank you, Mr. President.

President: I thank the distinguished delegate of India. I now give the floor to the distinguished delegate of Nepal. You have the floor.

The Delegate from Nepal: Thank you, Mr. President. Mr. President, Deputy Secretary General, and panelists; The delegation of Nepal wishes to appreciate the excellent documentation on rules of international law on cyberspace, as prepared by the AALCO Secretariat, and notes with appreciation the updates of the Deputy Secretary General. I would also like to appreciate and acknowledge the contributions of the panelists.

Mr. President, cyberspace has become an integral part of communication and interaction between peoples of the globe, with profound impacts on the national life of States in the present time. This has necessitated the development of a regime of governance of the internet with a view of equity, given that a digital divide exists in developing countries. From juridical perspective, States do have sovereign rights in cyberspace and their citizens do have freedom of speech and expression in cyberspace. All States, be they developed or developing, are facing a challenge, in one way or another, to strike a balance between them. On the other hand, in the recent times, cyberspace has been used for military purposes. A number of reported instances of resort to cyber-attacks by State and non-State parties to armed conflicts demonstrate, *inter alia*, that cybercrimes are being increasingly perpetrated.

Mr. President, the world has witnessed armed conflicts in land, in sea, in air and in airspace, and now in cyberspace. Some commentators have started terming this as the fifth domain of warfare.

Cybercrime may pose a number of threat to international information security. Such threats include development and use of information weapons, information terrorism, information crime, dissemination of information harmful to social, political, economic, spiritual, cultural, and moral systems.

From the standpoint of international law, States are now facing a range of challenges in relation to acts of cybercrime. What is the basis of jurisdiction over an act of cybercrime? How to conduct inter-State relations *vis-à-vis* this? Is Article 51 of the UN Charter applicable in case of cyber-attacks? How to balance security and human rights? And, of course, how, and to what extent, does IHL apply to cyberwarfare, and can cyber-attacks alone constitute armed conflicts? These are the questions before us.

The delegation of Nepal holds the view that the AALCO should be of assistance to Member States to address these issues in a uniform fashion. We believe that a mechanism such as an open-ended working group on international law in cyberspace should be formed so that deliberations on this issue are carried out effectively, leading to robust governance on the internet.

Finally, the delegation of Nepal wishes to place on record that AALCO should be a leading institution in the development and furtherance of appropriate and effective rules of international law to combat cybercrimes and of an international regime that assists the international community to have a robust mechanism and modality so that a proper balance between the State domain and public domain *vis-à-vis* cyberspace can be developed and maintained.

President: I thank the distinguished delegate of Nepal for his statement. I now give the floor to the distinguished delegate of South Africa.

The Delegate from South Africa: Thank you, Mr. President. We are pleased to discuss the topic of “international law in cyberspace”, which was proposed by the People’s Republic of China, and welcome that the emphasis will be on the developing elements in this topic. We would like to thank the Deputy Secretary General for his opening remarks, and the two panelists for making comprehensive and informative presentations on this topic.

Mr. President, noting the cyber-security challenges faced by the global community and individual countries alike, South Africa developed and approved the National Cyber-security Policy Framework in 2012. The Framework outlines the policy positions that are intended to: address national security threats in cyberspace; combat cyber-warfare and cybercrimes; develop, review, and update existing substantive and procedural laws to ensure alignment; and, build confidence and trust in the secure use of information and communication technologies. South Africa supports all initiatives to develop universal instruments under the auspices of the UN to address threats posed by cybercrime.

Mr. President, under the sub-topics, namely State sovereignty and cybercrime, South Africa wishes to make the following remarks:

Firstly, regarding State Sovereignty: while examining the possibilities of sovereignty in cyberspace, States have to bear in mind that cyberspace is neither immune from State sovereignty, nor can it be considered a global commons. The development of sovereignty in the sea, air, and outer space domains offers insights into how States sovereignty might develop in cyberspace. It is clear that an international regime is needed to successfully extend State sovereignty beyond a State's territorial area to these other domains.

Secondly, it is clear that combating cybercrime effectively will require global cooperation involving a broad group of countries. Existing international instruments contain elements that can be considered by each State when dealing with its legislative requirements to ensure a safe cyberspace for itself. While regional instruments are effective to address cybercrimes on an international basis, we can learn from this. Existing instruments for traditional crime can also not be extended to combat cybercrime; the reason being that various cyber-specific interventions are not covered in these instruments.

In conclusion, a comprehensive multilateral approach would be best to address the issue of cybercrime. Thank you, Mr. President.

President: I thank the distinguished delegate of South Africa for his statement. Now I give the floor to the distinguished delegate of Qatar.

The Delegate from Qatar:² Thank you, Mr. President. In the name of God, the most compassionate, the most merciful; Cyberspace represents a new strategic environment for the growth and the emergence of new forms of conflict. We can say that the international system is a phenomenon with multiple dimensions and scope of impact and this system now has greater complexity due to the phenomenon of cyber terrorism. This has raised questions regarding the extent to which the legal framework governing the 'use of force' can be applied to cyberspace. The Charter of the United Nations in Article 2(4) requires all Member-States to "refrain in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of

² This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

the United Nations.” Article 51 of the UN Charter also lays down conditions for the use of force.

Cyberspace is important in the global infrastructure of information, and is an important factor in the work of vital facilities of government. Additionally, the new digital economy is important to the progress of global economic growth. At the same time, cyberspace has also become a means to launch an attack and implement hostilities between adversaries. In this way it has become like other areas such as space, air and sea – a new medium of conflict.

This has also led to the emergence of the new phenomenon of synchronization of global crime and terrorism, blurring the relationship between crime, which is traditionally understood to be solely for material profit, and terrorism, which is understood to be for political goals. Technological developments have led to the overlap between terrorism and crime. Communication and information technology networks have played a role in turning terrorism into a global threat. Terrorists have also used computers as tools to commit acts of cyber terrorism; tools such as computer viruses or spyware are used to hack sites, for information theft, money laundering, and other crimes.

The question thus posed is how international legal norms, which emanate from the Charter of the United Nations, can be applied to cyberspace, because the current legal framework is not enough to provide solutions to the security dilemma posed by the cyberspace security attacks.

Qatari measures to protect the cyberspace

The State of Qatar occupies an advanced position among countries in terms of the widespread use of Facebook and social media, in addition to the growth of e-commerce transactions at all levels. This trade is carried out using electronic documents, electronic signatures, electronic contracts, and in electronic virtual places on the information network, which has raised problems for the judicial system in how to deal with this huge amount of information.

For these reasons, the legislature needs to move quickly to develop legislation regulating all aspects of electronic transactions, and provide protection against criminal activities, which creates confidence and gives people a sense of peace and security with respect to their own lives as well as with their money and their interests.

The State also established provisions that will respond to local and international emergencies in order to protect cyberspace, and other devices to combat all forms of electronic crimes by tracking the perpetrators and dealing with the evidence arising there from.

1. Legislative measures

Qatar has passed many national legislations that are consistent with international instruments to which the State has acceded. Those legislations include a special law to counter cyber crimes – Law No. (14) in 2014. This new legislation criminalizes many things related to electronic crimes. It has categorized the crimes, defined sanctions,

punished interference and incitement, defined the moral obligations of persons, service providers, and institutions of the State, and set out the necessary punishments for non-compliance with the provisions of this law.

Qatar did not rush into the enactment of integrated legislations, but gradually developed it through several stages; the preliminary phase came through general provisions contained in the Qatari Penal Code No. (14) in 1971; then came the transitional phase for the protection of cyberspace through singling out a whole chapter of computer crimes in the Qatari Penal Code No. (11) in 2004; then came the phase of issuance of full cyber legislation under the name of “cyber crimes.”

2. Cyber Security

One of the most important priorities of the State of Qatar is to protect the systems and infrastructure of information technology and communication, and for that the State established “Qatar’s National Computer Emergency Response Team”, known as “Q-CERT” in 2005. Qatar carries the torch to light up the way for other neighboring countries to establish similar centers in those countries.

The goal of Q-CERT is similar to, largely, civil defense forces. The State of Qatar establishes civil defense forces to respond to the occurrence of, for instance, a fire emergency, and it does not wait for the occurrence of damages to think about the appropriate way to respond. Q-CERT relies on the presence of dedicated trained team, which is called for the immediate handling of the event. The same team also reviews various aspects of security and safety as well as training and community awareness of protection methods.

The State has prepared and trained a local team capable of handling the various dimensions of security and integrity of information. This has begun in Q-CERT in 2006, and it is the only body that deals with emergency computing. Q-CERT has also equipped a dedicated team to educate and sensitize institutions and companies to the extent of risks facing them and the benefits they receive while cooperating with Q-CERT to reduce cyber risks.

The team of Q-CERT is also working with government bodies, public and private sectors authorities, and with Qatari citizens, to make them aware of the risks and threats they face on the internet. The team is also working to protect sensitive information on the internet and to guarantee its insurance.

3. International Forum for Incident Response and Security Teams

To combat issues of information security beyond the geographical boundaries of States, the Q-CERT team is a member of the international Forum of Incident Response and Security Teams known as “FIRST”. This forum supports international relations that bind insurance teams to each other as partners around the world in order to exchange the latest information about threats and risks that are faced by sensitive websites.

4. Center for Combating Cybercrime

In 2006, the State of Qatar established one of the most important centers concerned with combating cyber crime in the Middle East; the Center of Combating Cybercrime, which follows the Ministry of the Interior. The State has taken measures to strengthen the ability of this center to perform its duties while combating cyber crime in all its forms. The center is not the first in the region, but it is characterized by the application and use of the latest equipment for combating this type of crimes. This is due to the great support given by the State for the development of all means to achieve security and safety for those who reside on the territory of the State of Qatar.

5. National Strategy for Cyber Security

Qatar has formulated a strategy that includes a number of initiatives that support each objective of the strategy of cyber security, and describes what measures the State of Qatar will take advance towards these goals. While the initiatives have been arranged in accordance with the goals, the initiatives are also objectives that could lead to progress and success in achieving other goals.

The strategy aims to achieve five goals: 1) the protection of the infrastructure of critical national information; 2) to respond to incidents and electronic attacks and help their resolution and recovery through the dissemination of information, and through cooperation in taking necessary actions; 3) forming legal and regulatory frameworks to enhance the safety and vitality of cyberspace; 4) to promote a culture of cyber security that will support the safe and appropriate use of cyberspace; 5) to develop and refine national strategies for cyber-security. Thank you.

President: I thank the distinguished delegate from Qatar for his statement. I now give the floor to the distinguished delegate of Pakistan.

The Delegate from Pakistan: Thank you, Mr. President. My compliments to the panelists for their succinct presentations. Pakistan respects the right to freedom of expression, but also believes that the right to privacy is a fundamental right, which is inviolable. While respecting the sovereignty of States, both territorial as well as subject matter, it is Pakistan's firm belief and commitment that no crime should go unpunished. Crime in cyberspace is a growing phenomenon: a concern for all nations, including Pakistan.

We in Pakistan have been working towards putting together domestic legislation in line with international standards. We would be happy to be part of a working group as suggested by the People's Republic of China's delegation. Thank you, sir.

President: I thank the distinguished delegate of Pakistan for his statement. I now give the floor to the distinguished delegate for the Democratic People's Republic of Korea.

The Delegate from the Democratic People's Republic of Korea: Thank you, Mr. President. Cyberspace is deeply infiltrating human life and giving greater impact to the political, economic, and cultural sectors. Such expansion of cyberspace has its contribution to social development, while on the other hand it brings about serious problems.

It has been noted that due to its unique features of no national boundary and transnational information flow, cyberspace has the risk to be abused to violate State sovereignty and national interests of each country. The United States, taking the advantage of its monopoly position in cyberspace is diverting the use of cyberspace from serving the sound advancement of humankind, and slandering and disturbing the social and political stability of other independent countries. Last year the US backed the dissemination of the movie entitled *The Interview* through the internet, which viciously falsified and dishonoured the social system of the DPRK, and thus extended its confrontation policy against the DPRK to cyberspace.

Another example of US infringement of State sovereignty: the US imputed the cyber attack on *Sony Pictures* to the DPRK without presenting any concrete evidence, and subsequently interrupted the internet connection to the DPRK homepage. Such violations in cyberspace are not limited to DPRK only. As Edward Snowden—a computer analyst—revealed, the US practices in cyberspace, such as the interception of email and other communications online, are disregarding whether the victim is the Head of State, its ally or hostility without any discretion.

The DPRK regards that State sovereignty should be definitely secured in the use of cyberspace and rejects all forms of cybercrimes on the internet. We call for eliminating all forms of illegal acts, including falsifying and dishonouring the social-political system of other countries under the pretext of freedom of speech and expression, and insists to guarantee the established principles of international law, such as the respect of State sovereignty, non-interference in internal affairs, right to self-determination, and international cooperation. The DPRK Government aspires to the sound and healthy development of cyberspace and will cooperate closely with AALCO Member States to prevent all forms of illegal activities and militarization of cyberspace. Thank you very much.

President: I thank the distinguished delegate of DPRK for his statement. I now give the floor to the distinguished delegate of Oman.

The Delegate from Oman:³ Thank you, Mr. President, and thank you all speakers on this topic. As I mentioned yesterday, cyberspace is very important and it plays a pivotal role in the field of world trade, and in all walks of life. It is important for AALCO to give this topic utmost importance, and through the adoption of the AALCO resolution to prepare an international convention for the regulation of cyberspace, thus ensuring the use of this space for the service of all mankind, and also ensuring the secure transmission of information and the protection of human. Of course, States must not work towards depriving each other of these rights.

So, I repeat my request for the adoption of an AALCO resolution to create, issue, or adopt, an international convention to organize this and ensure the use of this area in the humanitarian sphere in peaceful manner and for the service of all humanity. Thank you very much.

President: I thank the distinguished delegate of Oman for his statement. Now I give the floor to the distinguished delegate of Sudan.

³ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

The Delegate from Sudan:⁴ Thank you, Mr. President. In the name of God, the most compassionate, the most merciful; At the beginning we clarify the vision of Sudan about the draft of the international law or international convention for the protection of cyber judicature, where Sudan supports the importance of adopting a proposal of this agreement as it represents the international legal framework. International law is not only important for the protection of inflammatory aspects but also represent a framework of cooperation to build confidence in the cyber judicature through: -

1. Security cooperation:

There is a need for all States to take measures to prevent and combat cyber crimes, including organized crime, terrorist cyber crimes, and money laundering.

2. Judicial cooperation:

Broadcasting confidence in cyber judicature requires judicial cooperation and that will be possible by providing necessary assistance for investigation and court proceedings.

3. Extradition:

The principle of extradition is a form of cooperation in the field of cyber judicature.

4. Letters Rogatory:

To project confidence in judicial cooperation, the importance of the agreement on the principle of *Letters Rogatory* is based on the easy reporting of judicial documents, hearings, implementation, and inspections.

The importance of identifying the institutional framework to follow up on cyber security matters

It is important that each State establishes a national council for safety and cyber security, as well as an independent supreme national body for safety and security in cyberspace.

There is an important need for international law to build confidence in cyberspace and a need to strengthen and promote that by concluding bilateral and regional agreements in the areas mentioned above, as well as a need for countries to adopt an integrated legal system at the national level. In this regard I cite examples of national laws adopted by Sudan in the field of the protection of cyber judicature, namely:

- 1- Communications Act of 2001
- 2- Electronic Information Act 2007
- 3- Informatics Crimes Act 2007
- 4- National Center for Information Law, 2010

Thank you.

President: I thank the distinguished delegate from Sudan for his statement. Dear colleagues, that comes to the end of my list of speakers on this item. Thus we have

⁴ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

concluded this discussion on the item of “international law in cyberspace”. Of course we are delighted that the discussion has attracted so much attention from Member States. I think this will be an enduring issue for AALCO to continue the discussion in future Sessions. On this occasion I would like to thank all the delegations for participating in this special meeting and also for their contributions. Particularly I would like to thank the two panelists, Mr. Fan and Mr. Desgange, for their presentations and for their participation in the discussions. I declare this special meeting adjourned. Thank you.

The meeting was thereafter adjourned.

**XII. VERBATIM RECORD THE OF FOURTH GENERAL
MEETING**

XII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING HELD ON WEDNESDAY 15 APRIL 2015 AT 2.00 PM

AGENDA ITEM: LAW OF THE SEA

H.E. Liu Zhenmin, Vice Minister of Foreign Affairs of the People's Republic of China, and President of the Fifty Fourth Session AALCO Annual Session is in the Chair.

President: Dear colleagues, we shall now start the Fourth General Meeting of AALCO on the Agenda Item "Law of the Sea". For this item I would now like to invite Mr. Rajan, the legal advisor to AALCO to come to the podium to join the discussion. Also, I'd like to invite Ms. Alice Hicuburundi to come to the podium.

We now begin the discussion on the item "Law of the Sea". This has been a traditional item for AALCO. In order to introduce the agenda item, I would like to invite the Deputy Secretary General Mr. Feng Qinghu to make some introductory remarks. Mr. Feng you have the floor.

Mr. Feng Qinghu, Deputy Secretary General: Thank you, Mr. President. Excellencies, Distinguished Delegates, Ladies and Gentlemen; The agenda item "Law of the Sea" was taken up for consideration by the Asian-African Legal Consultative Organization (AALCO) at the initiative of the Government of Indonesia in 1970, since then it has been considered as one of the priority items at successive Annual Sessions of the Organization. The present report No. AALCO/54/BEJING/2015/SD/S2 is focused on marine scientific research and exploration of deep sea resources. It attempts to furnish the recent developments in multilateral fora on marine scientific research and exploration of deep sea resources with some comments and observations from the AALCO Secretariat on the agenda item 'The Law of the Sea' for consideration of Member States.

The ninth meeting of the Ad Hoc Open-ended Informal Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (hereafter, the Working Group) was held at UN Headquarters, New York, 20 to 23 January 2015. The meeting was the last of three meetings (April 2014, June 2014 and January 2015) convened by the UN General Assembly through its resolution 68/70 to discuss the scope, parameters and feasibility of a possible new international instrument on marine biological diversity beyond areas of national jurisdiction (BBNJ) under the UN Convention on the Law of the Sea (UNCLOS).

The meeting produced recommendations for a decision to be taken by the UN General Assembly on the development of a new international instrument on BBNJ under UNCLOS, as also mandated by the 2012 UN Conference on Sustainable Development (Rio+20). In the last decade, questions have been raised whether the current framework sufficiently addresses the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. The General Assembly established the Ad Hoc Open-ended Informal Working Group to study issues relating

to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

The currently existing regulatory, institutional and general governance gaps show that threats to marine biodiversity in ABNJ are not sufficiently addressed by existing frameworks, and thus cannot be dealt with solely through their enhanced implementation. While in some regions these gaps could at least be partly filled through regional instruments and institutions, it is important to recognize that not all ocean regions have adopted legally binding instruments, or have the same institutional capacity.

As a consequence, there is a need for a more comprehensive and stringent set of rules at the global level. An international instrument could first of all clarify and strengthen the common global mandate for conservation and sustainable use of biodiversity in ABNJ. Furthermore, it could establish a comprehensive legal, institutional and governance framework that builds on the existing regional and sectoral institutions but addresses and closes all existing gaps. Once into force, such an instrument could provide for a set of shared and more specific binding obligations that would greatly improve conservation efforts, and provide clear procedures and mechanisms for cooperation and coordination.

Excellencies, without marine scientific research, it would be impossible to explore, exploit, manage or conserve marine resources or navigate safely or to protect our coasts. As the term 'marine scientific research' *prima facie* encompasses a plethora of scientific disciplines, such as biology, biotechnology, geology, chemistry, physics, geophysics, hydrography, physical oceanography, ocean drilling and coring, and the research of marine flora and fauna. There is a need to evolve a comprehensive definition of marine scientific research.

Marine scientific research is being used in order to constantly monitor the size of and recruitment to particular stocks of fish in order to prevent overfishing; to study waves, currents, the seabed and weather, effectively making navigation safer; and to preserve the marine environment by identifying substances harmful to the sea and its living organisms and by finding ways through which pollution could be eliminated. Because of the importance and significance of this discipline for the development of humankind, stakeholders may agree to devote their time and energies for the legally streamlined growth of this discipline.

AALCO Member States may enhance regional and multilateral cooperation in the field of marine scientific research. It would benefit Member States who do not have the capacity or the expertise to conduct marine scientific research independently, especially the land locked States. The coastal States with capacity and expertise are encouraged to enter into bilateral/multilateral cooperation with other States to conduct marine scientific research. It is to be noted that International Organizations also have a right to conduct marine scientific research for the benefit of Member States under UNCLOS. Therefore, Member States may wish to consider further this aspect of the issue.

Ladies and gentlemen, the deep seabed has enormous potential to offer large and high-grade alternatives to land-based commodity sources. In addition, exploitation of

the seabed has potentially numerous advantages over land-based mining such as the lack of overburden and mobility of mining equipment. Technological advances in recent years have made deep seabed mining a viable option and consequently numerous seabed deposits are being explored around the world. The majority of work is being conducted on polymetallic nodules, primarily within the EEZ, however a number of polymetallic sulphide and phosphorite nodule resources have also been explored. Exploration for ferromanganese crusts is also being undertaken.

The ISA has established deposit-specific regulations for prospecting and exploration as part of a Mining Code, including specific regulations for polymetallic nodules (adopted in 2000 and amended in 2013), for polymetallic sulphides (i.e. SMS) (adopted in 2010) and for cobalt-rich ferromanganese crusts (adopted in 2012). Prospecting within the Area can be undertaken in accordance with UNCLOS and the regulations, following notification to the ISA of a prospector's intentions.

While ISA has tried to regulate deep-sea bed mining, there is a lot which need to be done in terms of capacity building for developing countries and land-locked States. Whereas the coastal States are still wary of the deep sea bed mining and sharing of resources in common heritage area, it is high time that States, especially developing countries, must assert their right in terms of access and benefit sharing in common heritage area.

In conclusion, I wish to say that the conservation and sustainable management of resources in the deep sea is a highly neglected area in terms of participation of developing and least developed countries. There is a need to conserve fish stocks and marine genetic resources through strong regional mechanism of Access and Benefit sharing in the deep-sea area. As the land based mineral resources are limited and fast depleting, there is a pressing need for countries to take cognizance of deep-sea mineral resources and develop their capacities for its sustainable use. Thank you, Mr. President.

President: I thank the Deputy Secretary General of AALCO, Mr. Feng, for his introductory statement. I now invite Mr. Rajan, AALCO's legal advisor on the law of the sea matters to make a short presentation on the issues we are now discussing.

Mr. H.P. Rajan, Legal Advisor to AALCO: Thank you, Mr. President. Your Excellency, Mr. President, Distinguished Delegates; It is a matter of great honour and privilege for me to speak before such a distinguished audience in my capacity as a legal advisor of AALCO. It is with immense happiness that I revisit this beautiful city of Beijing, and each time I come here I am even more fascinated by its rich culture and wonderful hospitality.

My brief presentation today supplements the official brief on the Law of the Sea, which was just presented so eloquently by the distinguished Deputy Secretary General. I was given a similar honour at the Fifty-Third Session of AALCO, which was held in Tehran last year. The focus of my presentation at that Session was to recall some of the important contributions made by this organization, and with twenty years since the entry into force of the UN Convention on the Law of the Sea at that time, revisit some of the important elements of the package deal and the compromises made by Member States of AALCO. It was felt that such an exercise would be useful

to evaluate how far the aspirations of Member States have been met, especially in view of the developments that have taken place since the entry into force of the Convention.

It may be recalled that on thirtieth anniversary of the adoption of the Convention, the Secretary General of AALCO took the initiative of convening ‘legal experts workshops’ on the law of the sea. Two such workshops have already been held; one in the year 2013, and the other in the year 2014. Both workshops reiterated that the law of the sea is a subject of vital importance to Member States, as well as to other countries of the Asian and African regions. The discussion that took place in this forum immensely helps in understanding and in addressing some of the challenges in contemporary issues.

A third such workshop is proposed to be convened sometime later this year, subject to the approval of Member States. The proposed theme of the workshop is “Marine Scientific Research and Deep-Sea Resources”. Marine scientific research is indeed the most important and essential element to understand the nature of the deep-sea resources and therefore devise the mechanism which result in the economic effects, as well as develop appropriate technology, taking into account the need for protection and preservation for the marine environment and its biodiversity.

The term “Marine Scientific Research” is not defined in the Convention. The Convention provides that all States irrespective of their geographical location and competent international organizations have a right to conduct marine scientific research, subject to the rights and duties of other States. The conduct of marine scientific research does not constitute a legal basis for any claim to any part of the marine environment or its resources. The freedom of marine scientific research is recognized as a freedom of the high seas. However, the Convention also contains general principles for the conduct of marine scientific research in various maritime zones of coastal States.

In territorial waters, for instance, coastal States, in the exercise of their sovereignty, have the exclusive right to regulate, authorize, and conduct marine scientific research. This will require express consent of the coastal State and under conditions that may be set forth by it.

In straits used for international navigation and in archipelagic waters, foreign ships, including marine scientific vessels and hydrographic survey ships, shall not conduct marine scientific research or survey activities during transit and without prior authorization of the concerned State. Similarly, in the Exclusive Economic Zone and continental shelf, the coastal States enjoy sovereign rights. Under normal circumstances, coastal States shall grant the authorization for the conduction of marine scientific research. The Convention clarifies that normal circumstances may exist in spite of the absence of diplomatic relations between the coastal State and the researching State. The Convention also specifies the circumstances where the coastal State may withhold its consent. This has been already explained in the official brief on the law of the sea.

Marine organisms are associated with marine mineral deposits. In activities relating to minerals, such as survey, prospecting, exploration, or exploitation, the Convention

contains corresponding obligations for the protection of the marine environment, including the protection of marine organisms and the conservation of marine biodiversity.

With respect to the marine organisms that are related to marine biological diversity, the provisions of the Convention on Biological Diversity will also need to be taken into account. In areas beyond national jurisdiction (ABNJ), the International Seabed Authority is required to adopt rules, regulations and procedures for the protection and conservation of natural resources in the area, and the prevention of damage to the flora and fauna of the damaged environment. Pursuant to this function, the authority has so far adopted regulations for prospecting and exploration, and for 3 specific resources. These are, namely, the polymetallic nodules, the polymetallic sulfides, and the cobalt-rich ferromanganese crusts.

In all these regulations it is expressly provided that these regulations shall not in any way restrict the freedom of marine scientific research pursuant to Article 87 of the Convention, or the rights to conduct research in the ABNJ, pursuant to Article 143 and Article 253 of the Convention. Nothing in these regulations shall be construed in such a way as to restrict the exercise, by States, of the freedom of the high seas, as reflected in Article 87 of the Convention. Prospecting, exploration, exploitation, marine environment, and serious harm to marine environment; these are the terms that are not defined in the Convention. These definitions are explained in the brief and have an important bearing in the conduct of marine scientific research.

Prospecting, for example, means the search for mineral deposits, including the exclamation and confirmation etc. Exploration means search of the deposit with certain exclusive rights for the analysis of such deposits.

Activities concerning marine scientific research, prospecting, general survey, or exploration are often interrelated because these activities involve large-scale investments. As a member of the first legal and technical commission, I recall the intense debates that took place in that forum when such definitions for these terms were being drafted. There were several divergent views on the nature of the activities that may fall within the scope of the definition of marine scientific research, as well as the corresponding rights and obligations of States. What constitutes marine scientific research, and what goes beyond scientific research are important elements.

The legal framework, as it stands under the Convention and related instruments, as well as the treatment of the subject in other international bodies, has indeed made this subject a very complex matter. In the year 2009 when I was serving in the Division for Ocean Affairs under the Law of the Sea, a meeting of the group of experts on marine scientific research was held. The result of that meeting was brought out as a guide to the implementation of the provisions of the relevant convention. However, a number of developments have taken place since then, including the adoption of the three regulations by the International Seabed Authority. In view of this continuing development of the law and policies relating to some of these contemporary issues, it is submitted that a workshop on marine biodiversity, marine scientific research, and deep-sea resources would provide an opportunity for an in-depth discussion on the complex legal and practical issues involved.

Thank you, Your Excellency.

President: I thank Mr. Rajan for his presentation. Now I invite Ms. Alice Hicuburundi, the Senior Legal Officer of the UN Office of Legal Affairs' Division for Ocean Affairs and the Law of the Sea, and the Secretary to the Ad hoc Open-ended Working Group to study issues relating to the conservation and the sustainable use of marine biological diversity in areas beyond national jurisdiction, to make her presentation on marine biological diversity.

Ms. Alice Hicuburundi, Senior Legal Officer, UNOLA: Thank you, Mr. President. Your Excellencies, Ladies and Gentlemen, Distinguished Delegates; At the outset I would like to thank the AALCO for inviting the Division for Ocean Affairs and the Law of the Sea to this august meeting. It is my honour to represent Ms. Gabriele Goettsche-Wanli, Director of the Division for Ocean Affairs and the Law of the Sea, who sends her regards to you, Mr. President, and to Mr. Rajan also, who is an ex-colleague of ours at the division.

I was requested, when I was invited to this meeting, to make a presentation on the ongoing work at the Working Group to study issues relating to the conservation and sustainable use of marine biological diversity, and if I may, Mr. President, I would like to follow up with also a short presentation on issues regarding marine scientific research, which I understand is one of the major focuses of this meeting and also, as mentioned by Mr. Rajan, the workshop to be organized by AALCO.

I will begin with the presentation on marine scientific research. As Mr. Rajan mentioned, and also in the document on the law of the sea, marine scientific research and its significance for the exploitation, conservation, and sustainable management of the ocean and coastal resources whether living or non-living, is a cross-cutting issue permeating all ocean issues. In this presentation, I will first touch upon the legal provisions of UNCLOS, which have been very ably presented by Mr. Rajan, and then I will follow up with some general observations on marine scientific research.

So, why the interest in marine scientific research? In 2001, the UN informal consultative process on oceans and the law of the sea recognized that the 21st century will be the era for oceans and that humankind will need to devote ever greater efforts to understanding developing and conserving the oceans. The oceans, as you can see on the screen, represent more than 70% of the Earth's surface and of course are a wealth of scientific information.

States recognize that the oceans play a great role in the development of human society and economy, and that understanding the oceans and marine environment, and achieving the use of the oceans and their resources for the objective of sustainable development, will become the most important tasks for States. It should be remembered that despite impressive advances in science and technology the oceans still contain the last major unknown region on Earth. Oceans affect the health and survival of all life, and they are an essential part of our biosphere. They represent the largest single sustainable resource on Earth with extraordinary reaches, if properly cultivated and harvested. Scientific research is just a tool for exploitation, exploration, conservation, and management of resources, and therefore is of interest to those who

have the capacity to use and acquire it, and those who cannot but would like its benefits to be shared.

Today, scientific and technological advances continue to generate new economic interests in ocean resources. Marine scientific research has taken on a broad meaning. It is not only the marine environment itself that is under investigation, but also the complex interactions between the ocean and the global environment, since the ocean is now understood to play a crucial role in controlling climate variability through circulation and heat exchanges. New discoveries represent a new trend; to look to the oceans to answer questions and find solutions to problems generated or impacting land. The consultative process on oceans and seas established by the UNGA emphasized, “The important role of marine science and technology in promoting the sustainable management and use of the ocean and seas, are part of efforts to eradicate poverty, to ensure food security, and to sustain economic prosperity, and the well being of present and future generations.” It consequently pointed to the need to ensure access for decision makers to advice and information on marine science and technology, and support for the production and diffusion of factual information and knowledge for end-users.

So, these considerations were in the background of the legal regime, which was established under the UNCLOS. Marine scientific research came to the international fora with the negotiation of the first Convention of the Continental Shelf. At that time, the researching States were concerned that the area open to marine scientific research, which at that time was freedom of research, was going to be curtailed by the establishment of limits at sea. Coastal States and developing States, on the other hand, were mindful of trying to ascertain the nature and implication of marine scientific research while taking into account that at the beginning marine science was used in the area of military application and military scientific research.

Coastal States, especially developing States, were uncertain also about the potential economic gain that would come from marine science. They wanted to make sure that, if marine scientific research had consequences on the economy and the exploitation of resources, they would be informed and also be able to benefit from those results. These States were also very worried about the scientific and technological gap.

This is why the Third UN Conference on the Law of the Sea includes a full Part XIII on marine scientific research with 28 articles. While Part XIII is dedicated to marine scientific research, other provisions in UNCLOS also deal with it. This is due to the fact that during the negotiation, there were different committees dealing with issues relating to marine scientific research in the International Seabed Committee. In particular, I would note the provisions relating to innocent passage, transit passage, archipelagic sealanes, exclusive economic zones, high seas, enclosed or semi-enclosed area, and Article 143-155 in Part XII on the protection and preservation of marine environment. Also relevant is Part XIV on the development and transfer of marine technology, as well as Part XV of the Convention, which deals with the settlement of disputes, and Annex VIII on special arbitration. These provisions and Parts of the Convention constitute the comprehensive regime with regard to marine scientific research, but the core provisions are contained in Part XIII, namely Article 238-265.

The importance of marine scientific research has been highlighted in the UNCLOS preamble, which emphasizes the desirability of establishing a legal order for the seas and oceans, which will promote the study of the marine environment. The convention mandates that the signatories cooperate to promote scientific activities for peaceful purposes, and to benefit mankind. In Part XIII, UNCLOS proclaims that science is at the basis of the knowledge of the marine environment, and that States should cooperate in the conduct of marine scientific research.

At the core of these provisions in Part XIII is section three, which deals with the conduct of scientific research and includes, in particular, the provisions relating to the consent regime, in Article 246. In the territorial sea the State has exclusive right and has to give express consent when it comes to scientific research. In the high seas, there is freedom of research and, in the ABNJ, it is in conformity with Part XI for the benefit of mankind. Marine scientific research in the EEZ and on the continental shelf is subject to the consent of the coastal State, which is given in normal circumstances. It is expected of the coastal State to give its consent to research if the conditions and particularly Article 248 and 249 on the participation of scientists from the coastal State and provision of samples of results, are provided. Article 246 para. 5 also specifies that consent may be withheld if the research has any impact on the possible exploitation of the living resources in the EEZ of the coastal State.

Just to recall the general provisions under UNCLOS, which I believe are some of the most important provisions in UNCLOS; all States, irrespective of their geographical location and international organization can conduct marine scientific research (MSR). States and international organizations must promote and facilitate the development and conduct of MSR.

In the UNCLOS, provisions specify that MSR is conducted exclusively for peaceful purposes and MSR will not unjustifiably interfere with other legitimate uses of the sea, particularly navigation. MSR activities do not constitute the legal basis for claims on the marine environment and resources.

The other important general provisions of UNCLOS relate to international cooperation. Under the provisions of UNCLOS, States are called upon to cooperate, not only among themselves, but also with international organizations, and international organizations are also called upon to cooperate among themselves. International cooperation is viewed as providing the basis for mutual benefit. It also provides for scientists, particularly those from developing States, to be included in projects carried out on MSR. International cooperation also allows for information and knowledge dissemination. Data and information and transfer of knowledge is actively promoted, and it also provides for the strengthening of research capabilities of developing States.

This international cooperation has become very important while taking into account new trends in MSR. These trends relate particularly to data acquisition and dissemination, and also to the fact that MSR is more often conducted through large scientific programs or multidisciplinary scientific programs. I should also remind you that MSR is also a very costly proposition, and international cooperation can help in absorbing some of the cost.

I would like to mention the publication of the Division on Ocean Affairs and Law of the Sea that is prepared with an intergovernmental group of experts. It includes details on the legal regime, but maybe of more significance, it provides information and a guide on how to go about making an application for MSR in the EEZ or continental shelf of a coastal State. It provides a model application form and it also includes information on the experiences of States and through that some conclusions on how to improve on these applications in order to facilitate MSR.

MSR is growing in importance because of new discoveries relating to vulnerable marine ecosystems. I would like to highlight the discovery of marine genetic resources of the ABNJ and the hydrothermal vents. These genetic resources have medical and pharmaceutical applications as well as industrial applications, and are also the subject of discussions within the Ad hoc Open-ended Working Group to study marine biological diversity beyond areas of national jurisdiction. There are also other uses of the ocean such as marine renewable energy with offshore energy generation in wind-farms, wave and tidal power, nuclear power stations, oceanic thermal energy, and conservation and desalinization. We also have within the ABNJ the exploration of the seabed and extraction of polymetallic sulphides, manganese crust, and methane and gas hybrids.

There are however current challenges. The State of the marine environment continues to deteriorate. There are sectoral problems that affect the ocean that cannot be dealt with in isolation and need cooperation at all the levels I mentioned earlier. The problems occurring in the oceans are also increasingly of the transboundary nature and add to the complexity of the issues dealt with in MSR.

Among the challenges are also strengthening cooperation and coordination amongst States and IOs at the global and regional level. There is also the need to establish better links between marine scientists and policy makers. This is also the subject of one of the ongoing new processes under the UNGA, which is the regular process for global reporting and assessment of the States of the marine environment, including socio-economic aspects. These processes are going to issue the first global integrated marine assessment and provide a summary for policy-makers. This is an effort under the UN to establish closer links between policy-makers and scientists, and to bring to the attention of the decision makers the science that exists that would enable them to take the necessary management measures.

Pressing problems are emerging which require more information and data, and to do more research. There is an alteration and destruction of habitats and ecosystems that has been observed, as well as the effects of sewage and chemicals on human health and the environment. Widespread and increased ocean acidification is also of utmost concern to the UNGA, as is the decline in fish stocks and other renewable resources. There are also changes in sediment flows due to hydrological changes, which also need to be studied further.

In beginning my concluding remarks I would like to say that all States and humankind are interested in the potential benefits of MSR. There is a need to improve the scientific understanding of the marine and coastal ecosystems. MSR and interdisciplinary projects are complex undertakings that are best carried out through the cooperation of States. Strengthening of research capabilities of developing States

is very important. Many of the developing States are coastal and there is a need for training, capacity building, and educational programs.

I will end my presentation by thanking AALCO once again for inviting me to make this presentation. Thank you, Mr. President.

President: I would like to thank Ms. Hicuburundi for her presentation. I think she has brought us very comprehensive and detailed information on marine scientific research. We shall continue our discussion on the topic of the law of the sea with the country interventions. I now give the floor to the delegate from Thailand.

The Delegate from Thailand: Thank you, Mr. President. Mr. President; Excellencies; Distinguished Delegates; On behalf of the delegation of Thailand, I would like to express our appreciation to AALCO Secretariat for its informative report on the Law of the Sea as well as its continued efforts to provide AALCO Member States with an update on the latest development in this area of international law.

Mr. President, it goes without saying that the United Nations Convention on the Law of the Sea sets out the very foundation and legal framework of the international law of the sea. As we pass the 20th anniversary of the entry into force of the Convention, our delegation would like to commend the continued efforts made by States toward the full implementation of the UNCLOS. We also strongly encourage States to join the Convention, as it is a crucial step in achieving the common goal of sustainable development in the oceans and seas.

In this regard, Thailand reaffirms her commitment to the effective implementation of the Convention. Last month, the National Legislative Assembly passed a law on marine and coastal resources management – a law that was drafted based on principles set out by UNCLOS and provides for the establishment of a legal framework for a fair and efficient management of marine and coastal resources, thus raising local awareness of the significance of sustainable exploitation and the potential impact of their cumulative actions on the future availability of resources stretching beyond areas of national jurisdiction-resources which Thailand, and indeed the international community, regard as a common heritage of mankind.

Thailand will continue to actively review her domestic legislation to ensure that the spirits of the Convention are truly and genuinely realized. For this purpose, the Committee on the Law of the Sea and Maritime Boundary of Thailand has been established. As an inter-ministerial body consisting of representatives from various agencies, the Committee is designed to enhance coordination among agencies concerned and is specifically entrusted with the task of considering issues relevant to the law of the sea and maritime boundaries.

BBNJ

Mr. President, we believe that marine biological resources beyond areas of national jurisdiction must be treated as common heritage of mankind. It must be ensured that the immense benefits of the oceans are equitably shared by all nations and people. The Thai delegation actively participated in the deliberation of the meeting of the Ad

Hoc Open-ended Informal Working Group to study issues relating to conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction held on the 20-24 January 2015 in New York. In order to avoid the so-called “tragedy of the commons” for marine biological diversity, Thailand is an unwavering supporter of a new legal instrument to govern this issue under UNCLOS.

The new international instrument must be used to address the issues of definitions, conservation and the sustainable use of marine biodiversity in areas beyond national jurisdiction and also cover marine genetic resources and a benefit-sharing regime, including capacity-building, transfer of genetic resources technology, as well as the establishment of a comprehensive mechanism within the instrument’s framework.

IUU and the Case 21

Mr. President, regarding the illegal, unreported and unregulated fishing, Thailand stands ready to fight against such fishing activities. A new fisheries act of Thailand that regulates fisheries in a comprehensive manner according to international standards, will soon become effective. We therefore welcome an Advisory Opinion of the International Tribunal on the Law of the Sea (ITLOS) on Case 21 on IUU related questions by the Sub-Regional Fisheries Commission (SRFC).

Maritime Debris

Mr. President, Thailand would like to express its deep concerns for the detrimental impacts of marine debris, which presents an increasing threat to the integrity of marine ecosystems and the endangerment of species across the borders of seas and oceans. Thailand has invested substantial resources and strenuous efforts in reducing the impacts of marine pollution. Whereas it is realised that one State’s actions would inevitably affect other nearby States and beyond. Thailand has strong faith in the virtues of regional cooperation. Hence, Thailand is an active member of the ASEAN Working Group on Coastal and Marine Environment (AWGCME). We have been working on ASEAN Member States’ coastlines for more than 10 years to attain suitable use of marine and coastal resources. By carefully balancing between conservation of marine ecosystem and the livelihood of people, ASEAN Member States have made a remarkable progress toward the goal of sustaining a clean and healthy marine environment.

Maritime Security

Mr. President, on the issue of maritime security, Thailand re-affirms its strong condemnation of piracy and armed robbery at sea by enhancing capacity building, information sharing and cooperative arrangement.

At domestic level, Thailand Maritime Enforcement Coordinating Centre (THAI-MECC), an institute comprising 5 major governmental units: the Royal Thai Navy, the Marine Policy, the Customs Department, the Department of Fisheries and the Marine Department is currently in transition to be upgraded to the Thai Maritime Law Enforcement Administration Centre, in which the Maritime Information Sharing Centre would take a priority.

At the regional front, Thailand is actively participating in the ASEAN Maritime Forum and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Its Governing Council is chaired by Ambassador Pornchai Danwiwat of Thailand.

At the international level, not only is Thailand part of the Contact Group on Piracy off the Coast of Somalia (CCGPCS) but the Royal Thai Navy has also dispatched its Counter Piracy Unit to join the Combined Maritime Forces for many consecutive years. The two senior officials from the Royal Thai Navy, along with other Thai navy officers, were assigned the responsibility of commanding and administering international joint patrol in the Internationally Recommended Transit Corridor (IRTC) during March-July 2012 and November 2014-February 2015.

Mr. President, Thailand has played an active role in international commerce, particularly, international shipping and has been elected to the Council of the International Maritime Organisation (IMO) for five consecutive terms. Thailand strongly hopes to be re-elected to the IMO Council for the period of 2015-2016.

Last but not least, Thailand would like to take this opportunity to reaffirm its commitment under UNCLOS and other frameworks to promote maritime security and cooperation.

My delegation has no doubt that AALCO members will continue to benefit from the constructive and fruitful discussions entertained at AALCO's sessions, as well as the remarkable works achieved by the Secretariat on the Law of the Sea. We look forward to this session with great interest and will make contributions whenever the opportunity avails upon us. I thank you, Mr. President.

President: I thank the distinguished delegate of Thailand. I now invite the distinguished delegate of Japan to make his statement.

The Delegate from Japan: Thank you, Mr. President. My delegation is very grateful for the informative introduction by the Deputy Secretary General and the presentations by the two distinguished panelists.

Mr. President, Japan, as a maritime nation, has a vital interest in, and attaches utmost importance to, the rule of law over the vast seas and oceans, which have a close bearing, not only over the lives and needs of people, but also navigation, transportation, resources, environment, security, and other interests of the States. Japan highly appreciates the tireless work of the International Tribunal for the Law of the Sea (ITLOS) for the issuance of an advisory opinion in Case No. 21, which was presided by Judge Yanai, even after his tenure as President of ITLOS. During his tenure as President until September of last year, he took leadership in prescribing provisional measures for protection in two cases, and rendered two judgments on merit. Japan pays tribute to the achievements made by the Tribunal, under the leadership of Judge Yanai, in the development of the law of the sea and wishes for further active roles for ITLOS under the new Presidency with Judge Golitsyn.

In recent years, it has been noted that the number of cases brought by Asian and African States before the compulsory dispute settlement procedures under Article 15

of UNCLOS have been on the increase. Indeed, in January this year, a new maritime delimitation case was referred to ITLOS by Ghana and Côte d'Ivoire. Only 10 days earlier ITLOS issued an advisory opinion in Case No. 21 upon the request by the sub-regional fisheries commission constituted by seven States in West Africa. This active use of dispute settlement procedures of the UNCLOS, including ITLOS, by Asian and African States demonstrates the greater role played by the States in these two regions for the development of the rule of law at sea. Japan welcomes this trend.

Mr. President, turning to the role of the Commission on the Limits of the Continental Shelf, Japan attaches great importance to its role to consider submissions made by the State Parties pursuant to the UNCLOS, to make recommendations on the establishment of the outer limits of the continental shelf beyond 200 nautical miles. Since the establishment of the commission, Japan has been contributing to its activities in terms of human resources by way of consistently sending competent Japanese members of the commission. Japan has also made financial contributions to the trust fund for the purpose of defraying the cost of participation of the members of the commission from developing States in meetings, the amount of which, last year, was approximately USD 50,000. The same trust fund was established to support the members of the commission from developing that are facing financial difficulties in participating in the meetings of the commission at New York. Japan hopes that, with the help of this contribution, the participation of members from developing States will be encouraged, which will in turn will facilitate the smooth and speedy consideration of the submission regarding the outer limits of the continental shelf made by the State Parties.

Mr. President, with regard to the activities of the International Seabed Authority, Japan attaches great importance to its role for internationally organizing and controlling the development of mineral resources in the Area, which is the common heritage of mankind. Since the establishment of the Authority, Japan has been consistently elected as a member to the council and has actively participated in the work of the Authority. Japan also has been contributing to the Authority in terms of human resources by continuously sending Japanese members of the legal and technical committee, as well as the finance committee, respectively. In addition to the annual contribution for the administrative budget of the Authority, Japan has also made financial contributions to the voluntary trust fund of the Authority, the amount of which was, last year, USD 21,600. Said fund was established to support the members of the legal and technical commission and of the finance committee from developing States that are facing financial difficulties in participating in the meetings held in Jamaica. Japan hopes that with the help of this contribution, the participation of the members from developing States in the meeting of the commission and the committees will be encouraged, which will in turn accelerate their work and achieve a smoother function of the authority, and thereby further promote the rule of law in the sea based on UNCLOS.

Lastly, I wish to State that Japan highly appreciates that the Ad hoc Open-ended Informal Working Group fulfilled its mandate to provide recommendations to the UNGA on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, which has been discussed at the UNGA forum since 2004. Japan also commends that States concerned exhibited, at the Working Group, the ability to reach an agreement by consensus. It is our belief that the

recommendation by the Working Group should be respected in adopting the UNGA resolution on the BBNJ. We put emphasis on the negotiating process, which is forthcoming after the UNGA resolution as recommended by the Working Group. We also believe that discussions throughout such process should be fully based on the paragraphs of the recommendations. Japan is also confident in the ability of States to reach an agreement by consensus, as demonstrated in the past negotiations. Thank you very much.

President: I thank the distinguished delegate of Japan for his statement. I now invite the distinguished delegate of Indonesia to take the floor.

The Delegate from Indonesia: Thank you, Mr. President. Mr. President, Distinguished Delegates; Allow me to begin by thanking the Government of the People's Republic of China, for hosting this important event and for its hospitality accorded to all delegations to the Annual Session. Indonesia would like to thank the AALCO Secretariat for preparing the Document AALCO/54/BEIJING/2015/SD/S 2 for this important agenda item. Indonesia has carefully read through the report and is of the view that further study and discussion on the issue of the law of the sea is a pertinent endeavour.

At the outset, Indonesia would like to commend the active participation of Asian and South African nations in various Law of the Sea forums. In the same line, Indonesia would also like to commend work that has been carried out by Member States through three treaty bodies created under UNCLOS namely the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf and the International Seabed Authority. Indonesia would like to commend the work of the Tribunal for its latest advisory opinion this past April. Although Indonesia currently is on its observation process, Indonesia believed that the exercise of the Tribunal's advisory opinion function will carry significant weight to the interpretation of the UNCLOS that will assist States to effectively implement it.

Mr. President, even though Indonesia was the one who initiated the discussion of the law of the sea in AALCO, the matter of the law of the sea concerns all AALCO Member States. We are delighted that this matter continues as one of AALCO agenda. Asian African nations have played a significant role in the formation of the law of the sea during the third UN Conferences on the Law of the Sea, which gave birth to UNCLOS 1982. As mentioned in the document prepared by AALCO Secretariat, a number of principles in UNCLOS were originated in AALCO session then codified in UNCLOS. Facing new developments in the law of the sea area, as well as endeavour to fill legal lacunae in certain aspects of the law of the sea. Asian African nations will continue to have significant role in the formation of the legal norm in the present and in future.

Mr. President, in line with the general theme for the current AALCO's Session, we would like to give general remarks on issues of biodiversity beyond national jurisdiction or BBNJ, marine scientific research or MSR, and exploration of deep sea-resources. These three issues are interrelated one to another and currently undergo series of discussions in various forums in order to formulate a more prescriptive norm.

The underlying principle for all of these issues is that the balance of interests between States needs to be achieved, specifically between the developing and developed States. It is also important to keep the “package deal” in the UNCLOS as we move forward in defining norms for the three above-mentioned issues.

Mr. President, on the issue of BBNJ, the Ad Hoc Open-Ended Informal Working Group under the UN scheme has been established to develop an international instrument under UNCLOS to govern the sustainable use of BBNJ. The Working Group has met for the ninth time this past January in New York and has released its recommendation to the UN General Assembly, among others, to hold an intergovernmental conference to develop a legally binding instrument under UNCLOS with regard to BBNJ.

Indonesia would like to invite AALCO Member States to actively participate in this process, including its preparatory stage. Indonesia would like to further stress the importance of close cooperation and coordination between AALCO Member States in order to advance our common interest in applying the common heritage for mankind principle for issues pertaining to BBNJ.

Mr. President, the issues of MSR is very much related with the issue of BBNJ, due to the fact that some MSR are conducted to study BBNJ and its usage. Thus this matter was partly addressed in previous points. Nevertheless, Indonesia would also like to recall the UNGA Resolution on Oceans and the Law of the Sea (A/RES/69/245) 2014, para 15, which in relevant parts calls upon “States and international institutions...to continue to support and strengthen capacity building activities...in the field of marines scientific research...”

Capacity in MSR is fundamental in order for States to utilize the ocean resources, among others are the BBNJ and the deep-sea resources. Indonesia believes that through partnership and other forms of cooperation between AALCO Member States, capacity in MSR will be enhanced.

Mr. President, on the issue of deep-sea resources, Indonesia emphasizes the importance of the role of the International Seabed Authority (ISA) both for the management of the mineral resources as well as on the protection of the environment at sea from the negative impact caused by exploration and exploitation in the deep sea.

In this regard, Indonesia would like to invite active participation of AALCO Member States in the ISA, especially in the Council, which is the principal organ in developing rules and regulations on the deep seabed mining activities. Additionally, Member States should also consider for prospecting in the reserved area, which is one of the ‘common heritage’ benefits provided by UNCLOS.

Mr. President, as a country, Indonesia attaches importance to the issues related to the law of the sea, bearing in mind Indonesia’s unique characteristic as an archipelagic State as well as its geographic position. We hope that other Member States would have the same perspective about the importance of the law of the sea, regardless of their size or geographic location.

Allow me to conclude by reiterating that the sea is vast and has not been fully explored for its potential use. Therefore, Indonesia invites AALCO Member States to continue with the applicable international law and the principle of environmental protection for our future generation.

I thank you.

President: I thank the distinguished delegate for Indonesia and now invite the distinguished delegate from Ghana to take the floor.

The Delegate from Ghana: Thank you, Mr. President. We wish to also thank the experts for their presentations, which have set the tone for these discussions.

Mr. President, Ghana has implemented all provisions conventions under the UNCLOS and has gone further to incorporate them into domestic laws. These have led to the enactment of the Ghana Maritime Act, which has the objective to regulate Ghana's maritime activities, and also to manage its maritime resources. The Maritime Act has also paved the way for the establishment of the Ghana Maritime Authority, which is an oversight authority with the core objective of ensuring the enforcement of the Maritime Act.

In exploiting its resources, Ghana has adopted a policy of peace, mutual understanding and win-win with its neighbours. In recent years there has been a maritime dispute between Ghana and Côte d'Ivoire over their common territorial waters. This has been caused by the discovery of oil in the disputed area. As stated already, in the spirit of mutual understanding, peace and win-win, the two nations initiated measures to resolve the dispute at their own level through consultations and dialogue. This approach did not yield a result, so the two nations have resorted to the ITLOS for arbitration. Ghana respects its commitment to UNCLOS and would therefore cooperate with the arbitration tribunal to arrive at a fair judgment.

Mr. President, to ensure the safety of navigation through territorial waters and within the Gulf of Guinea, Ghana has joined forces with all its neighbours to patrol the Gulf and ensure the safety of commercial vessels. In this regard, Ghana's navy has recently acquired a modern fleet of vessels. This move has been prompted by the resurgence of piracy in the Gulf of Guinea and several other navigational seaways across the way. For your information, about two months ago nine pirates were arrested by the Ghana navy within the territorial waters of Ghana when they attacked a private vessel. All the nine pirates will appear in court for a trial. I thank you for your kind attention.

President: I thank the distinguished delegate of Ghana for his statement. I now invite the distinguished delegate of China to take the floor.

The Delegate from the People's Republic of China: Thank you, Mr. President. The Chinese delegation would like to thank the AALCO Secretariat for its comprehensive report on the agenda item "the law of the sea". The report reflects recent developments and emerging trends of international ocean affairs and the law of the sea. It also offers comments and makes suggestions on some key issues from the perspective of the AALCO. We appreciate the productive work of the Secretariat.

Mr. President, this year marks the 70th anniversary of the United Nations. Since its birth, the United Nations has made great efforts to build and maintain the modern marine border, and significant achievements have been made to that end. As early as in 1949, the International Law Commission, which was established by the General Assembly of the United Nations, selected “regime of the high seas” and “regime of the territorial waters” as part of the first 14 topics for the codification of international law. Building on the work of the commission, the first and the second United Nations Conferences on the Law of the Sea were convened in 1958 and 1960 respectively, contributing to the construction of the modern marine order. In 1967, the UN General Assembly initiated the study on the international seabed issues. Inspired by this study, the Third United Nations Conference on the Law of the Sea was held from 1973 to 1982 and eventually adopted the United Nations Convention on the Law of the Sea (UNCLOS), which laid foundation of the modern marine order. Since the 1990s, the UN General Assembly resolutions on “oceans and law of the sea”, Meetings of State Parties to UNCLOS and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea etc, have embarked on their institutional process. In general, the United Nations have become the most representative and authoritative international platform for deliberating on issues relating to global ocean affairs and the law of the sea.

Mr. President, the positive role played by the United Nations in building and safeguarding the modern marine order benefits from the participation and contribution of developing countries including the Asian and African States. In the 1960s and 1970s, thanks to the independence of many developing countries and coming onto the international stage by those countries, UNCLOS was adopted against the backdrop of international opposition to ocean hegemony and safeguarding marine rights and interests. It is worth pointing out that the AALCO, which was a fruit of the Bandung Conference, made special contribution to the elaboration of UNCLOS. As mentioned in the Secretariat’s report, new concepts such as the Exclusive Economic Zone, Archipelago States and Rights of Landlocked States originated and developed in the AALCO’s Annual Session and were later codified in the UNCLOS.

Currently, the standing of the Asian and African States as well as other developing countries keeps getting stronger in international order. Their participation in international marine affairs has been on the rise in broadness and depth alike. China wishes to work with other countries to promote greater attention of international society to the appeals and concerns of developing countries.

Mr. President, the international seabed activities have become increasingly active in recent years and this is a highlight of global ocean affairs. From 1994 to 2009, the first 15 years after the establishment of the International Seabed Authority, the Council of the Authority approved 8 exploration applications only, covering just one type of sea mineral resources, that is polymetallic nodules. However, in the recent 5 years from 2010 to 2014, the Council of the Authority approved 8 exploration applications, covering three types of deep sea mineral resources, namely polymetallic nodules, polymetallic sulphides and cobalt-rich crusts. This is a major achievement in international seabed affairs. It needs to stress that of the above 26 exploration applications, 11 applications are from developing countries which is meaningful for enhancing the vitality and representativeness of international seabed activities.

At present, with the rapid development of deep sea technology, the international seabed activities have gradually moved from exploration stage to exploitation stage. The International Seabed Authority has also initiated the formulation of regulations on exploitation of international seabed mineral resources. The Chinese delegation believes that the draft-in-progress exploitation regulations should reflect the principle of “common heritage of mankind” enshrined in UNCLOS, encourage and promote exploitation activities in the deep sea-bed and address the issues of resource exploitation and environment protection in a balanced way. Currently, the commercial prospect of international seabed mining is still unclear. Thus, the formulation of the exploitation regulations should be carried out regularly, not in a rush.

Mr. President, the Chinese delegation welcomes the progress made in the 9th Meeting of the Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (BBNJ), held in New York this January. The Working Group recommended that a decision be taken by the UN General Assembly on the development of a new international instrument on BBNJ under UNCLOS. The UN General Assembly will consider this recommendation and adopt a resolution. The international instrument on BBNJ is closely related to a number of critical issues such as the space for conducting marine activities, the method of activities at sea, development of deep sea bed resources and its benefits sharing etc. and may create significant and profound influence on future marine order.

The Chinese delegation supports initiating negotiations of the international instrument on BBNJ within the framework of the UN General Assembly and hope that the negotiations will be conducted progressively, given due regard to comments and concerns of all parties.

Mr. President, the Chinese delegation supports the suggestions of the Secretariat in its report on conducting study, sponsoring seminars and workshops on BBNJ and exploration of deep sea resources. Strengthening capacity-building is significant for the Asian and African States to further participate in the international maritime affairs. China attaches great importance to providing assistance within its capacity, and conducting international cooperation in terms of capacity building.

The Chinese Government has made donations to the Voluntary Trust Funds established by the International Seabed Authority and the Commission on the Limits of the Continental shelf, sponsoring members from developing countries to attend relevant meetings held by the two institutions. The Chinese research institution has also made financial contributions to the International Tribunal for the Law of the Sea which was mainly used for sponsoring persons from developing countries to participate in the Tribunal’s internship program and the Summer Academy on the law of the sea and maritime law. In addition, China carried out practical exchanges with many States in the field of scientific research. In the future, China hopes to further strengthen its cooperation with other countries for enhancing capacity to conduct marine activities and participating effectively in the formulation of international rules at sea with the aim to safeguard common interests of developing countries. Thank you, Mr. President.

President: I thank the distinguished delegate from China for his statement. Now I give the floor to the distinguished delegate from Nepal.

The Delegate from Nepal: Thank you, Mr. President. The delegation of Nepal wishes to acknowledge and appreciate the excellent compilation of developments in the field of law of the sea prepared by the AALCO secretariat, and insightful introductory remarks by the Deputy Secretary General. In fact, the AALCO had made a historic contribution to the elaboration of the United Nations Convention on the Law of the Sea. We hold the view that AALCO should maintain its consideration on the agenda item and continue to perform its historical role.

UNCLOS is undoubtedly a key instrument dealing with ocean affairs. As a Member State of this Convention, Nepal has always extended its full cooperation in ensuring proper management and sustainable use of ocean resources, both living and non-living. As a land-locked country, Nepal attaches great importance to the UNCLOS 1982 in that it provides for the freedom of transit of land-locked States to and from the high seas.

It is clear that land-locked States are entitled by this Convention to two sets of rights, namely transit rights and resource related rights. Given that the resources of the seabed and ocean floor beyond the limits of national jurisdiction are the common heritage of mankind, land-locked States are entitled to this right. For this purpose, they have an unconditional right of transit through the territory of neighbouring State to have access to and from the sea. In order to facilitate the smooth enjoyment of this right on the ground, transit States are in good faith to enter into bilateral, sub-regional and regional arrangements with land-locked States. The provision of MFN clause will not be applicable in relation to such arrangements. Similarly, land-locked States have a right to participate on an equitable basis in the exploitation of an appropriate part of the surplus of the living resources of the EEZ of the coastal States of the same sub-region or region, and as well as in the exploitation of the international seabed and sub-soil thereof.

Mr. President, on this occasion, I would like to mention that Nepal has regularly followed deliberations at the United Nations Open-ended Informal Consultative Process. Moreover, the AALCO should collectively urge to have such a mechanism as to ensure mandatory technical assistance and support to land-locked countries particularly developing and least developed ones so that they can be in a better position to enjoy the freedoms of high seas, international sea bed and harness living and non-living resources in an equitable manner.

Similarly, the AALCO should continue to pursue the agenda of marine environment so that the polluter pays principle and the notion of common but differentiated responsibilities are materialized on the ground. It is high time that our Organization conduct an extensive study on marine biological diversity beyond national jurisdictions, particularly from the perspective of Asian and African States.

Mr. President, the delegation of Nepal wishes to propose that the AALCO should consider developing a model agreement on freedom of transit amongst its transit and land-locked Member States. Thank you.

President: I thank the distinguished delegate from Nepal for his statement. I now invite the distinguished delegate from India to take the floor.

The Delegate from India: Thank you, Mr. President. On behalf of the delegation of India, let me thank the Deputy Secretary-General AALCO for his introductory remarks on the topic. Let me also commend the AALCO Secretariat for the report on the agenda item, "The Law of the Sea". The report is very informative and useful for Member States.

Mr. President, the Law of the Sea Convention 1982 is the key international instrument governing the ocean affairs. The Convention deals with almost all marine aspects, *inter alia*, from maritime zones to fisheries, to settlement of disputes, to the protection of marine environment and deep sea bed mining which form part of areas of focus in the present session. It sets out the legal framework for activities in oceans and seas and is of strategic importance as the basis for national, regional and global action in the marine sector. India is a party to the Convention, the Implementing Agreement and the Fish Stocks Agreement.

Mr. President, we would like to express our serious concern over piracy and armed robbery at sea, wherever it may happen. Piracy is a grave threat to the freedom of the seas, maritime trade and the security of maritime shipping. India is actively cooperating in international efforts to combat piracy and armed robbery at sea. We support the joint and concerted efforts by the international community to tackle this menace.

Mr. President, the effective and unhindered functioning of the institutions established under the Convention, namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf are the key in achieving the goal of fair and equitable uses of the ocean and their resources including through the effective implementation of the provisions of the Convention. We note with satisfaction the progress made by these institutions in their respective areas and support all effort towards ensuring smooth functioning thereof.

The Area, which comprises the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction and its resources are the common heritage of mankind. The International Seabed Authority organizes and controls activities in the area with a view to administering the resources of the area for the benefit of mankind. India has always shown keen interest in activities related to deep sea mining. India participated actively in the deliberations of meetings of the ISA and is an elected member of the council since its inception.

India is one of the pioneer investors to carry out exploration activities in the area. At the 20th Session (2014), the International Seabed Authority approved the plan of work of India for exploration for polymetallic sulphides in the Central Indian Ocean.

Turning to the marine biological diversity beyond areas of national jurisdiction, we are in favour of having a viable international legal regime for their conservation and sustainable use. We are of the view that the deliberations on the new regime should invariably take into consideration the relevant general principles of international law and the rights and duties enshrined in international law, particularly the UNCLOS.

Principle of common heritage of mankind and freedom of high seas are of particular relevance in any regime to regulate areas beyond national jurisdiction. Access and benefit sharing of marine genetic resources is a key element as all resources are to benefit mankind as a whole. The new instrument should take into account the ecosystem approach, precautionary principle and the best emerging practices. Capacity building and transfer of marine technology are also key issues for developing countries in the conservation and sustainable use of marine biological diversity in ABNJ and need to be comprehensively addressed. The scope of the new instrument establishing such regime should encompass all marine resources in ABNJ currently known or discovered at any time in the future. It should address issues relating to the access, exploration, exploitation, conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, including the marine genetic resources.

India, given its geography as a country with a vast coastline and numerous islands, has a traditional and abiding interest in the maritime and ocean affairs. It takes keen interest in all matters pertaining to the ocean affairs. We believe that it is in the interest of the international community as a whole to continue to extend full cooperation in efforts towards ensuring the proper management and sustainable use of the ocean and seas. Thank you, Mr. President.

President: I thank the distinguished delegate of India for his statement. I now invite the distinguished delegate of Pakistan to take the floor.

The Delegate from Pakistan: Thank you, Mr. President. My compliments to the panelists for making impressive presentation and my compliments to the statements of delegates preceding me. The excellent report and information compiled by the Secretariat needs special mention as well.

Mr. President, it goes without saying that history bears witness to the fact that we have not been very wise as nation States in the manner in which we have used our national resources. Having almost depleted those on the land we are now looking at the ocean and the seas.

The Law of the Sea is as deep as the deepest of oceans, it is vast and touches upon not only the shores of coastal State but also beyond to the land-locked countries like Nepal. However, the issue which has come before us today is relatively new as a topic i.e. Marine Biodiversity.

Mr. President, the scientific studies tell us that sustainable development of a State is no longer a domestic matter. Economies are so intertwined and tied together in nation States but also the continents as well. Any structure which relies solely on national resources cannot last long. Marine resources are not only national treasures but also transnational heritage. We need to march with the changing times. Navigation, dredging, fishing and oil exploration as well as alternate sources of energy from the sea are growing phenomenon and therefore are matter of concern not only as a part of common heritage but also obligations. To this end, Pakistan supports the Chinese delegate's statement. Explorations and prospecting in the seabed are new challenges which need to be addressed in such a manner that it should not be at the cost of other States.

To this end, Pakistan would like to propose formation of a standing committee comprising of both land-locked States as well as coastal countries with the mandate to continue to deliberate on issues which arise from time to time. The committee should be asked to submit by annual report and suggest appropriate legal parameters to help AALCO and make concrete and workable legal framework deliberations.

One of the tasks should be, to my mind, to put together a marine mapping regime. Had this been placed earlier, we would have a better world to live in and would have found answers to questions asked by the families of those from our brother State of Malaysia who lost their lives.

Pakistan also supports Mr. H.P. Rajan's proposal for convening a third workshop later this year on the marine scientific research and deep-sea resources. Thank you, Mr. President.

President: I thank the distinguished delegate of Pakistan for his statement. I now invite the distinguished delegate of Malaysia to take the floor.

The Delegate from Malaysia: Thank you, Mr. President. Mr. President, Deputy Secretary General, Excellencies, Distinguished Delegates, Ladies and Gentlemen; In fulfilling its obligations as a Member State to the United Nations Convention on the Law of the Sea 1982 (UNCLOS), Malaysia has undertaken the necessary measures to ensure that its national legislation are consistent with the provisions of UNCLOS.

Malaysia has also participated in the States Parties Meeting of the Law of the Sea and further takes note of the work of the International Tribunal on the Law of the Sea (ITLOS), the Commission on the Limits of the Continental Shelf (CLCS) and International Seabed Authority (ISBA).

Marine biological diversity beyond areas of national jurisdiction

Malaysia takes note of the proposal made by the AALCO Secretariat for Member States to mandate a research study on the topic from the perspective of Asian African States and looks forward to the outcome of the research study. Malaysia also takes note of the AALCO Secretariat's proposal to hold special seminars or workshops to discuss the issue and recommendations made relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.

Malaysia wishes to highlight that the outcome of the proposed seminar or workshop that will be conducted shall be considered as facilitative and not to be taken as Member State's agreement or support to be bound by the recommendations made relating to the subject matter.

Marine Scientific Research

Malaysia takes note of the comments and observations of AALCO Secretariat with regards to marine scientific research. In this regard, Malaysia will continue to conduct marine scientific research within the context of UNCLOS which has been provided

under Part XIII, and urges Member States to respect sovereignty, jurisdiction and rights of coastal States.

Exploration of deep sea resources

Finally, although Malaysia has yet to explore in deep sea mining, Malaysia has been following the development of ISA and its work, including the adoption of the regulations as enumerated by Mr. Rajan and Ms. Hicuburundi during their presentations earlier. Thank you, Mr. President.

President: I thank the distinguished delegate of Malaysia for his statement. I now give the floor to the distinguished delegate from Oman.

The Delegate from Oman:⁵ Thank you, Mr. President. In the name of God, the compassionate, the merciful;

Mr. President, my country attaches great importance to the issues related to the law of the sea. The Sultanate of Oman has issued laws related to defining the borders of sea areas, the regulation of maritime navigation, the preservation of water resources, and protection from pollution. Oman is currently working on its request to determine the outer limits of its continental shelf beyond two hundred nautical miles before the Commission on the Limits of the Continental Shelf.

In light of the increasing international interest in the seas, the Sultanate of Oman emphasizes the importance of coupling any use of the sea and its resources to preserve the marine environment and marine biodiversity. Thank you, Mr. President.

President: I thank the distinguished delegate from Oman for his statement. I now give to the floor to the distinguished delegate from South Africa.

The Delegate from South Africa: Thank you, Mr. President. We appreciate the work and report of AALCO on this topic. The 2015 Africa Integrated Maritime Strategy recognizes that oceans are critical for Africa's development. The strategy also recognizes the importance of the oceans for wealth in general, noting that water covers more than 2/3 of the Earth's surface and affects life everywhere.

The UN Convention on the Law of the Sea is the cornerstone of the existing international legal framework governing the oceans and the seas. There, however, remain important gaps in the regulation and sustainable use of biodiversity in areas beyond national jurisdiction (ABNJ). We will focus our intervention on this issue of marine biodiversity in ABNJ.

South Africa holds the view that the resources in the ABNJ should be for the benefit of all the Earth's inhabitants. South Africa is further of the view that the governance concerning the access to, and benefit from, genetic resources in ABNJ allows those with technical capabilities and resources to exploit these resources without the concomitant duty to share the benefits. Similarly, the absence of rules on the use of management rules for the conservation of biodiversity encourage the destruction of

⁵ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

the marine environment at the hands of those with the technological capabilities to exploit marine resources on a large scale. It is only through the adoption of legally binding instruments on the basis of the foundational principles in the UNCLOS that these issues can be addressed.

With regard to the legal regime applicable to marine genetic resources, the South African position is based on the common heritage of mankind. During the 3rd UN Conference on the Law of the Sea, African States supported the application of common heritage of mankind principle to ABNJ. The application of the common heritage of mankind rule in the new implementing agreement would serve both to promote a sustainable access regime, and ensure a benefit-sharing regime. We therefore call for the application of the common heritage of mankind principle to the deep seabed.

With respect to conservation issues, we support the idea of establishing a governance regime that enables the establishment of marine protection areas through a legitimate governmental process based on scientific criteria. The new implementing agreement should provide further details on the implementation of the duty in Article 204 of the UNCLOS to conduct environmental impact assessments for the activities that may have significant and harmful impacts on the marine environment.

South Africa welcomes progress made by the working group on BBNJ in its meeting in January 2015 to launch the negotiation. The challenge before the international community as it approaches the next stage is to identify with care the areas that will be covered by the proposed instrument in order to optimize the goal of conservation of marine biodiversity. South Africa is of the view that we should contribute to building ocean resilience, provide comprehensive protection for ecologically and biologically significant areas, and enable ecosystems time to adapt. The legal instrument must establish a framework which includes an overall strategic vision that encompasses the aspirations of both developed and developing countries, particularly in the areas of benefit sharing. Thank you, Mr. President.

President: I thank the distinguished delegate of South Africa for his presentation. I now invite the distinguished delegate for Iran to take the floor.

The Delegate from Iran: Thank you, Mr. President. In the name of God, the compassionate, the merciful;

Mr. President, at the outset, let me express my appreciation for the inclusive report prepared by the secretariat on the item of “Law of the Sea”. Among the diverse issues surrounding the law of the sea, I would limit my remarks on some topics including “Marine Scientific Research” and “Exploration of Deep Sea Resources” as suggested by the Secretariat.

The Islamic Republic of Iran attaches great importance of Law of the Sea issues and pursues them with interest. In order to follow more closely the latest trends and developments in the law of the sea, and to provide our specialties in this regard, we have arranged a seminar with the collaboration of the United Nations Division for Ocean Affairs and the Law of the Sea to be held in Tehran soon, where the experts of the United Nations will provide us with the necessary information on the 1982 United

Nations Convention on the Law of the Sea and the latest developments on the law of the sea in general.

Mr. President, due to the importance marine scientific research has gained in different maritime zones and the vitality attached to collecting and disseminating information about the deep seabed, it is the view of the Islamic Republic of Iran that marine scientific research needs to be promoted and encouraged by AALCO. It is to be noted, however, that any plan to enhance and promote cooperation among States and carry out projects aimed at broadening understanding of the deep seabed in areas beyond national jurisdiction of States requires consideration of the specific needs and interests of developing States. Granting preference to developing States that wish to engage in research activities in the deep seabed and plans with regard to transfer of technology and equitable sharing of benefits should be promoted in this regard.

Mr. President, on the issue of “Exploration of Deep Sea Resources”, we highly appreciate the AALCO report on this topic. It rightly States that the “the deep seabed had enormous potential to offer large and high-grade alternatives to land-based commodities” and that “exploitation of the seabed has potentially numerous advantages over land-based mining, such as the lack of overburden and mobility of mining equipment”. The fact is that technological advances in recent years have made deep seabed mining a favorable option for States. The developing States are in need of capacity-building to explore seabed resources. The exploitation of, and benefit from resources of maritime areas that are the common heritage of mankind, by a few, is inconsistent with the general principles of international law, including those on equity, as the area and its resources are to benefit mankind as a whole.

State Parties and non-State Parties to the 1982 United Nations Convention on the Law of the Sea need to work together in ensuring not only on the conservation and management of marine biological diversity in areas beyond national jurisdiction but also on the effect of the exploration and use of genetic resources.

The basic principle in UNCLOS and in General Assembly Resolution 2749 (XXV) applicable to these resources to these resources is that of the Common Heritage of Mankind, although it does not provide a specific legal regime for conservation and sustainable use of the marine biodiversity of areas beyond national jurisdiction. For that reason, a specific legal regime needs to be developed in this regard.

My delegation believes that an implementing agreement is essential to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction through a coordinated, integrated and collaborative approach.

Mr. President, protection of marine environment is crucial in safeguarding the health and wellbeing of human beings. Pollution at seas and oceans has alarmingly increased in recent years and it is high time the international community took more seriously the application of strict rules to protect areas under their jurisdiction and, through effective collaboration, areas beyond their jurisdiction, especially where pollutants cross borders to irrevocably harm environmentally sensitive areas.

Mr. President, another important issue linked to the protection of the marine environment is land reclamation activities. My delegation would like to reiterate, as in

the past, the United Nation's words on the issue declaring its "deep concern at the adverse economic, social and environmental impacts of physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment" (preambular Para 14 of the A/ Res/ 67/ 78). In this regard, the order of 8 October 2003 of the International Tribunal of the Law of the Sea is significant in that it directs Singapore not to conduct its land reclamation in ways that might cause irreparable prejudice to the rights of Malaysia or serious harm to the marine environment. Also, Article 7 of the Kuwait Convention for Regional Cooperation on the Protection of the Marine Environment from Pollution, dated 24 April 1978, holds upon the contracting parties to take all appropriate measures to prevent and combat pollution of the sea resulting from land reclamation. The Islamic Republic of Iran invites the AALCO Member States to cooperate with non-Member States and relevant international organizations to collect information regarding the consequences of urban and coastal projects and related land reclamation activities on the marine environment, and to share information and experiences on the consequences of such activities. Thank you, Mr. President.

President: I thank the distinguished delegate from Iran for his statement. Now dear colleagues, we have received the statements from the Member States of AALCO on the issue. Since there are no further requests from Member States of AALCO to speak on this issue I now have the honour to give the floor to non-Member States of AALCO and I invite the distinguished delegate of Vietnam to make a statement.

The Delegate from Vietnam: Thank you, Mr. President. Distinguished delegates; Since it is my first time to the floor, please allow me, on behalf of the Vietnamese Delegation to congratulate you for being elected as the President of the 54th Annual Session of the AALCO. In the same vein, I would like to take this opportunity to extend my thanks to the Government of the People's Republic of China, for their hospitality and excellent arrangements for this meeting. My appreciation also goes to the Secretary General and other AALCO staff for their excellent work over the last year and their untiring devotion to the success of this session. I hope the discussions in the coming days will bear fruitful outcomes.

Mr. President, Vietnam highly appreciates the role of AALCO in providing a forum for exchanging views and experiences on legal matters of common concern and accelerating legal cooperation in promoting the rules of law. There is no doubt that AALCO's work will bring great contributions to the process of codification and progressive development of international law.

On this occasion, I would like to make some remarks on the issue that have been put on the agenda of the 54th Session.

The first issue I would like to touch upon is the topic of "Law of the Sea". The United Nations Convention on the Law of the Sea, adopted in 1982 (UNCLOS) embodies the tremendous efforts of the international community to establish an international legal order for the use, exploration, management and sustainable development of the oceans and seas. As a coastal State and a party to the Convention, Vietnam fully understands and highly values the great significance, the critical role

and the important value of UNCLOS to humanity. We are of the view that all the State Parties to UNCLOS are under the obligation to implement all provisions of the Convention in good faith, thus ensuring peaceful and sustainable exploitation, use and development of oceans and seas.

The East Sea (South China Sea as it is otherwise called) is one of the world's most important routes for international navigation. Thus, Vietnam supports all efforts in maintaining peace, stability, freedom and safety of navigation in the East Sea. Also, as a coastal State in the East Sea, Vietnam takes the position that the East Sea disputes should be resolved through peaceful means, in accordance with the United Nations Charter and international law, including UNCLOS.

With regards to the selected item on the agenda of the International Law Commission, on the topic of "identification of Customary International Law", Vietnam observes that the second report from the Rapporteur has laid down eleven draft conclusions covering the central questions concerning the two constituent elements of customary international law, and which will be continued in the subsequent Third Report.

Mr. President, as my delegation will deliver only one speech in this agenda item, with your permission, I would like to briefly touch upon some of the views relating to this topic. As to the view expressed in draft conclusion 5, we agree that it is the conduct of States that primarily creates or contributes to the creation of rules of customary international law. While we support the main types of State practice which were proposed in the ILC Report, we would like to remind the Member State of the importance of official statements or declarations being given by Heads of Delegations at international organizations, which should also be seen as formal actions of States before the international community and be added to the non-exhaustive list of categories of State practice in the Report. In addition to that, even though the acts or inaction of any of them represented the general practice of international organization for the purposes of establishing customary international law as international organization differs in terms of geographical representation, membership, structure as well as code of conduct. As this element shall be dealt with in greater detail in the third report of the Special Rapporteur, we would very much looking forward to this Report.

The last issue I would like to refer to is "*International Trade Law Matters*".

Mr. President, it goes without saying that investment can play a significant role in economic development of developing countries, but on the other hand, investment also creates many problems for them. One of those problems is investment disputes. As a capital-importing country, Vietnam totally supports the AALCO Secretariat's suggestion for encouraging the use of mediation and conciliation instead of arbitration to resolve investor-State disputes and having provisions on claim prescription in bilateral investment treaties. The investment practice shows that the investor-State arbitration clauses in investment treaties have brought cumbersome situations to developing countries. This explains the reason why developing countries tend to revise their policies on concluding investment treaties.

In this regard, we warmly welcome the Secretariat's suggestion of establishing an advisory facility or legal assistance center on international investment law to assist

developing countries in handling investor-State disputes, particularly its efforts to concentrate on capacity building activities for its Member States through training workshops and legal clinics.

Mr. President, Distinguished Delegates, on behalf of my delegation, I wish you all constructive and fruitful deliberations and hope this Annual Session will provide with the unique opportunity to develop cooperation on legal matters of international importance. Vietnam takes this opportunity to extend our full support to the work of AALCO and wish the esteemed Organization to achieve its noble and optimal goals. Thank you very much for your attention.

President: I thank the distinguished delegate from Vietnam for her statement. Dear colleagues, we have exhausted the list of speakers for this item. I would like to take this opportunity to thank our two panelists, Mr. Rajan and Ms. Hicuburundi for their contribution and participation in the debate.

The meeting was thereafter adjourned.

AGENDA ITEM: THE 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

H.E. Liu Zhenmin, Vice Minister of Foreign Affairs of the People's Republic of China, and President of the Fifty Fourth Session AALCO Annual Session is the Chair.

President: I declare the resumption of the Fourth General Meeting. We shall start our discussion on the Agenda Item "The 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." To begin the discussion, I give the floor to the Deputy Secretary General, Ms. Harimoto, for the introductory statement.

Ms. Yukiko Harimoto, Deputy Secretary General of AALCO: Thank you, Mr. President. Excellencies, Distinguished Delegates, Ladies and Gentlemen; I have the honour to introduce the topic, "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", contained in Secretariat Document, AALCO/54/BEIJING/2015/SD/S 4. This issue was included in the agenda of the organization in the year 1988 upon the initiative of the Islamic Republic of Iran. Since that year, the Secretariat has closely monitored the developments pertaining to this matter. Over these 26 years, the organizational briefs prepared by AALCO have recorded and reflected on the numerous legal issues that touch the situation in the Middle East. Over these 26 years, we have bestowed attention on all aspects relating to the conflict and no efforts have been spared from our end to provide legal support, whenever necessary.

Excellencies, the illegal military occupation of Palestinian territories and the human rights abuses perpetrated on the people of Palestine has now been continuing for more than 5 decades. Despite international consensus expressed through the binding resolutions of the Security Council and those of the General Assembly of the United Nations, the occupying power continues to defy international law and the will of the international community. Even as peace talks have been in progress, the occupying power had always continued with its expansionist policies.

Time and again, the international community has firmly asserted the application of International Humanitarian Law to the conflict and has reiterated that the illegal annexation of Palestinian Land, the creation of Jewish Colonial Settlements and the massive deportation of Palestinians are all actions in violation of humanitarian law and international law. We must also recall, here, the historic judgment of the International Court of Justice that has reaffirmed the illegal nature of these practices and in particular the construction and maintenance of "the Wall" that separate and isolate a group of Palestinians.⁶ These actions and the continuing expansionist

⁶ The Advisory opinion of the International Court of Justice, dt. 9 July 2004 in *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.

policies of Israel strike at the root of all hopes for peace and even violate the internationally sanctioned “Two States Solution” which has been accepted by Israel and which binds it by virtue of international agreements.

At the Fifty-First Annual Session of AALCO, the Secretariat was mandated to conduct a study “to examine and establish the legal requirements and principles that would determine the status of Palestine as a State” taking into consideration “the requirements of international law and existing international norms and standards particularly the provisions of the Montevideo Convention on the Rights and Duties of States”.⁷ Following this mandate, the Secretariat has prepared “A Study on the Statehood of Palestine under International Law”. Let me reiterate here that the contents of and contentions raised in that study has now assumed more significance. Recent events demonstrate to all of us that recourse to the rule of law is one of the important elements of responding to any conflict situation.

On 1 April 2015, the State of Palestine became the 123rd State to join the ICC, marking an important step towards accountability and justice for victims in the world’s longest-running conflict. We are given to understand, it is now attempting to invoke the jurisdiction of the International Criminal Court as a part of its strategies to fighting modern-day colonialism. Let me point out here that the outcome of this demand for exercise of jurisdiction will also be a demonstration of the strengths, weaknesses and efficacy of those institutions in which the international community of States have reposed immense confidence, for maintenance and equal application of the rule of law.

Excellencies, the situation in Palestine is grave and the principal tool to redress this, is ensuring compliance with international law. AALCO has time and again asserted the illegal nature of Israeli practices in the OPT and called for the resolution of the conflict in accordance with the principles of international law including the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions, in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. It is also relevant here to recall the widely supported United Nations Security Council and UN General Assembly resolutions 242, 338 and 1515 which affirm the legal obligation of Israel to withdraw from Palestinian territories occupied in the year 1967.

This year, once again, the Secretariat has prepared a detailed brief on the issue for your consideration. As you may notice, while the overall structure of our reporting has not been altered, some cosmetic changes have been made to ensure coverage of the more recent issues and developments. The Sections on the “Role of ICC in the present situation” and a broader outlook on the international law violations committed by Israel are changes which we believe will ensure that the Member States have a more wholesome picture of the legal situation. Member States will also take note that, considering the comments made by one of the Member States at the last Annual Session, the secretariat has also proposed a change in the title of the agenda item (OP12 of the Draft Resolution) in order to include other international law considerations when necessary.

⁷ AALCO/RES/51/S 4 (22 June 2012), 12 *bis*.

Excellencies, with these introductory remarks, let me draw the framework for the deliberations, which will follow. Deliberations may focus on the violations of international law, particularly international human rights law and humanitarian law committed by the Government of Israel in the Occupied Palestinian Territory (OPT); the role of the International Criminal Court in redressing these violations and the role of the international community to pressurize Israel to comply with its international obligations and last as a non-substantive issue the title of the agenda item might also be considered. Thank you, Mr. President.

President: I thank Ms. Harimoto, the Deputy Secretary General of AALCO, for her introductory statement. Now, I open the floor to comments from delegations of Member States of AALCO. First, I invite the distinguished delegate from Palestine to deliver his statement.

The Delegate from the State of Palestine:⁸ “O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you.” The great truth of God (Holy Quran, 49:13).

Praise be to Allah that the statement is unable to count His blessings and Praise be to Allah alone, and prayers and peace be upon the Prophet Muhammad and his family and companions and followers.

Excellencies and Heads of participating delegations in 54th session of AALCO; His Excellency President of 54th session of AALCO; His Excellency President of 53th session of AALCO; His Excellency Mr. Secretary General of AALCO; Ladies and Gentlemen, representatives of media organizations; Peace, mercy, and blessings of Allah be upon you all.

At the outset, allow me to offer you great thanks and gratitude and plenty of appreciation on behalf of His Excellency Mr. President, Mahmoud "Abu Mazen" Head of State of Palestine, and on behalf of the Government and the Palestinian people and on my own behalf to People's Republic of China, President, Government and people for the warm reception and generous hospitality and for their continuous support for the State and the people of Palestine.

I also extend my thanks to the President of the current session of the Organization wishing him every success for the presidency of this session. I extend my sincere thanks and gratitude also to the President of the previous session and the Islamic Republic of Iran for hosting the Fifty-Third Session of the organization.

My thanks go to the Secretary-General of the Organization, members, Secretariat and those who made their commendable efforts in the preparation and careful organization to hold meetings of the Organization on an annual basis, and for the great attention received by Palestine and a strong presence on the agenda of the Organization. We hope the day comes in which we host the work of the session in the city of Jerusalem, the capital of the State of Palestine, after the occupation ends.

⁸ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

Over the past and current year, Israeli occupation forces have escalated, the continued war on the sons of our Palestinian people, on their land and property and natural wealth, and the sanctities of the Islamic and Christian alike. This has happened especially in the city of Jerusalem the capital of the occupied Palestine, through continued systematic attacks, in violation of the principles of international humanitarian and human rights principles and international charters and norms.

We meet today, in light of the continued occupation of our land, and in light of Israel's policy of building settlements, seizing and unlawfully confiscating Palestinian lands. This despite the insistence of the Palestinian leadership, headed by President Mahmoud Abbas, to continue with the peaceful approach to the establishment of an independent State of Palestine with its capital in Jerusalem and with sovereign boundaries as defined in June 1967, according to the United Nations resolutions and international law. However, the Government of Israel continues to block these efforts, through the continued construction of settlements and the apartheid wall. Where the pace of settlement expansion has escalated, it has seen more Israeli government schemes and tenders, whether it be the establishment of new outposts or the expansion of outposts set up by the earlier and increase the number of settlers. This has led to the confiscation of agriculture land strategically important for Palestine. Israel also exercises a displacement policy against Palestinian Bedouin communities in and around Jerusalem and the Jordan Valley, evicting the indigenous population from these areas in favor of Israeli settlement projects.

It is quite clear that these Israeli measures related to settlement activity on the occupied Palestinian territories confirms the implementation of a prepared and sanctioned Israeli plan that was formulated in the 1970's, by the World Zionist Organization leader at that time, "Matityahu Drobles". He had proposed the creation of enclaves that aim for the dismemberment of a Palestinian State as the final stage of the occupation of the West Bank, in fulfillment of the Zionist scheme to control the entire occupied Palestinian territory, and impose a *fait accompli* on the Palestinian people and leadership.

In this context, the Palestinian areas are experiencing feverish Israeli campaigns to empty them of the Palestinian population in favor of settlement expansion projects. On this level, Israeli bulldozers demolish Palestinian houses on a daily basis and build illegal settlements in their place. Israeli settlers continue committing organized crimes in the occupied territories against Palestinian civilians and property. These attacks come under incitement by the Israeli government against the State of Palestine and are usually committed in the presence of Israeli army forces that provide protection to them. Israel also ignores the investigation of complaints of Palestinian citizens against settlers and their continued attacks. All these crimes are committed in the absence of accountability and sanctions by the international community, which encourages the occupying State to commit more of them, thus enhancing their practices and their conviction as a State above the law.

As for the city of Jerusalem, the Israeli occupation authorities have continued to take arbitrary actions against the city's Islamic and Christian holy sites and its natives in order to Judaize the city and effect the displacement of its population, in defiance of international law and the resolutions of the United Nations. This has been carried out

by the government of Israel since its occupation in 1967, starting with the decision to annex Jerusalem and consider it as the united capital of the State of Israel. Israel has been trying to change the geographic, demographic and institutional features, and destroy Palestinian homes within Jerusalem. Incursions and excavations under the Al-Aqsa Mosque and under the city, has created cracks and dislocation in the foundations of the building, so that any vibration that may arise from a natural or artificial jolt may destroy the city. They have surrounded the city of Jerusalem with Jewish settlement colonies, seized Palestinian homes, extorted the land in and around the city, imposed restrictions on Palestinians, and imposed high taxes on them, including the so-called Alornonh. They have confiscated land, prevented the people of Jerusalem from returning to their city when they go abroad, and isolated the city from its Palestinian surroundings.

We note here, that the occupying State is committing these acts and crimes, in order to push the people of the city of Jerusalem to the level of despair and search for means of migration in and out of in accordance with the aspirations of Israel and its intentions toward the holy city. Displacement of the largest possible number of Palestinian inhabitants will facilitate control and allow there to be a Jewish majority in the city.

The latest serious and flagrant violation of international laws and conventions was the closure of the Al-Aqsa Mosque repeatedly in front of the worshippers by Jewish extremists. These acts are carried out with the protection of Israeli army forces along the lines of what happened in the Ibrahimi Mosque in Khalil city.

All of these practices and procedures are in line with a formal and systematic policy, which is considered unlawful in accordance with the principles of public international law and the provisions of international humanitarian law, human rights and the resolutions of the United Nations and its bodies and institutions and relevant international agencies, which all emphasized that East Jerusalem is an integral part of the Palestinian territories in 1967.

As for the last Israeli military aggression on the Gaza Strip on 8 July 2014, which is the third in the last five years, it has been more violent and bloody against Palestinian civilians and their property. Israeli occupation forces used, during the aggression, different types of weapons, including internationally banned weapons, where the air, land and naval forces fired shells at Palestinian houses and public and private establishments in the various governorates of the Gaza Strip, from its south to north. The border areas north and east of Gaza Strip are most vulnerable and the focus of operations of Israeli warplanes, which inflicted casualties and serious economic damage in those areas. The difference of this aggression from the previous two wars is that it is of the size of the biggest crimes of genocide. The number of casualties, especially children, is larger, as is the number of the wounded and disabled. Dozens of families have been completely destroyed and removed from the civil register. There are about half a million people who have been displaced from their homes because of this latest aggression. In addition to the destruction of homes, schools, hospitals and public buildings, residential buildings, mosques, and factories, even graves had not been spared from their crimes.

The final outcome of the aggression on the Gaza Strip has reached, according to the Palestinian Ministry of Health report on 23 August 2014, 2,102 martyrs, including 567 children and 259 women. The total number of injured is 10,630 including 3,192 children, and 2,018 women.

This brutal Israeli aggression was inflicted on the Palestinian people in the Gaza Strip after the freezing of the Palestinian-Israeli negotiations in April 2014 and against the backdrop of continued settlement activities in the West Bank and the occupied city of Jerusalem. The evasiveness of Israel to meet political settlement entitlement, and failure to release the fourth batch of Palestinian prisoners, who Israel had earlier agreed to release, has also been without a legitimate reason or legal justification.

The Israeli military forces have not taken into account the protections provided by international humanitarian law to civilians in time of war, particularly under the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War 1949, and the Convention against Discrimination against Women, and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, which emphasized the need to protect women and children in particular.

The issue of Palestinian prisoners in Israeli prisons and detention centers is one of the most important humanitarian, legal and political issues, especially as two-thirds of the Palestinian people have entered Israeli jails over the years of the Palestinian Israeli conflict. The number of prisoners currently in Israeli detention is around 7000 men, women and children. Israeli prison authorities practice against them various inhuman acts such as murder, torture and isolation, malnutrition and ventilation, in an attempt to break the will of the Palestinian people. Israel does not abide by its obligations as an occupying State, in relation to the Palestinian prisoners and detainees. The Palestinian prisoners gain legal rights under the Third and Fourth Geneva Conventions and Additional Protocol and all human rights relevant laws, and the Israeli government must deal with them accordingly. Recent arrests have included the arrest of the deputy in the Legislative Council, Khalida Jarrar. She was handed over to the administrative detention, along with many members of the House of Representatives of the Legislative Council despite the immunity that they enjoy according to the signed agreements, which are constantly violated by the Occupying Power.

The accession of the State of Palestine to a range of international treaties and conventions means that the issue of prisoners has come under the jurisdiction of international humanitarian law and is not under the jurisdiction of Israeli military rule and military and domestic laws.

Those who monitor the political developments in Israel toward the possibility of achieving peace, find that Israel is moving away from peace and moving towards more extremism, and racism, especially since Benjamin Netanyahu took charge of the Israeli government. Israel takes advantage of the support of its allies, and rejects all efforts of peace initiatives. At the forefront of it the Arab peace initiative, and reflect explicitly to deny recognition of the right of our people for freedom, sovereignty and national independence, it has been demonstrated in the clearest manifestations statements of Israeli Prime Minister Netanyahu during the Israeli elections last month, in which he announced the fact of his stand, that he would not allow establishment of

a Palestinian State as long as he is in power, and would go ahead with the construction of settlements and its strengthening, and will not negotiate on Jerusalem, claiming that it is the eternal capital of the State of Israel.

We are facing the impossible task of returning to bilateral negotiations, which continued for twenty years without the slightest credibility and good faith on the part of Israel. We see that negotiations are useless because Israel wants to establish settlements and occupy Palestine. Negotiations will be useless to their goal of ending the Israeli occupation, and establish the State of Palestine if they are not linked to a strict timetable for the implementation of this goal.

The Israeli government's extremist policies on the one hand, and the commitment of the Palestinian leadership with their pledges and clarity of its political stance on the other hand, has led to the creation of important changes for our issues at the international political level. We have received considerable political support from the international community, which is embodied in the United Nations General Assembly resolution 67/19 dated 29 November 2012, which admitted Palestine as a non-member observer State at United Nations. 135 of its members voted in favor of resolution. The resolution has emphasized the end of the occupation, and the attainment of the State of Palestine with its independence and sovereignty on the 1967 borders with its capital in East Jerusalem, and resolving the refugee problem in accordance with Resolution 194, the complete stop of settlement, including Jerusalem, and the release of prisoners and ending the siege on the Gaza Strip.

The State of Palestine is facing many Israeli obstacles, which disrupt efforts to build State institutions and threaten the principle of the rule of law. Despite these circumstances we must not let these measures become an obstacle to any programs designed for real and sustainable development based on the enjoyment of Palestinian citizens their fundamental rights guaranteed by international conventions, or to be a justification for the violation of these rights. The insistence of the State of Palestine on the respect for human rights is to ensure the legitimacy of the State and rule of law and the continuation of good governance and the development of the Palestinian society.

The respect for human rights is a essential for the achievement of national rights of the Palestinian people. Completing the journey of the Palestinian people towards receiving their human rights and building an independent States requires laying the foundations for the State in the rule of law, strengthening the gains made by the State of Palestine in the field of institution-building, in the adoption of modern legislation, and in the harmonization of our local laws with international obligations. This is especially important now that the State of Palestine has joined many international organizations, such as the International Criminal Court, which the State of Palestine become officially a Member of at a ceremony held in the court's headquarters in the "The Hague". The State of Palestine also demanded that Israel be prevented from its continued settlement activities and asked the Court to open an investigation against Israel on the crimes committed in the recent aggression on the Gaza Strip that fall within the jurisdiction of the court.

In this context, we are fully aware that the establishment of the International Criminal Court came to reflect the will of the international community to prevent the

commission of the most heinous crimes, war crimes, and crimes against humanity and genocide, and crimes of aggression. The Court constitutes a guarantee of justice to the victims who will not be alone while facing violations.

We, the Palestinian people, have suffered from such crimes for a long time as a result of the illegal practices of prolonged colonial military occupation. The latest aggression was on the Palestinian people in the region of Gaza Strip, so we will spare no effort to take all possible steps to ensure accountability for the crimes of occupation, and at the same time to ensure the protection of Palestinian civilians. Palestine's decision to join the International Criminal Court, is to get the justice and not revenge.

The joining to the treaties, conventions and international charters put on us the international obligations in the field of investigation and respect and protection of human rights, so we are ready to carry it out, considering the fundamental principles of human rights is an integral part of our values and our Palestinian Arab and Islamic culture.

Hence, we call on you to help the oppressed people in this land. We only ask for justice and equity and the fulfillment of rights. We commend the actions carried out by your sisterly and friendly countries to boycott the products of settlements, and this is recorded in our memory. We urge you to take much tougher and stronger punitive measures against any company that contributes and works for the building of settlements or provides any other construction materials for building these settlements within the territory of the State of Palestine.

Accordingly, we hope that all Member States will continue their support to the State of Palestine at all levels, especially for prosecution of criminals of the Israeli war before the International Criminal Court in accordance with the Rome Statute. There is a need for State parties to international treaties and organizations to stand firm in order to force Israel to respect Palestinian human rights, such as imposing economic boycott, and reconsidering the trade agreements signed with Israel, and not to render aid that would cause harm to the population of the occupied Palestinian territories.

We call on all State parties to the Geneva Conventions not to condone any illegal Israeli action that contradicts the inalienable right of self-determination of the Palestinian people.

Finally, we hope that when the next meeting is held, the Palestinian people will have won freedom and independence and established their independent State with its capital in Jerusalem. I thank you for your kind attention and hope for the success of this Session.

President: I thank the distinguished delegate from Palestine for his statement. I now invite the delegate from Qatar to make his statement.

The Delegate from Qatar:⁹ Thank you, Mr. President. Excellencies Honorable Ministers, Attorney Generals, Heads and Distinguished Members of the delegations;

⁹ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

The delegation of the State of Qatar appreciates the attention and support of the organization to the Palestinian issues, and its eagerness to insert the special item of Palestinian issue on the agenda of the Annual Sessions of the Organization, which considers all aspects of the issue, particularly the legal aspect.

The suffering of the brotherly Palestinian people, and the survival of the occupation and the increasing Israeli settlements encroaching on the freedom and sovereignty of the Palestinian people, is in contradiction to all international law and international rules and norms. It continues to undermine the possibility of stability and peace in the region. Rather it is contrary to humanitarian rules and the right of peoples to sovereignty of its territory.

The delegation of the State of Qatar always emphasizes the importance of a speedy resolution to the Palestinian issue in a fair and equitable way, based on the achievement of a just and comprehensive peace, and that is the through the bearing of international community its responsibility towards brotherly Palestine, people and Government, by the following:

- Respect the rules of international law, and abide by the resolutions of international law
- Immediate end of the Israeli occupation and stop building settlements
- Lift the siege on the Gaza Strip
- Respect of all legitimate rights of the Palestinian people struggling to establish their independent State with its capital in East Jerusalem

We would like to emphasize the position of the State of Qatar in support of the State of brotherly Palestine government and people, and in the light of the directives of His Highness the Emir Sheikh / Tamim bin Hamad Al Thani - Emir of Qatar, "God protect him", that he emphasized upon it in the recent Arab summit which held in last March to resolve the Palestinian issue and end the suffering of the brotherly Palestinian people. Thank you.

President: I thank the distinguished delegate from Qatar for his statement. I now invite the distinguished delegate of Japan to take the floor.

The Delegate from Japan: Thank you, Mr. President. It has been Japan's basic position that Japan supports a two-State solution whereby Israel and a future independent Palestinian State live side by side in peace and security and that Japan urges both Israel and the Palestinian Authority to exert further efforts to build mutual trust and to advance the direct negotiations in order to realize the two-State solution at the earliest possible date.

Japan wishes to emphasize that the conflict between the Israeli and the Palestinian sides should be resolved only through negotiations based on the relevant UN Security Council Resolutions, the Madrid Principles, the Road map, the agreements previously reached by the parties and the Arab Peace Initiative and that any violent acts must be firmly rejected.

However, the recent situation in the region is worrisome. After the peace negotiations were suspended last year through the conflict in Gaza both parties fell into a vicious

cycle as mutual distrust is heaping up. Japan is deeply concerned over the current situation in which the momentum of resuming the negotiations has almost gone.

Japan believes that the peace through a two-State solution will be realized only by serious negotiations between Israel and Palestine. Japan urges both sides to resume negotiations soon and to refrain from any unilateral actions that might hinder direct negotiations.

On Gaza, it is necessary to prevent reoccurrence of tragedies and accelerate the reconstruction process for long-standing stability in Gaza. Japan is seriously concerned about the deteriorating humanitarian situation in the Gaza strip and the delay in the reconstruction.

At the Cairo Conference on reconstructing Gaza which was held in October last year, Japan announced assistance for Palestine amounting to over 20 million US dollars for the removal of rubble in Gaza and in the areas of food supply and social and economic development. The pledge has already been disbursed. In addition, Japan decided to provide additional 100 million US dollars to support Palestine including Gaza reconstruction. Japan continues contributing to the improvement of the humanitarian situation in Gaza with the international community. Thank You.

President: I thank the distinguished delegate from Japan for his statement. I now invite the distinguished delegate of Indonesia to take the floor.

The Delegate from Indonesia: Thank you, Mr. President. Indonesia attaches importance on this agenda item. Indonesia strongly supports for the independence and Statehood of Palestine. Therefore, Indonesia compliments countries in the two regions for supporting Palestine.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in its 2014 Report explains in detail the hardships that are still a part of everyday life for Palestinian refugees, notably those who lived in occupied Palestinian territory. We noted with deep concern that Israeli policies and practices have persistently hampered the Agency efforts to provide assistance to Palestinian refugees. Against this backdrop, Indonesia would like to reiterate its call on Israelis and Israel to act according to international law.

Mr. President, the international community has always been persistent in its overwhelming support for the peaceful settlement of conflict between Palestine and Israel. Indeed, there is no military solution to that conflict. All parties must make substantial efforts towards peace. The international community must be ready to exert the utmost assistance to ensure a fair, credible and results-oriented peace process to take place.

Mr. President, the international community must be resolute. We cannot afford to allow the continued violation of international law by Israel. Indonesia is therefore, of the view that the establishment of the Commission of Inquiry of the Human Rights Council is a welcoming effort to put a stop to the culture of impunity for Israel's violations. The actual presence of the Commission in Gaza, to see directly the

conditions in the aftermath of the Israeli aggression, will contribute to an objective, transparent and professional investigation.

To conclude, Mr. President, I wish to express once again, Indonesia's unwavering support of the Palestinian people and their legitimate struggle for self-determination. I thank you.

President: I thank the distinguished delegate from Indonesia for her statement. I now call upon the distinguished delegate of the Iran to take the floor.

The Delegate from the Islamic Republic of Iran: Thank you, Mr. President. "In the name of God, the Compassionate, the Merciful"; At the outset, I would like to thank the Deputy Secretary General for her introductory presentation. I would also like to express my thanks to His Excellency the head of the Palestinian delegation for his informative statement that let us have a clear picture of the violations of international humanitarian law and the violations of international human rights law in the occupied Palestinian territory.

Mr. President, the Palestinian people have been denied their rights for several decades now. The occupation of the Palestinian territories continues in blatant disregard for fundamental human rights of the Palestinians despite the numerous calls by the international community to put an end thereto. While the applicability for the Fourth Geneva Convention to the occupied Palestinian territories has been stressed by numerous entities including the United Nations Security Council, the United Nations General Assembly, the International Court of Justice, the International Committee of the Red Cross and the High Contracting parties to the Convention, fundamental rights and obligations derived from the Convention as well as the 1907 Hague Regulations are violated on a daily basis.

We believe that the *de facto* regulation of affairs by the Israeli regime does not change the continued application of the Fourth Geneva Convention, as so pronounced by numerous Security Council resolutions including resolutions 478 and 489 (1980). According to State practice and doctrine, recognition of situations created as a result of the violation of a *jus cogens* rule of international law is null and void, we are of the view that enactment and implementation of law does not change the legal status of the occupied territories and territories acquired by force and war. On this point, Security Council Resolution 478 (1980) is notable.

Numerous UN resolutions including the UN Security Council resolutions 452 (1979) and 489 (1980) have described a "violation of international law," the construction and planning of Israeli settlements in the West Bank, East Jerusalem and the Golan Heights. UN Security Council Resolution 446 refers to the Fourth Geneva Convention as the applicable legal instrument and calls upon the Israeli regime to desist from transferring its own population into the territories, or changing their demographic make up. In addition, in July 1999, the conference of the High Contracting Parties to the Fourth Geneva Convention ruled that the Convention did apply in the Israeli-occupied territories and in 2001, the conference called upon "the Occupying Power to fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem and to refrain from perpetrating any

violation of the Convention. The High Contracting Parties further reaffirmed “the illegality of the settlements in the said territories and of the extension thereof.”

Furthermore, the primary judicial organ of the United Nations, the International Court of Justice declared in its 2004 Advisory Opinion on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” that Article 2 of the Fourth Geneva Convention warrants its application to the occupied territories. Thus, pursuant to Article 49 (6) of the Convention, “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” While the ICJ adopted this interpretation in the 2004 Advisory Opinion, 150 UN Member States supported the General Assembly Resolution A/RES/ES-10/15 dated 2 August 2004 demanding Israel to “comply with its legal obligations as mentioned in the advisory opinion,” a call that is repeatedly re-iterated.

Mr. President, during the past 60 years, frequent commission of war crimes and crimes against humanity by the Israeli regime has led to the death, injury and displacement of thousands of Palestinians. Although the crimes perpetrated against civilians including women and children are countless and unspeakable, the recent 50 day attacks directed indiscriminately against residents of Gaza proved once more the necessity of fighting impunity of those responsible.

Tasked by the Human Rights Council resolution S21/1, the Independent Commission of Inquiry was set to “investigate all alleged violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory including East Jerusalem particularly in the occupied Gaza Strip, in the context of military operations conducted since 13 June 2014...to identify those responsible, all with a view to avoiding and ending impunity and ensuring that those responsible.” While on 9 March, the Commission asked the Council to extend their mandate until June this year, we hope the result of the Commission’s enquiry would finally bring about justice to Israeli perpetrators and would put an end to their long-standing impunity.

In the end, let me hope AALCO and Member States would continue to play their strong role in supporting and assisting the Palestinian people in the early realization of their right to self-determination. Thank you, Mr. President.

President: I thank the distinguished delegate from Iran for his statement. I now invite the distinguished delegate from Egypt to take the floor.

The Delegate from the Islamic Republic of Egypt: Thank you, Mr. President. Mr. President, Distinguished Guests, Ladies and Gentlemen; Since hosting the 1st Arab Summit in May 1946, which adopted the first Arab resolution calling for the independence of Palestine, the Palestinian cause has always been a top priority and a corner stone in Egyptian foreign policy.

Since that period, Egypt has continuously provided the Palestinian people with all kinds of support. Thus, Egypt has strongly supported the rights of the Palestinian people to self-determination and sovereignty in the United Nations, and all other International and Regional Organizations, and together with the Asian and African States has succeeded to get the Palestinian cause internationally recognized.

Mr. President, Egypt's efforts did not stop at aiming to achieve a just and lasting settlement of a two-State solution. But these efforts included a humanitarian aspect as well, through providing the basic needs of the Palestinian people including food, medicine, medical supplies, along with extending the proper medical treatment, in Egyptian hospitals for the Palestinians injured in the Israeli aggression.

I also wish to recall that Egypt was the key player in the mediation efforts last summer between both parties, which ended up into an Egyptian sponsored initiative to stop all kinds of Israeli aggression on the Gaza strip. At the same time, Egypt is also working to heal the Palestinian rift by sponsoring the Palestinian national reconciliation efforts and uniting them in their legitimate struggle.

Distinguished Guests, on 12 October 2014, Egypt and Norway hosted together, along with the Palestinian Authority, an international convention on Palestine, entitled: The Cairo International Conference on Palestine "Reconstructing Gaza", which aimed at strengthening the ceasefire in place and improving the prospects of a political solution to the conflict through: (i) Strengthening the Palestinian government's ability to assume its responsibility in the rehabilitation of the Gaza Strip; (ii) Enhancing the UN mechanism for import and export of goods and materials to and from Gaza; (iii) Providing the financial support required for reconstructing Gaza.

Furthermore, Egypt has relentlessly continued its efforts at the international level in supporting the Palestinian people's rights. The Egyptian Foreign Minister paid official visits to China, Russia and Norway last February (heading the liaison committee for Palestine of the Organization of Islamic Cooperation (OIC)). The delegation was represented by the Foreign Ministers of Palestine, Azerbaijan, Guinea and the current Secretary-General of the OIC. These visits were aiming at conveying a concrete message of support from the OIC to the efforts of the peace process, while condemning the Israeli violations in Jerusalem and the Holy Shrines, along with the deteriorated situation in Gaza.

Mr. President, the government of Egypt would like to express its thanks to the Chinese government for its active engagement in the Palestinian cause and its huge support for the Palestinian People, especially under the umbrella of the UN. In this context, we cannot turn a blind eye on the Chinese 4 point initiative proposed by the H.E. Mr. Xi Jinping, the President of the People's Republic of China in May 2013, which represent along with other efforts a cornerstone in the process of regaining the rights of the Palestinian People.

Mr. President, Egypt considers that Israel is the main cause of deterioration of the situation in the occupied Palestine State, including East Jerusalem and the Gaza Strip. Israel has continued deportation of Palestinian People from their homeland, the violation of the human rights of the Palestinians through the excessive use of force, the destruction of property and expansion of settlements which are serious violations of international law and the 4th Geneva Conventions. Therefore Israel has to abide by international law and the related UN resolutions through ending all forms of occupation of Palestinian territory, ensuring the return of Palestinian refugees and accepting the two-State solution with East Jerusalem as the Capital of the new Palestinian State.

Finally, I wish to assure you that Egypt will continue along with China and other partners of peace to play an essential role in the realisation of the Palestinian cause. We will remain committed to supporting the Palestinian people and their legitimate aspirations, thus confirming the Palestinian issue has been, and will remain a major issue in the Egyptian Foreign Policy. I thank you.

President: I thank the distinguished delegate from Egypt for his statement. I now invite the distinguished delegate of Saudi Arabia to take the floor.

The Delegate from Saudi Arabia:¹⁰ Thank you, Mr. President. Peace, mercy and blessings of God. Saudi Arabia is following with great concern what is happening in the Palestinian territories like deportation of Palestinians and 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.

Saudi Arabia calls for Israel to halt its violations against the unarmed Palestinian people, and to stop the inhuman Israeli practices, for example, the killing, displacement, demolition, arrest, jailing; it is a long list of war crimes and violations the narration of which would take a long time.

Saudi Arabia condemns Israel's intransigence and refusal to cooperate, despite their promises. The Kingdom stresses the information in the report of the Special Rapporteur of the Human Rights Council in Geneva on the situation of human rights in the occupied territories since 1967, a situation that continues after more than six decades and the issuance of hundreds of reports and recommendations. It has to be for the world to wait even longer for the return of Palestinian rights.

Although Saudi Arabia rejects all aggressions of various kinds that oppress human rights, and believes that the time has come that we all bear our historical responsibilities, it is unreasonable that many of the nations of the world continue to demand and strongly protect human rights everywhere in the world except the occupied Palestinian territories. These are double standards that give the green signal to the brutal Israeli occupation forces to exercise all forms of violations and war crimes against the unarmed Palestinian people. History will record in the black pages those who continue to support the Israeli occupation and all those who support its stance against the principles of morality and the values of freedom upon which the Nations are established, and against the path of civilization and history. We also raise, through this meeting, remembrance of the number of Palestinian victims who have attained their martyrdom.

Stand up against this State which rejects peace as a principle, as we heard from the Prime Minister of Israel, who confirmed that there will not be in his reign the establishment of an independent Palestinian State.

The Kingdom is demanding to put pressure on Israel and forcing it to implement resolutions of international legitimacy for the establishment of an independent Palestinian State on the territories occupied since 1967, and the development of a

¹⁰ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

comprehensive and lasting solution to this issue that will restore their right and will achieve stability and security in the region. Thank you.

President: I thank the distinguished delegate of Saudi Arabia for his statement. I now call upon the distinguished delegate from China to take the floor.

The Delegate from the People's Republic of China: Thank you, Mr. President. Mr. Secretary General, Distinguished Delegates, Ladies and Gentlemen; China attaches great importance to the Palestinian issue and is deeply grieved and concerned over the ongoing continuous conflict between Palestine and Israel. The confrontation between both sides constantly upgrades and the Middle East peace process is now in deep stalemate. The Palestinian issue is at the core of the Middle East conflict. With the ongoing turbulence in the Middle East and the spread of terrorism and extremism, the settlement of the Palestine-Israel issue is more pressing and significant under the current situation.

China is a firm supporter and sincere mediator for peace between Palestine and Israel. In 2013, Chinese President Xi Jinping put forward China's four-point proposal on resolving the Palestine-Israel issue. Last year, Chinese Minister of Foreign Affairs Wang Yi proposed a five-point peace proposal on settling the Palestine-Israel conflict, China has made consistent efforts to promote the peace process and provide humanitarian aid to the people in Gaza. China stands consistently and firmly with the Palestine people in their pursuit of the just cause of restoring the legitimate national rights. We support the establishment of an independent State of Palestine enjoying full sovereignty on the basis of the 1967 borders and with East Jerusalem as its capital. China understands and supports Palestine and Arabic countries in their diplomatic initiatives taken in the United Nations and other international occasions. China also stands firmly with Palestine in integrating further into the international community as a State.

China stands clearly and firmly in the position of settlement. China is opposed to the construction of Jewish settlements on the occupied Palestinian territories which we believe constitutes a violation of international law. China calls on Israel to respect the legitimate aspirations of the Palestinian people. Israel should take the initiative of an immediate and overall end of its settlement activities on the occupied territories, and stop expelling Palestinians and demolishing their housing. China also calls upon both sides to achieve an overall ceasefire and fully lift the blockade against the Gaza Strip, which we believe is of critical importance to create the necessary conditions of peace talks in the current situation.

China firmly believes, that to realize the independent Statehood of Palestine and peaceful co-existence of Palestine and Israel through peace talks represents the only solution to the Palestine-Israel issue. The conflict brings severe sufferings to people of both sides, and the use of force will only trigger hostility and deepen hatred. All the disputes should be settled through negotiation. The twists and turns in the Middle East peace process represent an important lesson, namely, that peace talks resemble a struggle against the tide. One must push forward, or otherwise risk being pushed backwards. The peace process is now in deep stalemate, which will inevitably lead to the escalation of dispute and drag both Palestine and Israel back into the vicious cycle of violence. China hopes that all parties concerned, especially the new administration

of Israeli government, can adhere to the strategic choice of peace talks. The Chinese side urges both Israel and Palestine to march towards the same direction and realize mutual accommodation of the other party's concerns. There must be firm confidence in peace and patience in peace talks. It is also our hope that the occupation can be ended at an early date and both Palestine and Israel would resume peace talks as soon as possible so as to push for a comprehensive, just and reasonable solution to the issue.

The Palestinian issue is a wound on human conscience. Advancing peace in the Middle East calls for joint efforts from the both sides as well as the international community. We call upon all parties concerned and the international community to make full use of various resources, so we can help Palestine and Israel to end the cycle of violence and return to the correct track of peace talks. China firmly upholds the Charter of the United Nations and the basic norms of international law. The Chinese side supports the UN Security Council in playing its due role for the resolution of the Palestinian issue, and in responding to the legitimate requests of Palestine and other Arabic countries. We support the Security Council in making more contributions to end the occupation as well as push forward the peace talks and the reconstruction in Gaza strips. China is willing to join the relevant stakeholders within the international community in their common efforts. We will continue to promote peace talks, strengthen our contributions and play a constructive role to maintain peace and stability in the Middle East. I thank you.

President: I thank the distinguished delegate of China for her statement. I now call upon the distinguished delegate of India to take the floor.

The Delegate from India: Thank you, Mr. President. On behalf of India I thank the Deputy Secretary General for her introductory remarks. India is deeply concerned with the violence of human rights and international humanitarian law by all sides that has resulted in adversely impacting the vulnerable sections of the society, as also at restrictions on the movements of Palestinians in the West Bank, their forced evictions and the expansions of Israeli settlements in the occupied Palestinian territories and for an early easing of restrictions on the free movement of persons and goods.

The year 2014 has been a difficult year for the Palestinians. Gaza has witnessed a major humanitarian crisis last summer. India remains concerned with the lack of substantial progress in the reconstruction of Gaza. Eight years of blockade had destroyed the economy and caused massive unemployment and poverty.

Incidents in East Jerusalem, in particular the continued settlement activity, house demolition, tensions over the Temple Mount/ Al Aqsa Mosque complex, and rising levels of tensions of violence is a cause of concern for all. We understand that such high levels of tensions, mistrust and violence serves as avoidable obstacle to the peace process, as well as to the realization of the legitimate aspiration of both the peoples to co-exist in peace and security.

Mr. President, India remains firmly convinced that dialogue remains the only viable option that can effectively address the issue confronting the region and its people. India believes that the solution to the Palestine issue should be based on the relevant UN resolution, the Arab Peace Plan and the Quarter Roadmap resulting in a sovereign

and independent State of Palestine within secure and recognized borders side by side at peace within Israel and with East Jerusalem as its capital. India had supported Palestine's bid for full and equal membership of the UN on 2011 and also co-sponsored the UNGA resolution in November 2012 that upgraded the status of Palestine to a 'Non-Member Observer State'. India has been providing directly budgetary, economic and developmental assistance to the Palestinian people. India has committed to assist Palestine in the fields of capacity development and education and information technology. We are also implementing a series of development projects under the India-Brazil-South-Africa (IBSA) Fund in Palestine. Thank you, Mr. President.

President: I thank the distinguished delegate of India for his statement. I now invite the distinguished delegate from Pakistan to take the floor.

The Delegate from Pakistan: Thank you, Mr. President. It is a matter of record that Pakistan attaches great importance to peace and stability of the Middle East especially on the question of Palestine. Continued deprivation of Palestine people's rights of peaceful living is a matter of great concern for Pakistan. We urge all Member States to use their good offices for peaceful and negotiated settlement of this outstanding issue, I would like to emphasize the need to take necessary steps to the two main solutions to allow the people of Palestine to live a dignified life as enshrined in the various resolutions of the United Nations.

It is the moral responsibility of the international community, more so for all those who sit here as torch bearers of rule of law, to put into effect the principles of United Nations Charter and Human Rights to alleviate the plight of Palestinian people and work for a permanent solution of this long standing issue which is a great concern for the law abiding and rule based international community. Pakistan fully supports the two-State solution and believes that the delay in dispensations of justice would lead to intensified unrest and instability in this region. The Security Council resolutions are therefore to be implemented and cannot be ignored with impunity.

Mr. President, I move that this forum condemn the Israeli policies. I request the Member States help to stop the illegal expropriation of Palestine land, unlawful construction of settlement in the Palestinian territories and smooth repatriation of Palestinian refugees.

I would also urge Member States to support the request of the Palestinian delegation for grant of moratorium till such time that they are able to pay the arrears.

To conclude, may I suggest that, instead of using the expression of deportation, the expression of expulsion be used, as deportation has different connotations. Deportation is when someone is in illegal residence and is sent out of the host country to the country of his ordinary residence. I mean no disrespect but please consider this legal aspect while finalizing the deliberation and passing a resolution. I also suggest that we set up an endowment fund for students of international law from the State of Palestine. Thank You.

President: I thank the distinguished delegate from Pakistan. I now call upon the distinguished delegate of Syria to take the floor.

The Delegate from Syria:¹¹ Thank your Mr. President. In the name of God the compassionate, the merciful. Mr. President, I cannot disagree that what was said by the speakers and I would like to repeat what the representative of the State of Pakistan said about the distinction between displacement and expulsion.

Forced displacement and uprooting of the Palestinian people and their suffering is one of the aspects of pain experienced by the Middle East region for the past six decades. The Syrian Arab Republic is one of the countries that hosted the hundreds of thousands of Palestinians from the number of immigrants. Palestinians enjoy the same rights of Syrian citizens in Syria. Syria always extended its aid and funding to bear the burdens of hosting Palestinian brothers in Syria.

The crisis of migrants and expelled persons is one aspect of the problem. The main problem is that the Israeli occupation is illegal. It is unfortunate that the most important paradoxes of the Middle East issue is that the international sponsors that are supposed to solve the problems of the Middle East, including the issue of Palestine, are the same ones who created the Palestinian issue and have worked, over the past six decades, to support and strengthen the occupation forces and to cover various crimes against the peoples of that region.

Generally speaking, western countries are on top of the existing international system, which was built on the paralyzing of the International Organizations, notably the United Nations, which has closed its eyes to the crimes committed by Israel against the Palestinian people and the rest of the peoples of the region. I would like to point out here that the continued absence of a solution of this crisis widens the land of fire in the Middle East.

The terrorist attacks which are faced by my country and Iraq are funded from the tops of western countries like France, Britain and America and unfortunately, some countries in the region. I would like to conclude by saying the former international system has failed for lack of motivation to find a solution to the crises, and the people of the region are looking to an effective Asian presence in the future international system that will creating peace and restore the rights of the respective owners. Thank you very much.

President: I thank the distinguished delegate of Syria for his statement. I now call upon the distinguished delegate of Libya to take the floor.

Libya:¹² Thank you, Mr. President. Peace, mercy and blessings of God. The State of Libya is going through difficult circumstances in the war on terror and stands alone without international support. However, it has not forgotten the Palestinian issue. Libya has been and remains supportive of the State of Palestine, as the Jerusalem is the capital of all Arab countries. Therefore, the State of Libya condemns acts carried out by Israel and calls for an end to the Israeli occupation of the State of Palestine, to stop all settlement construction and the work of killing and displacement of citizens, and also to cease the arrest campaign being waged on civilians and to stop the work of transforming Jerusalem. Israel shall also honour its commitments to international

¹¹ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

¹² This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

conventions. The time has come to see that the Palestinian people are given freedom and independence and a decent living in their country. I thank you.

President: I thank the distinguished delegate of Libya. My dear colleagues, we have exhausted the list of speakers on this item. Before concluding, I'd like to give the floor to the distinguished delegate of Palestine to make a brief comment.

The Delegate from Palestine: Thank you, Mr. President. Ladies and Gentlemen, I thank the speakers and the supporters of the right of the Palestinian people to independence, the right to self-determination, and the establishment of an independent State on their land and Jerusalem as its capital within the boundaries of 4/6/1967. I thank especially the State of Qatar, Japan, Tunisia, Iran, Egypt, Saudi Arabia, China, India, Pakistan, Syria, and Libya. I also thank the Arab Republic of Egypt for hosting a donors' conference in October. I thank the brothers who have vowed to and countries that fulfilled their financial commitments. I appeal to other countries that have not met their financial commitments in order to pay these pledges to launch a process of real work in the Gaza Strip. This sector has almost been fully destroyed by the recent aggression.

Therefore, all thanks to the Arab Republic of Egypt and also its understanding of the humanitarian needs of our people in the Gaza Strip. Thanks to all friendly countries that have made contributions in support of the State of Palestine and to ease the suffering of our people. We also hope to exert our efforts to lift the unjust siege imposed on our people in the Gaza Strip and open the borders so that we can import the materials necessary to rebuild what was destroyed by the latest Israeli aggression on the Gaza Strip. Thank you all.

Thank you, Mr. President.

President: I thank the distinguished delegate of Palestine. With his comments I think we have concluded the discussion of the agenda item. Now we move to the next item, "the legal aspects of violent extremism and terrorism".

The Delegate from Nigeria:¹³ Mr. President, my delegation seizes the opportunity of deliberation on this agenda topic once more reiterate our solidarity with the Palestinian people in their present difficulties.

Nigeria calls on all parties in the Israeli-Palestinian dispute to respect all the relevant United Nations General Assembly and Security Council Resolutions on dispute as the basis for an enduring and equitable resolution of the issues. We equally call for the respect of the provisions of the Fourth Geneva Convention of 1949 as well as other International Humanitarian Law Instruments in order to ensure the full protection of the rights of innocent civilians

My delegation urges all Member States of AALCO, and international bodies who have been offering direct humanitarian relief to victims of conflict in this noble service to humanity and look forward to the early concretization of peace initiatives in this valued region of the world. Mr. President, I thank you.

¹³ This statement was not delivered by a delegate at the Fourth General Meeting, but the text was provided to the AALCO Secretariat.

AGENDA ITEM: VIOLENT EXTREMISM AND TERRORISM (LEGAL ASPECTS)

President: To facilitate this discussion, first I would like to invite the Secretary General, Prof. Rahmat Mohamad, to give his introductory statement.

Prof. Dr. Rahmat Mohamad, Secretary General of AALCO: Thank you, Mr. President.

Your Excellency Mr. President, Distinguished Delegates, Ladies and Gentlemen; The item entitled “International Terrorism” was placed on the agenda of the AALCO’s Fortieth Session held in New Delhi in 2001, upon a reference made by the Government of India. The successive sessions directed the Secretariat to monitor and report on the progress in the Ad Hoc Committee of negotiations related to the drafting of a comprehensive international convention to combat terrorism; and requested the Secretariat to carry out, an in-depth study on this topic. The Centre for Research and Training (CRT) had published “A Preliminary Study on the Concept of International Terrorism” in the 2006. The recent escalations in acts of violent extremism committed by non-State actors are closely intertwined with transnational terrorism. It is in furtherance of this realization that the Member States agreed to deliberate on the legal implications of violent extremism and its manifestations in the Fifty-Third Annual Session held in Tehran last year. The report of the Secretariat focusing on this area is contained in AALCO/54/BEIJING/2015/SD/S9.

Excellencies, violent extremism is closely associated with terrorism. While terrorism is unquestionably part and parcel of violent extremism, violent extremism is an overarching term that encompasses categorical espousal of ideological fanaticism by non-State groups. It is accompanied by widespread propaganda aimed at radicalization and recruitment and habitual recourse to slaughter and savagery brazenly breaching norms of international humanitarian and criminal laws. Chilling accounts of brutality from Iraq, Syria and its neighboring regions, Peshawar in Pakistan and Nigeria are the most recent instances. While some of these crimes can be brought under the “sectoral” conventions on terrorism, they leave out a large number of brutal crimes routine to these violent extremist groups. This necessitates a through deliberation and amalgamation of existing international legal provisions in order to form a definitive legal framework to comprehensively address this menace.

The international community was quick to take cognizance of the escalation of acts of violent extremism. The UN General Assembly Resolution titled “A World Against Violent Extremism” adopted in December 2013, UN Security Council Resolution 2178 (2014) on the cross-border movement of foreign terrorist fighters and UN Security Council Resolution 2199 (2015) on obligations to prevent financing of terrorists groups are good examples of intergovernmental efforts to address this menace.

Excellencies, The existing framework of international law is equipped with several tools to adequately address some aspects of violent extremism and its manifestations. International law on State responsibility is fairly well developed and is clear on the culpability of national governments that support or harbour non-State entities committing acts of violent extremism and terrorism. Further, international

humanitarian and criminal laws and the “sectoral” conventions on terrorism squarely cover some of the crimes that can be categorized as acts of violent extremism.

Additionally, many regional instruments on terrorism including 1998 Arab Convention on the Suppression of Terrorism, 1999 Organization of African Union Convention on the Prevention and Combating of Terrorism, 1999 Convention of the Organization of Islamic Conference on Combating International Terrorism, ASEAN Convention on Counter-Terrorism and Lome Declaration of African Union on Unconstitutional Changes to Governments provide legal responses to various aspects of violent extremism.

Excellencies, the Secretariat believes that countering violent extremism and its various manifestations requires a multi-faceted approach. Many commentators have suggested a “soft law approach” hinging on commitment towards multi-pronged cooperation at national and regional levels. Adoption of a comprehensive set of guidelines for the Member States of AALCO may be a definitive step in this direction. It is our firm belief that today’s discussions provide us a good opportunity to deliberate on these guidelines.

President: I thank the Secretary General of AALCO for his informative statement. I now open the floor to the comments of Members of AALCO. Distinguished colleagues I have the list of speakers on this item in front of me. I know that this is a very important topic for all Member States of AALCO, and that many members are suffering from this issue. I now give the floor to the distinguished delegate of Japan.

The Delegate from Japan: Thank you, Mr. President. My delegation cannot but express our serious concerns over the spread of violent extremism and terrorism today. Many hostages have been fallen victims to despicable acts of terrorism by ISIL. The victims include two Japanese. I wish to express my heart-felt gratitude to our friends who have kindly extended their strong solidarity against the acts of terrorism and cooperation toward the release of the two hostages.

In countering terrorism, including violent extremism, enhancement of the international and national legal framework and law enforcement capability is of vital importance.

On the other hand, it should be pointed out that, in countering especially violent extremism, addressing root causes of terrorism is also increasingly important.

In response to the terrorist incident regarding the murder of Japanese by ISIL in February, Japan has worked out a comprehensive diplomatic policy. The said policy is based on our abovementioned recognition and consists of three pillars.

First, “Strengthening Counter-Terrorism Measures” such as assistance in the Middle East/ Africa region of \$15.5 million for capacity building of border control, investigation/prosecution and development of legal systems. Second, “Enhancing Diplomacy Towards Stability and Prosperity.” And the third is “Assistance in Creating Societies Resilient to Radicalization.” We will continuously carry out contribution in the area where Japan has advantage such as steady development of human resources.

Thank you very much.

President: I thank the distinguished delegate of Japan for his statement. I now give the floor to the distinguished delegate from Indonesia.

The Delegate from Indonesia: Thank you, Mr. President. Excellencies, Secretary General, Distinguished Delegates, Ladies and Gentlemen; Presently, the escalations in threats of violent extremism do not only hinder the wellbeing of the people, but also threaten government and international investment and interests, especially in Indonesia. In this regard, Indonesia shares the common concern with Member States of AALCO to combat and suppress violent extremism and terrorism.

Mr. President, as we know, violent extremism and terrorism are extraordinary crimes. Basically, it is a radical ideology. In combating this phenomenon, Indonesia's preventative measures are among the best approaches for addressing terrorism and extremism. In 2010, following the second bombing of the JW Marriot in Jakarta, the Government of Indonesia established an agency to conduct counter-terrorism; the National Counter-Terrorism Agency. In this context we have been modern and worked for the promotion of respect and implemented government policies to counter violent terrorism and extremism in Indonesia.

As a multicultural country, we have learned to believe strongly in the efficacy of dialogue, tolerance and respect, as they can only be brought up in an open mind and fertilized by education, rehabilitation, and socialization, that is implemented in the Indonesian governance priority program.

Mr. President, Indonesia is of the view that cooperation in counterterrorism should be continued and strengthened. Although terrorism networks that exist throughout South East Asia suffer setbacks due to our cooperation, nevertheless the threat persists. Therefore, in ASEAN, we have resolved to promote cooperation under the framework of the ASEAN convention on counterterrorism.

International cooperation is increasingly instrumental in our fight against terrorism. In this regard, I wish to reiterate Indonesia's support of the primary role of the United Nations in orchestrating global counterterrorism cooperation. Indonesia respects the international instruments and legal framework, international convention, and particularly the convention to fight violent terrorism and extremism. We remain convinced that the United Nations can and should play a stronger role in building the capacity of States in implementing global terrorism strategies, including the criminal justice system.

Indonesia also believes that strong national legislation is pivotal for the development of comprehensive measures to combat terrorism. In light of this, Indonesia has a wide range of legislative measures in place to counter terrorism. Indonesia adopted important legislation regarding the legal instrumental framework implementing the antiterrorism law No. 15, 2003; anti-money laundering law No. 8, 2010; and the prevention and suppression of terrorist financing law, No. 9, 2013. Indonesia has also ratified the convention for the suppression of acts of nuclear terrorism through law No. 10, 2014.

In relation to combating the financing of terrorism, in 2015, Indonesia has been withdrawn from the list of the Financial Action Task-Force (FATA) in Paris due to Indonesia's strong commitment in the war on violent extremism and terrorism.

Mr. President, Indonesia is also of the view that dialogue is an effective tool in combating the complex challenges of terrorism. As part of our preventative measures, the government has aligned itself with religious organizations and community leaders. Meanwhile, as part of our enforcement efforts, we have also enhanced joint regulation among ministries in Indonesia and with other countries to improve capacity building, getting information, and making effective our criminal justice system, due to our effort to counter violent extremism and terrorism.

Mr. President, finally, Indonesia reaffirms its commitment on the importance of promoting cooperation on the issue of violent extremism and terrorism. I thank you.

President: I thank the distinguished delegate of Indonesia for his statement. I now give the floor to the distinguished delegate of Ghana.

The Delegate from Ghana: Thank you, Mr. President. Recent developments and event on the global scene have confirmed that view that terrorism and its related forms of violent extremism is constantly evolving in its complexity, reach and brutality. This calls for the urgent action of the international community.

While ongoing global efforts to combat the scourge are commendable, Ghana is of the firm belief that increased international cooperation in information gathering and sharing, constant vigilance, and the adoption of inclusive and accountable governance which takes account of the legitimate needs and aspirations of all sections of the population in a non-discriminatory manner (among others), are inevitable if we are to succeed in our efforts to dismantle the terrorists and their network.

Mr. President, every emerging or developed country has attained its status by harnessing the abundant energies and creativity of their youth. Africa and Asia stand on the crossroads on this issue. Until and unless we can redirect the energies and the talents of our youth into productive ventures and activities through the creation of employment opportunities for them, our fight against terrorism, even though well-intentioned, may be in vain.

On its part, Ghana has faith and confidence in the role of regional, continental and global instruments to effectively fight terrorism and violent extremism and has therefore proceeded to ratify all of them. While this is highly commendable Ghana is cognizant that ratification alone may not suffice in safeguarding our security. Consequently, Ghana has strengthened its cooperation with its neighbours as well as our international friends and partners with respect to intelligence sharing and contributing troops to areas under the control of terrorists as part of multilateral arrangements and efforts to liberate such countries and territories.

In this regard, we wish to salute the gallant men and women of our brotherly countries of Nigeria, Chad, Niger and Cameroon on their recent military success over the Boko

Haram sect. We encourage them to sustain the military momentum gained over the enemy and not to fall into complacency until final victory is achieved.

As a victim of the senseless actions of the terrorists following the Westgate Mall attack in Kenya 2013 which claimed many innocent lives including our illustrious poet and literary giant, Ghana perfectly understands the pain of other countries in similar situations. To that end, our delegation commiserates with and stands together with all other countries that have become the victim of the scourge especially Kenya and Somalia, which recently suffered their wrath. We thank you for your attention.

President: I thank the distinguished delegate from Ghana for his statement. I now give the floor to the distinguished delegate of Myanmar.

The Delegate from Myanmar: Thank you, Mr. President. At the outset, I would like to thank the Secretary General for his comprehensive statement on violent extremism and terrorism.

Mr. President, terrorism has been the concern of the world community and the United Nations. Challenges of terrorism can be seen all over the world. It has no boundaries and neither does it have limits where activities are curtailed. This challenge cannot be faced by one State alone but rather it needs collective action to combat it and thus jurists from all over the world endeavour to combat this challenge together with law enforcement.

Recently, it is discovered that terrorism is not traditional but changes in form and substance with violence added. Thus, this is the time for reviewing existing international legal instruments of Counter Terrorism Conventions whether it covers violent extremism. One must also explore if law covers the nature of change comparable to a volatile substance.

Undoubtedly terrorism is a part of violent extremism and it is a complex and complicated issue involved with many factors.

Today we live in the world that is linked to each other. Whether it is economic law or prevention of crime, no State or jurisdiction in the world can live alone. States are linked to each other by cooperation or by legal instrument in the form of bilateral or multilateral treaties. It is only through cooperation that we are able to combat these crimes. Perhaps, this is a globalization to combat these crimes by working together to meet interests. We are able to reach an age that combating alone without legal instrument is futile and that legal globalization is something worthwhile. All States should consider expediting.

Mr. President, since it is necessary to combat terrorism universally, multilateral conventions have emerged as early as 1963 in International Air Law with the hijacking of airplane necessitating the drafting and coming into legal effect to Tokyo Convention 1963.

Again, the world discovered that Terrorism is not limited to aircraft hijacking alone, but has spread to other area and hence, it left the United Nations to draft and put into legal effect more conventions. Thus, several sectoral conventions were adopted.

These conventions are open for adhesion by various States in the international arena. After the adhesion or ratification of these conventions and if the spirit of the convention is to touch upon individuals as domestic law, it is necessary to put the convention into domestic legal effect.

Mr. President, violent extremism was not present when these conventions were drafted. Thus, in order to fight against violent extremism, States should be encouraged to ratify existing international instruments against terrorism it would be beneficial to apply as a stopgap.

Public international law is a subject to change and dynamism. The topics of interest in this subject always change from time to time. A new anti-terrorist treaty that will meet the needs to combat violent extremism and terrorism is worth considering. It should be done step by step in line with the spirit of deterring the violent extremism. As a recent development to fight against violent extremism, in 2013 United Nations General Assembly adopted “A world against violence and violent extremism” in which it condemns the targeting of civilian populations, including women and children, in violation of international law, in particular human rights and humanitarian law, including by violent extremists and urges all members States to unite against violent extremism in all forms and manifestations as well as sectarian violence. The significant collective response was the unanimous adoption of United Nations Security Council Resolution 2178 in 2014 under chapter VII of the Charter of the United Nations. Resolution condemns the violent extremism, which can be conducive to terrorism, sectarian violence, and the commission of terrorist acts by terrorist fighters, and also stress on the obligation of all Member States to prevent foreign fighters, improving international cooperation including sharing information and best practices, and community engagement and countering violent extremism.

The Republic of the Union of Myanmar does not accept any form of terrorist activities; she committed to fight against it. Thus, Myanmar is a State Party to eleven out of fourteen conventions and has also given legal effect. Myanmar promulgated the Counter Terrorism Law on 4th June 2014 as Pyidaungsu Hluttaw Law No. 23 in which all international legal obligations are put in place. Myanmar is a party to these conventions following the doctrine of *pacta sunt servanda* (treaties are made to be respected) and also in line with the Vienna Convention on the Law of Treaties, 1969. It contains XIX chapters and criminalized all forms of terrorist acts and financing of terrorism as serious criminal offences and punishable with severe penalty.

In conclusion, as the world legal community moves into globalization, one needs to remember that challenges cannot be faced alone but must be faced collectively. In order to fight against violent extremism and terrorism, all States should incorporate international instruments against terrorism into domestic legal effect and should implement the Security Council Resolution 2178 and 2199, which are binding obligations on Member States. States are to be aware of the fact that combating violent extremism and terrorism is a complex and complicated matters involving many factors. These crimes in their present form and stage are the crimes that the international community has to counter with might and end with a fruitful result of success. Thank you for your kind attention.

President: I thank the distinguished delegate of Myanmar for his statement. I now invite the distinguished delegate of Iran to take the floor.

The Delegate from the Islamic Republic of Iran: Thank you, Mr. President. In the name of God, the compassionate, the merciful. Excellencies, Distinguished Delegates, Ladies and Gentlemen; I wish to thank the Secretary General for his informative statement on the topic 'Violent Extremism and Terrorism'. I hope its continued consideration by AALCO would yield fruitful results especially in light of the current trends and developments surrounding the issue.

Mr. President, during the Fifty-Third Annual Session, Member States expressed their concern over the threats posed by acts of violence perpetrated by violent extremist groups and reaffirmed that violent extremism constitutes a serious common concern for all Member States and that it threatens the security and well-being of their societies. In addition, all of us concurred that regardless of its underlying motivation, there is no justification for violent extremism. Now, we are at the Fifty-Fourth Annual Session and despite the efforts made by United Nations and many States ever since, we still witness the upsurge in acts of violent extremism and terror violence in Asian-African regions. The result of this is that instead of being put into flourishing of economy and State, all their budget and energy is devoted to fight one or another non-State actor, while some other States tend to, in one way or another, support the groups that cross borders to direct attacks against civilians and infrastructure of other countries.

Mr. President, from the inception of the idea to unite the world against violence and violent extremism through the proposal of the General Assembly resolution A/Res/68/127, 18 December 2013 under the same title by the Islamic Republic of Iran, unspeakable crimes have been committed in Asia and Africa motivated by violent extremism in the name of religion. Spreading terror and horror amidst innocent civilians, the so-called ISIL and terrorists attached to splinter groups of Al-Qaida have committed, according to official reports issued by the United Nations, not only war crimes and crimes against humanity, but the commission of genocide against religious minorities in the region.

Mr. President, in drafting Asian-African guidelines on violent extremism and its manifestations in order to strengthen cooperation to that effect, all the existing legal arsenal should be prayed in aid. The Islamic Republic of Iran is of the view that the existing framework regulating fight against terrorism is detailed enough; what is most needed is collective will and action. Adoption of effective legislation at the national level and endorsing appropriate bilateral schemes for coordination and cooperation to curb the threat emanating from violent extremism can be further complemented by regional and international initiatives.

The adoption by UN Security Council resolutions 2170 and 2178 officially putting the concept of foreign terrorist fighters on the agenda of the fight against violent extremism aimed at preventing and curtailing the threat posed by the so-called 'terror tourists' who tend to cross borders, sometimes travelling thousands of kilometres, to join extremist groups to unravel their adventurist spirit to kill, destroy and spread terror among women, children and innocent men of different faiths.

Mr. President, the war against violent extremism is fought mainly against non-State groups that exercise control over a swath of land and their opponents are either the host State(s) or civilians who carry guns to defend themselves. Thus, the only way to end their impunity is through triggering the existing the international humanitarian law and fundamental rights of persons involved in armed conflicts.

Violent extremist groups generate terror among the civilian population in total disregard of their fundamental rights upheld by the existing instruments. Tehran Resolution on Human Rights in Armed Conflict 1968 paved the way for the respect for fundamental human rights in armed conflict. In terms of the new and the conventional arms by some extremist groups in our regions such as the so-called ISIL and the conduct of hostilities, the provisions of some instruments can be prayed in aid namely the 1949 Geneva Conventions and the two Additional Protocols of 1977, the second Hague Convention of 1989 on the Laws and Customs of War on Land, and numerous instruments on the prohibition of the use of certain weapons and ammunitions including chemicals and biological weapons and expanding bullets and the like.

Thus, while violation of the said provisions amounts to international crime, it seems that customary international law provides sufficient apparatus for effective cooperation in this regard. Bilateral, regional and multilateral treaties on cooperation in prevention, prosecution and punishment of terrorism, and on the prevention and punishment of the most serious crimes of grave concern to the international community namely genocide, ethnic cleansing, war crimes and crimes against humanity are among the most relevant instruments to that effect.

In the end, let me hope the serious consideration of the topic “Violent Extremism and Terrorism (Legal Aspects)” would help us draw up the necessary guidelines necessary to follow in our fight against terrorism and violent extremism. Thank you, Mr. President.

President: I thank the distinguished delegate from Iran for his statement. I now give the floor to the distinguished delegate of Jordan.

The Delegate from Jordan:¹⁴ Thank you very much, Mr. President. Your Excellencies, Heads and members of distinguished delegations; I have a short intervention regarding what His Excellency, the Syrian Ambassador, stated yesterday about Jordan supporting terrorism in his country, which he has mentioned in a clear and obvious manner.

At the outset I wish to record my objection to this claim. Jordan is a Member State of this organization. Our conference today is not an arena for the exchange of accusations between Member States. It is supposed to be the foundation that brings us together with mutual respect. Everyone knows that Jordan has been hurt by the fire of terrorism and was one of the first countries to combat it by all means possible. Jordan is a key and important ally in the international coalition against ISIS. Jordan has taken all means to monitor and control its borders with neighboring countries, particularly Syria. Jordan also bears the major burden resulting from the Syrian crisis by hosting

¹⁴ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

more than a million and a half Syrian refugees till date, in spite of the scarcity of resources and capabilities. The King of Jordan's wise leadership was at the forefront of defenders of the image of Islam, the true religion that rejects terrorism and extremism. Jordan has had a consistent and clear position on the Syrian crisis since the beginning. It calls for a peaceful political solution and confirms its position in its rejection of terrorism and always calls for the unity of the Syrian territory and non-interference in internal Syrian affairs.

I want to conclude my intervention by stating that, shuffling the cards and exporting crises abroad that did not signal the end of the Syrian crisis. The brothers in Syria search for a solution to the internal crises and not to mutual recriminations through international platforms. Thank you, Mr. President.

President: I thank the distinguished delegate of Jordan for his statement. I appeal to all of you to make statements in general, as we are a legal consultative organization. All Members are friendly countries, so we need to confine our discussions to the legal aspects of the issues in order to facilitate a consensus and not to expand our differences. I think this is the purpose and objective of the Organization and our discussion. So once again, I appeal to you to avoid those kinds of differences.

I now invite the distinguished delegate of Malaysia to take the floor.

The Delegate from Malaysia: Thank you, Mr. President. In addressing the topic at hand, Malaysia strongly believes that countering violent extremism and its various manifestations require a joint effort from the States, be it bilateral, multilateral at regional level. Malaysia believes that along this line, the 53rd Annual Session decided *vide* Resolution AALCO/RES/53/SP 2 at operative paragraph 3 to –

"Direct(s) the Secretariat to coordinate holding inter-sessional expert meetings, joined also by eminent international legal experts from AALCO Member States, in order to consider AALCO legal principles for coordination to combat violent extremism and its manifestations which could lead to drafting Asian-African guidelines on violent extremism and its manifestations in order to strengthening cooperation against acts of violent extremism and its manifestations".

Malaysia agrees that in addressing terrorism and violent extremism, the strengthening of cooperation among Member States is essential. Malaysia considers that an Asian-African guideline will contribute to the fight against these atrocious crimes and is of the view that the draft guidelines should be practical in nature as well as reflect best practices and experiences of Member States. Malaysia notes that the AALCO Secretariat has prepared a draft Guidelines for consideration of the Member States of AALCO, and if agreeable, for adoption at the end of this AALCO Annual Session. Malaysia views that the draft Guidelines as prepared by the Secretariat in its current form merely reiterates the principles and obligations as provided under the relevant United Nations Security Council Resolutions such as Resolution 2178, which is legally binding in nature to all the Member States of the United Nations. In light of this, Malaysia emphasizes that an Asian-African guideline should incorporate substantive value and add element. Thus, subject to the views of other Member States of AALCO, Malaysia views that the draft Guidelines in its current form must be

revised and resubmitted in the next Annual Session for consideration by the Member States.

In this same area of strengthening cooperation, Malaysia further reiterates its views that similar legal instrument such as the Treaty on Mutual Legal Assistance in Criminal Matters among like-minded ASEAN Member Countries (“ASEAN MLAT”) may be valuable for the Asian-African countries to address the spread of violent extremism. Malaysia further recalls the Resolution on “International Terrorism” during the 51st AALCO Annual Session (Resolution AALCO/RES/51/S3) on the request to the Secretariat to study on the feasibility of an Asian-African legal instrument on mutual legal assistance in criminal matters and subsequently consider drafting an Asian-African Treaty on that matter for Member States for their consideration. Therefore, Malaysia is of the view that, with the current scenario, it is timely for the Secretariat to pursue the study.

Mr. President, we would like to emphasize again that the perception that Islam advocated extremism and radicalism must not be allowed to continue. Our findings are that while Muslims are found on all five inhabited continents, more than 60% of the global Muslim population is in Asia and within the South East Asia region; Malaysia has the second largest Muslim population. Islam is the religion of Malaysia. Malaysia wishes to reiterate that Islam itself is a religion which detests violence and war as a whole.

In this regard, allow me to highlight to this Session that through a decree of the National Fatwa Council of Malaysia in October 2014, the Fatwa Council has reminded Malaysian Muslims not be influenced by terrorist organizations in particular those with ideology of promoting terrorism and their position of considering anyone not in tandem with them as infidels, and thus their killings are permissible. They killed sinless and innocent persons, of various nationalities and religious backgrounds. Premised on those considerations, the National Fatwa Council of Malaysia further held the view, among others, that -

- The actions of any Muslim from Malaysia to fight in the name of jihad in Syria in support of such terrorist organization is futile as a such fights does not tantamount to jihad and does not make one a martyr within the framework of Islamic Law.

Additionally, Malaysia views that the success on defeating violent extremism and terrorism can only be achieved if the conditions conducive to violent extremism and terrorism, including unresolved conflicts, are addressed, and from a legal dimensions, adequate legal measures are put in place.

Mr. President, Malaysia has recently revised its counter-terrorism related laws to ensure that they are geared towards recent developments, and to tackle the increasingly complex global network of foreign terrorist fighters. Foremost of which are the Prevention of Terrorism Bill 2015 and the Special Measures Against Terrorism in Foreign Countries Bill 2015, as described earlier in our general statement.

Apart from these efforts, the Malaysian Government has also tabled amendments to the Malaysian Penal Code before the Parliament. The amendment will introduce new

offences related to terrorism, including provisions relating to the offence of receiving training and instruction from terrorist groups and persons committing terrorist acts; criminalisation of attendance at a place used for terrorist training; and the offence of travelling to, through or from Malaysia for the commission of terrorist acts abroad.

Mr. President, distinguished delegates, as we speak today, our attention is drawn to the News Release issued by the High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein titled "Malaysia: Draft Anti-Terror and Sedation laws seriously undermine freedom of expression and opinion". Among others, the High Commissioner was reported to have amendments and I would like to quote the relevant paragraph of the News Release as follows:

"Curtailing the legitimate exercise of human rights in the name of fighting terrorism has been shown, time and again, to backfire and to only lead to festering discontent and a strong sense of injustice."

Malaysia will submit our response and in so doing will clarify that adequate legal safeguards have been incorporated in the new law to ensure due process of law is observed. We are sharing this information to amplify our point, which we have repeatedly mentioned in this 54th Annual Session, on the challenges faced by many States, in particular Malaysia, in trying to strike a balance between the safety and security of our country and human right concerns. Thank you, Mr. President.

President: I thank the distinguished delegate of Malaysia for her statement. I now invite the distinguished delegate of Kenya to take the floor.

The Delegate from Kenya: Thank you, Mr. President. Distinguished Delegates, Kenya has faced a lot of acts attributed to terrorism since the 1980's. These acts were initially confined to the bombing of buildings, which resulted in the death of civilians and the destruction of property. Since 2011, there has been an upsurge of terrorist attacks in Kenya, including the attack in Nairobi at Westgate Mall, the towns of Garissa, Wajira, Mandera, Mobasa, and its neighbouring regions. Statistics from Kenyan anti-terrorism police units indicate that the terror-related attacks have increased exponentially since Kenya sent her troops into Somalia in 2011, in an operation that is jointly carried out with the African Union, and the Somalia military, to stamp out extremist groups, including Al-Shabaab. The acts of terrorism have naturally had an adverse impact on the security, business, regional integration, and tourism in the East-African Region.

Distinguished delegates, throughout history, Kenya has coexisted in peace and harmony. However, this coexistence has been threatened by the Al-Shabaab terrorist attacks, which largely targets the Christian population. However, Kenya remains committed to maintaining a diversified community, which enjoys the freedom of religion, as provided for in the Constitution.

Distinguished delegates, in recognition of the escalating acts of violence, extremism, and terrorism, and in order to effectively deal with this menace, Kenya has enacted laws and regulations that address different aspects of this issue. Said laws include the Prevention of Terrorism Acts, Security Laws Acts, and the Penal Code. These laws provide measures to counter terrorism and other forms of violence by, *inter alia*,

preventing publication of offending material that is likely to encourage or induce another person to commit terrorism, prohibiting organizations that finance terrorist activities, making it an offence to recruit, train, or finance terrorists.

Ladies and gentlemen, the Government is committed to the protection and upholding of the fundamental rights of the Kenyan citizens as enshrined in the Constitution. This duly extends to ensuring that Kenyan security is maintained against internal and external threats.

To achieve this, the Government of Kenya has established an anti-terrorism police unit with the mandate to detect, investigate, and arrest, perpetrators of terrorist activities. Kenya is also in the process of establishing the National Counterterrorism Center that will be responsible for the coordination of national counterterrorism efforts in order to detect, deter, and disrupt terrorist acts. The Center will have powers to request any person or government body for any information relating to terrorism.

Mr. President and distinguished delegates, there can never be any justification for any terrorist act. Kenya therefore calls upon AALCO Members and the international community to renew efforts to prevent, combat, and eliminate terrorism in all its forms and manifestations. Thank you, Mr. President.

President: I thank the distinguished delegate of Kenya for his statement. I now give the floor to the distinguished delegate of Qatar.

The Delegate from Qatar:¹⁵ Thank you, Mr. President. The phenomenon of extremism and violence has posed one of the most dangerous threats to civil peace and security of nations in recent years. These crimes have taken an increasing number of victims as well as damaging public and private property and creating anxiety in communities. It has become a serious challenge to security and stability and development. The seriousness of this extremism reflects in a number of manifestations, the most important being the resurrection of organizations that adopt this extremism, both ideologically and practically.

Mr. President, extremism poses a threat to the world which calls for the immediate intensification of collective efforts to take all necessary measures to confront its roots and treat its real political, social and economic causes. Today we are consulting under the banner of AALCO, and there is more urgent need for comprehensive cooperation between the countries of the two continents to discover active and essential means of combating this extremism through the following:

First: adopt a strategy based on the cooperation of Member States of this organization through the exchange of information and technical expertise and modern means of monitoring the phenomena of extremism. Combat its causes, and unify efforts to prevent them.

Second: spread the culture of moderation through the media and educational curricula in social circles. The cooperation of Member States of the Organization and

¹⁵ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

coordination with other organizations and countries concerned at the global level would be necessary.

Third: The commitment of States Parties in the region to implement the relevant provisions of regional and international conventions, especially on violence and terrorism. Through these means it is possible to get to a stage where our peoples can live in security and peace, and cooperation for development and human welfare.

Excellencies, Ladies and Gentlemen, dear audience, in conclusion, I would like to thank you for your kind attention and wish you success.

Peace be upon you.

President: I thank the distinguished delegate of Qatar for his statement. I now invite the distinguished delegate of Uganda to take the floor.

The Delegate from Uganda: Thank you, Mr. President. On behalf of the Republic of Uganda, I thank the Government of the People's Republic of China for the warm welcome extended to me and my delegation. In addition I thank the AALCO Secretariat for organizing these important topics of discussion at this 54th Session of AALCO.

Uganda supports the measures adopted by AALCO in combating violent extremism and terrorism. Allow me to share our experience on this topic.

Uganda is one of those African countries that have suffered the vice of violent extremism and terrorism from mainly the so called Lord Resistance Army, the Allied Democratic Forces, Al-Shabaab group, to mention but a few. Uganda adopted the following measures: (i) Enacted the Anti-Terrorism Act of Uganda; (ii) Ratified the Rome Statute and domesticated it. This led to the creation of the International Criminal Division of the High Court to try all terrorist suspects, among others; (iii) Signed bilateral agreements with our neighbouring countries on extradition and mutual legal assistance on all international crimes; (iv) Ratified the IGAD Extradition and Mutual Assistance Treaties in criminal matters and Defense and Security Pacts; (v) There are several joint Permanent Commissions, Defense and Security Pacts on cooperation by security agencies at International, Continents and Regional Levels; (vi) Enacted the Anti-Money Laundering Act to detect movement of illicit money.

Uganda still has the following challenges such as: the porous borders; capacity to investigate and prosecute terrorism cases; attack on some of the prosecutors as a way of intimidation—recently one of the leading prosecutors was killed; and, lack of cooperation from some of the citizens who cooperate with terrorists.

In conclusion, fighting terrorism cannot be the task of a single person or nation. The more united we are, the greater level of success we can attain. For instance like one distinguished delegation observed that we need to promote an international convention at the UN level on cybercrime, we need to promote at the same level conventions or protocols on terrorism related matters particularly in the area of extradition and mutual legal assistance. Thank you, Mr. President.

President: I thank the distinguished delegate of Uganda for his statement. I now give the floor to the distinguished delegate of Iraq.

The Delegate from Iraq:¹⁶ Thank you, Mr. President. In the name of God, the Most Gracious, the Most Merciful. Praise be to Allah, prayer and peace be upon the Prophet Muhammad. Respected Mr. President and Secretary General, Ladies and Gentlemen, His Excellencies the Heads and Members of delegations, Peace, mercy and blessings of God.

I would like on behalf of Iraqi delegation to record our deep gratitude and appreciation to the great friendly government of People's Republic of China for their good efforts for the preparation of this session and for the hospitality that we have received wherever we have gone.

I would first like to convey to all of you the best wishes of Honorable Iraqi Minister and his wishes for success of the work of this conference and to reach out to the resolutions and fruitful results which serve the Asian and African nations in number of topics and issues especially the one which is related to the topic of terrorism and religious extremism.

As it is well known to Your Excellency, the subject of international terrorism and religious extremism has become a constant concern in many countries of the world, specifically with Iraq and Syria in the Middle East.

In Iraq, as you know, hardline religious *takfiri* groups emerged after 2003 due to the change in the political system. Among the most prominent of those groups is Islamic State of Iraq and which is un-Islamic and became ISIS. ISIS has trained thousands of jihadists to commit terrorist act in many countries of the world under the pretense of jihad and the establishment of the Islamic caliphate. Meanwhile the Islamic teachings and Divine teachings call for justice, equality, cooperation, mercy, and peace, among all humankind and their impressions, religions and doctrines have nothing to do of this extremist ideology.

Terrorist organizations have proceeded in various ways to create discord between ethnic groups and sects while those groups have disavowed Shiites, Sunnis and Kurds, Christians, Turkmen, Yazidis and all those who do not embrace or do not conform to their unjust ideas. They have worked to kill them and take their lands in some of the most barbaric ways ever witnessed by history. Iraq continues to suffer from the control of extremist *takfiri* groups and faces waves of barbaric terrorist and criminal operations.

These terrorist attacks and criminal acts have pushed Iraq into a bloody war. Furthermore, the ISIS has fully occupied several cities, towns and villages of Iraq. This criminal organization has also acted systemically destroyed important sites dating back to thousands of years, such as shrines, churches, and other places of worship, through theft and bombings.

¹⁶ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

We avail this opportunity in this important forum, to show our keenness to confront terrorism and dangerous attacks on our countries and societies of various religions and sects. We see the importance of the need to develop a guiding international legal legislation to prevent such attacks on religions, sects and groups. In addition to promoting the respect for all religions, sects and groups, this instrument must also provide help in the formulation of mechanisms to implement protections from these kinds of crimes. This legislation tries to combat this phenomenon at its roots and formulate general criminal principles, as well as establish effective legislative mechanisms to prosecute the perpetrators of these crimes nationally and internationally, through complete coordination and cooperation between all countries concerned.

It should also include special provisions which put maximum punishments on those who deny other religions, sects and group and permit their bloodshed, grab their land and property through deferent means or electronic means.

We commend the valuable efforts made in preparation of this Fifty-Fourth Annual Session of AALCO and hope that the noble goals of its organizers are achieved.

We hope that our proposal of a guiding law or legislation for those who deny other religions and sects and groups is considered, and that adequate attention is given to those working for spread of high tide of terrorism in our countries and regions. The vital interests of political stability and economic prosperity are at stake.

Finally, we wish the conference every success in its work.

President: I thank the distinguished delegate of Iraq for his statement. I still have eight speakers subscribed to speak. I suggest that we should stop here and continue our discussion tomorrow morning after the deliberation on the report of the International Law Commission. For those delegations still subscribed, you will have an opportunity to speak tomorrow. The meeting is hereby adjourned until 9.30 am tomorrow.

The meeting was thereafter adjourned.

**XIII. VERBATIM RECORD OF THE HALF-DAY
SPECIAL MEETING ON “SELECTED ITEMS ON THE
AGENDA OF THE INTERNATIONAL LAW
COMMISSION”**

XIII. VERBATIM RECORD OF THE HALF-DAY SPECIAL MEETING ON “SELECTED ITEMS ON THE AGENDA OF THE INTERNATIONAL LAW COMMISSION” HELD ON 16 APRIL 2015, AT 9.30 AM

His Excellency Mr. Liu Zhenmin, Vice-Minister of Foreign Affairs of the People’s Republic of China and the President of the Fifty-Fourth Session of AALCO in the Chair

Mr. President: Good Morning to you all. Dear Delegates, Colleagues, I welcome you all to this important Half-Day Special Meeting on the Selected Item on the Agenda of the International Law Commission. Let me start by acknowledging the presence of three distinguished members of the International Law Commission, namely Dr. Hussein Hassouna from Egypt, Prof. Shinya Murase from Japan and Mr. Narinder Singh from India. These three distinguished members of the ILC have been serving the Commission for years and have had a very good cooperation with AALCO. They are here representing the ILC and they will have their own presentations. We have to cover a lot of ground and let me give the floor to the Secretary-General of AALCO to make his introductory remarks on this agenda item. Mr. Secretary-General, you have the floor.

Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO: Thank you, Mr. President. Excellencies, Distinguished Delegates and Ladies and Gentlemen, at the outset, I would like to join H.E. the President in acknowledging the presence of three eminent persons of the ILC, Dr. Hussein Hassouna, Prof. Shinya Murase and Mr. Narinder Singh. It is an honour and privilege that we have their presence today to discuss the work of ILC. It is my pleasure to invite you all to the Special Half-Day Meeting on the topic “Selected Items of the International Law Commission” held as part of the deliberations at the Fifty-Fourth Annual Session of AALCO.

The ILC and AALCO share a longstanding and mutually beneficial relationship. One of the functions assigned to AALCO under its Statutes is to study the subjects which are under the consideration of the ILC and thereafter forward the views of its Member States to the Commission. Fulfillment of this mandate over the years has helped to forge closer relationship between the two organizations. It has also become customary for AALCO and the ILC to be represented during each other’s sessions. Indeed, the need on the part of the Members of ILC, who play an active and constructive role in the work of the Commission, to be present at our Annual Sessions is critical. This is due to the fact that they bring with themselves a great deal of expertise and experience that could be utilized by our Member States.¹

Briefly, the deliberations at the sixty-sixth session of the Commission focused on *eight* topics. These were: *Expulsion of aliens; the obligation to extradite or prosecute (aut dedere aut judicare); Protection of persons in the event of disasters; Immunity of State officials from foreign*

¹ In view of the importance that the agenda items of ILC hold for the Asian-African States, the Fiftieth Annual Session of AALCO held at Colombo, Sri Lanka in 2011 had mandated that the future Annual Sessions of AALCO should devote more time for deliberating on the agenda items relating to the work of ILC. Due to this mandate, a Half-Day Special Meeting on “Selected Items on the Agenda of the International Law Commission” has been held every year since 2011.

criminal jurisdiction; Subsequent Agreements and Subsequent Practice in relation to the interpretation of treaties; Identification of Customary International Law; Protection of Environment in relation to armed conflicts, and Protection of Atmosphere.

As regards the topic, “**Protection of Persons in the Event of Disasters**”, the Commission considered the seventh report of the Special Rapporteur Mr. Eduardo Valencia-Ospina on the topic which consisted of four sections. The first section provided a brief summary of the consideration of the topic by the Commission at its previous session and by the Sixth Committee at the Sixty-eighth session of the UN General Assembly. The second section dealt with the protection of relief personnel and their equipment and goods, which contained a proposal for an additional *draft article 14 bis*, entitled “Protection of relief personnel, equipment and goods”. The third section proposed three draft articles that contained general or saving clauses relating to the interaction of the draft articles with other rules of international law applicable in disaster situations.

As regards the topic “**The Obligation to Extradite or Prosecute (*Aut Dedere Aut Judicare*)**”, the Commission considered the Final Report of the Working Group, the purpose of which is to summarize the conclusions and recommendations of the Working Group on the topic. The Commission reconstituted the Working Group on the topic under the chairmanship of Mr. Kriangsak Kittichaisaree. The Working Group considered several options for the Commission in deciding how to proceed with its remaining work on the topic upon which the members of the Commission had different opinions. Some emphasized the continued relevance of the topic in the prevention of impunity, while others questioned the usefulness of continuing with it. After careful consideration, the Working Group deemed it appropriate that the Commission expedite its work on the topic and produce an outcome that is of practical value to the international community and further suggested that it adopt the 2013 report of the Working Group.

As regards the topic “**Subsequent Agreements and Subsequent Practice in relation to Treaty Interpretation**”, its Special Rapporteur Mr. Georg Nolte presented the Second Report that covers the following aspects:

- The identification of subsequent agreements and subsequent practice (II.);
- Possible effects of subsequent agreements and subsequent practice in the interpretation of treaties (III.);
- The form and value of subsequent practice under article 31 (3) (b) (IV);
- The conditions for an “agreement” of the parties regarding the interpretation of a treaty under article 31 (3) (V);
- Decisions adopted within the framework of Conferences of State Parties (VI);
- And the possible scope for interpretation by subsequent agreements and subsequent practice (VII).

As regards the topic, “**Protection of the Environment in relation to Armed Conflicts**”, the Preliminary Report of the Special Rapporteur, Ms. Marie G. Jacobsson was presented. Within the Report, the Special Rapporteur includes discussion on the purpose of the report, as well as of the scope, methodology and outcome of the topic, the use of terms, and the sources and others materials to be consulted. Additionally, the Special Rapporteur makes consideration of the

relationship with other topics addressed by the Commission and of environmental principles and concepts, human rights and the environment, as well as of the future programme of work.

As regards the topic, “**Identification of Customary International Law**”, the Special Rapporteur Mr. Michael Wood, had presented his second Report. In this, he discusses the elements of the “two-element” approach to the creation of customary international law, i.e. the objective element, which deals with the general practice of States (State practice), and the subjective element, which the Special Rapporteur refers to as “acceptance as law” as an alternative term to the (in his words) more commonly used but often misunderstood term *opinio juris*. As an outcome of the Report, he suggested a few Draft Conclusions which incorporate his research into guidelines by which these two elements of customary international law may be identified and assessed. There is much to look forward to his Third Report (to be submitted in 2016) that will be on the effect of treaties on the formation or expression of customary international law.

Be that as it may, it needs to be underlined here that today’s Special meeting would focus on three topics: *Immunity of State officials from foreign criminal jurisdiction; Expulsion of Aliens; and Protection of Atmosphere*.

As regards the topic, “**Immunity of State Officials from Foreign Criminal Jurisdiction**” the Special Rapporteur submitted his Third Report that marks the starting point for the consideration of the normative elements of immunity *ratione materiae*, analysing in particular the concept of an “official”. The concept of an “official” is particularly relevant to the topic “Immunity of State officials from foreign criminal jurisdiction”, because it determines the subjective scope of the topic.

As regards the topic “**Expulsion of Aliens**”, the Third report of the Drafting Committee was presented to the Commission. The Committee had before it the entire set of draft articles on the expulsion of aliens, as adopted on first reading, together with the recommendations of the Special Rapporteur contained in his ninth report, the suggestions made during the plenary debate and the comments received from Governments. The Drafting Committee held eleven meetings from 14 to 27 May on this topic and the Committee was able to complete the second reading of a set of 31 draft articles on the expulsion of aliens, and decided to submit its report to the Plenary with the recommendation that the draft articles be adopted by the Commission on second reading.

As regards the topic, “**Protection of Atmosphere**”, the Special Rapporteur Mr. Shinya Murase submitted his First Report on this topic that lays down three draft guidelines on ‘definition of atmosphere’ (draft Article 1), ‘scope of the guidelines’ (draft Article 2), and ‘legal status of the atmosphere’ (draft Article 3). In preparing this report, he has provided thorough background of the topic, such as its historical development and the sources of law relevant to it, as well as attempted to explain the rationale of the topic and the basic approaches, objectives and scope of the project. The report elaborates on the background for this topic containing the evolution of protection of atmosphere in international law, sources in terms of treaty practice, jurisprudence of international courts and tribunals, and customary international law.

Mr. President, I also wish to underline here specifically that the topic of “Identification of Customary International Law” has been a matter of great concern to developing countries. That

the voice of Asia and Africa was blocked out in the formation of international law traditionally is well-known. In order to make sure that this does not occur again in the context of ILC having taken it up on its agenda, the Secretariat of AALCO had proposed and got the nodding of the 53rd Annual Session to constitute an “Informal Expert Group on Customary International Law’ that is chaired by Prof. Sufian Jusoh and consists of jurists from the Asian-African region who participate in their individual capacity².

It is pertinent to inform our distinguished delegates that this Informal Expert Group met for the second time on 24th March 2015 in Malaysia and discussed numerous issues flowing from the report of the AALCO Special Rapporteur Professor Sienho Yee. The viewpoints and comments emerged from this meeting formed a set of recommendations proposed by the Informal Expert Group. Member States are encouraged to make comments on this report which later will be duly transferred by the Secretariat to ILC for its consideration and reference.

With those words, let me welcome all the Panellists to this Special Meeting and look forward to an in-depth deliberations on these issues identified above.

Thank you.

The President: I thank the Secretary-General for his presentation on the work of the ILC. Before I give the floor to our distinguished panelist, I would like to appreciate the Secretary-General for his presentation. There has been very good tradition built over the years that the Secretary-General of AALCO makes an address before the ILC highlighting the viewpoints of AALCO Member States on various agenda items of ILC every year the Commission meets in Geneva. We have also invited the distinguished members of the ILC to the Annual Sessions of AALCO to present their views with us. This is a very good tradition and AALCO Member States should continue to support the Secretary-General for his representation of AALCO before the International Law Commission.

Second, I think our distinguished Members of ILC will speak today in their personal capacity and not as the representatives of ILC. But they are from our region, they have had good communication between AALCO and ILC and definitely they will share some of their insights with us.

Third, in view of the time constraint, we should combine the discussions on the topics of ILC with the report of the Informal Group on Customary International Law together. Delegations who are interested to make their statements, you are encouraged to combine your statements on both issues in one single statement. For this you need to be prepared.

² Essentially the Expert Group is envisaged to perform two functions: firstly, it would conduct in-depth deliberations on the various aspects of the topic (along with the Member States of AALCO) with a view to identify the areas and practices where the developing countries could make contributions; secondly, the findings of these deliberations (in the form of the voice of Asia-Africa in relation to this topic) would be carried forward to the ILC with a view to assist the work of the Commission.

Now, on the agenda of the Commission there are eight topics, but due to time constraints it is difficult for us to cover all the eight topics from ILC. So today's discussions would focus on three selected items. They are expulsion of aliens, protection of atmosphere, and immunity of State officials. I encourage the Members of AALCO to focus on three topics. Of course if you have comments on other issues you are welcome to share them, but please be brief. With these words, let me first invite H.E. Dr. Hussien Hassouna , member of ILC from Egypt to make his presentation on the topic 'Expulsion of Aliens'. You have the floor.

Dr. Hussein Hassouna, Member of the International Law Commission: Excellencies, Distinguished Delegates, Ladies and Gentlemen, At the outset, I wish to express my thanks and appreciation to the government of the People's Republic of China for hosting the Fifty-Fourth Annual Session of AALCO and for the hospitality extended to all the participants in the meeting. We may all recall that China has always strongly supported the works of AALCO and has significantly contributed to its activities and development ever since it became a full-fledged member of the Organization in 1983. In addition, the People's Republic of China has been an active member of the UN International Law Commission and has played an important role in the progressive development of international law and its codification.

Mr. Chairman, I would also like to express my support and appreciation to Prof. Dr. Rahmat Mohamad, the competent and dynamic Secretary-General of AALCO, who has continuously worked towards promoting the role of the Organization and strengthening its cooperation with the UN International Law Commission. The topic Expulsion of Aliens has nowadays assumed a major importance in the relations of States. As a result of globalization, we have witnessed the migration of people from one country to another on a large scale. The spreading of conflicts has also led to the displacement of a huge number of populations. Many countries have adopted harsh laws on immigrations and others have often resorted to much criticized measures of expulsion of aliens. All this has raised serious issues of policy and law.

I just want to start with a short historical background of the topic. At its fifty-sixth session in 2004, the UN International Law Commission decided to include the topic in its programme of work and to appoint Mr. Maurice Kamto of Cameroon as the Special Rapporteur for the topic. From 2005 to 2014 the Commission received and considered nine reports by the Special Rapporteur. On 6 June 2014, the Commission adopted the entire set of 31 draft articles on second reading, and on 5 August 2014, the Commission decided in accordance with its Statute to recommend to the UN General Assembly the following:

- (a) To take note of the draft articles on the expulsion of aliens in a resolution, to annex the articles to the resolution, and to encourage their widest possible dissemination.
- (b) To consider, at the later stage, the elaboration of a Convention on the basis of the draft articles.

Let me briefly describe the general approach of the ILC on the draft articles. Although the expulsion of aliens is a sovereign right of the State it brings into play the rights of an alien subject to expulsion and the rights of the expelling State in relation to the State of destination of the person expelled. The subject matter thus does not fall outside international law. State practice on various aspects of the expulsion of aliens has been evolving at least since the nineteenth

century. Several international treaties also contain provisions concerning one or another aspect of this topic. The applicable international case-law has been accumulating since the mid-nineteenth century and has in fact facilitated the codification of various aspects of international law. This basis in case-law has recently been reinforced by a judgment of the International Court of Justice that clarifies the relevant law on various points. This is in the case of Ahmadou Sadio Diallo in Republic of Guinea against the Democratic Republic of the Congo, in 2010.

Nevertheless, the entire subject area does not have a foundation in customary international law or in the provisions of international conventions of a universal nature. On certain aspects, practice is still limited, although it does point to trends permitting some prudent developments of the rules of international law in this domain, this is why the present draft articles involve both the codification and the progressive development of fundamental rules on the expulsion of aliens.

I will try to give a short analysis of the Draft Articles now. The draft articles are divided into five parts. Part One deals with the general framework. Part Two with the cases of prohibited expulsion. Part Three with protection of the rights of aliens subject to expulsion. Part Four with procedural rules. Part Five with the legal consequences of expulsion.

Concerning the general framework, according to Article 1 delimiting their scope, the draft articles apply to the expulsion by a State of aliens present in its territory including both aliens lawfully present and those unlawfully present. However, they do not apply to aliens enjoying privileges and immunities under international law. Under Article 2, “expulsion” means a formal act or conduct attributable to a State by which an alien is compelled to leave the territory of that State. It does not include extradition to another State, surrender to an international criminal court or tribunal, or the non-admission of an alien to a State.

According to Article 3, a State has the right to expel an alien from its territory. This is an inherent right of the State, flowing from its sovereignty. However the exercise of this right is regulated by the present draft articles, without prejudice to other applicable rules of international law, in particular those relating to human rights. The specific mention of human rights is justified by the importance that respect for human rights assumes in the context of expulsion. Among the “other applicable rules of international law” to which a State’s exercise of its right to expel aliens is subject, we may mention the prohibitions against arbitrariness, to abuse of rights and denial of justice. Other applicable rules also include rules in human rights instruments concerning derogation in times of emergency, for example where there is a public emergency threatening the life of the nation. Under Article 4, an alien may be expelled only in pursuance of a decision reached in accordance with law. That requirement is well established in international human rights law, both universal and regional. In its judgment of 30 November 2010 in the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), the International Court of Justice confirmed the requirement for conformity with law as a condition for the lawfulness of an expulsion under international law.

Part Two of the draft articles refers to cases of prohibited expulsion. Article 6 states that a State shall not expel a refugee lawfully in its territory save on grounds of national security or public order. It shall also not expel him or her, to a territory where his life or freedom would be threatened on account of race, religion, nationality, political opinion, unless he is a danger to the

security of the country in which he is. Article 7 states that a State shall not expel a stateless person lawfully in its territory save on grounds of national security or public order.

Article 8 states that a State shall not make its national an alien, by deprivation of nationality, for the sole purpose of expelling him or her. Article 9 states that the collective expulsion of aliens is prohibited. This is without prejudice to the rules of international law applicable to the expulsion of aliens in the event of an armed conflict involving the expelling State. Article 10 prohibits any form of disguised expulsion of an alien, such as supporting acts by persons intending to provoke his departure. Article 11 prohibits the expulsion of an alien for the purpose of confiscating his assets. Article 12 prohibits that a State resorts to the expulsion of an alien in order to circumvent an ongoing extradition procedure.

Part Three of the draft articles deals with the Protection of the Rights of Aliens subject to expulsion. Article 13 refers to the obligation to respect the human dignity and human rights of aliens subject to expulsion. Article 14 states that the expelling State shall respect the rights of the alien without discrimination of any kind on grounds such as race, sex, or religion. Article 15 states that vulnerable persons, like children or older persons shall be treated and protected with due regard for their vulnerabilities. Article 16 refers to life of an alien subject to expulsion. Article 17 states that the expelling State shall not subject the alien to torture or to cruel, inhuman or degrading treatment or punishment. Article 18 states that the expelling State shall respect the right to family life of an alien subject to expulsion. Article 19 states that the detention of an alien for the purpose of expulsion shall not be arbitrary nor punitive in nature. Article 20 states that the expelling State shall take appropriate measure to protect the property of the alien.

With regard to the protection of an alien subject to expulsion in relation to the State of destination, Article 21 states that the expelling State shall facilitate the voluntary departure of the alien, and give him a reasonable period of time to prepare for departure. Article 22 states that the alien shall be expelled to his State of nationality or any other State that has the obligation to receive him or is willing to accept him. Article 23 states that the alien shall not be expelled to a State where his life would be threatened. Article 24 states that the alien shall not be expelled to a State where he may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 25 states that the transit State shall protect the human rights of an alien subject to expulsion.

Part Four of the draft articles deals with Specific Procedural Rules. Article 26 refers to the procedural rights of aliens subject to expulsion who enjoy *inter alia*, the right to receive notice of the expulsion decision, the right to challenge that decision, the right to seek consular assistance (the State must inform the alien of the right: ICJ in Mexican Nationals case 2004, and Ahmadou Sadio Diallo case 2010). Article 27 states that an appeal lodged by an alien lawfully present shall have a suspensive effect on the expulsion decision when there is a risk of irreversible harm. Article 28 refers to the right of an alien to international procedures for individual recourse.

Part Five of the draft articles deals with the Legal Consequences of Expulsion. Article 29 states that an alien lawfully present and expelled shall have the right to be readmitted to the expelling State if the expulsion was unlawful save where his return constitutes a threat to national security or public order. Article 30 provides for the international responsibility of the expelling State in

cases of unlawful expulsion. The question of separation for internationally wrongful acts related to expulsion was addressed by the ICJ in its judgment of 2010 in the *Ahamdou Sadio Diallo* case (compensation of the Democratic Republic of Congo to the Republic of Guinea). Article 31 states that the State of nationality of an alien subject to expulsion may exercise diplomatic protection in respect of that alien.

Let me briefly turn to the debate on the Draft Articles held at the UN General Assembly. The topic of “Expulsion of Aliens” was debated in the General Assembly Sixth Committee during its review of the ILC’s Report in October 2014. While several delegations welcomed the text of the Draft Articles, many voiced concerns with specific provisions, and more broadly, with the progressive development of law that the ILC had seemed to undertake. Western States in particular claimed that the draft articles were not merely a codification of State practice, but went beyond currently applicable rules of international law. They also stated that the draft articles attempted to codify a set of rules in an area wherein States already had well-developed and long-standing regulations. They further claimed that the draft articles did not strike the proper balance between the protection of aliens and the State’s prerogative responsibility and ability to control admission to its territory and enforce immigration laws. As a result, those States declared that they were unable to support the ILC’s recommendation to the General Assembly. In absence of consensus among Member States on that issue, the adoption of a General Assembly Resolution on the subject was postponed to its next session in 2015.

Mr. Chairman, let me now briefly evaluate the General Assembly debates. The debate that took place on this topic in the Sixth Committee of the General Assembly reflected a divergence of views among the various delegations, although there was general agreement as to the major importance of the subject in the relations of states. It seems that those states who objected to the draft articles were mainly motivated by their concern that some aspects of those legal rules might affect their national policies and immigration laws, as well as their security regulations.

The ILC was well aware of these concerns when it formulated a number of articles containing derogations from the general rules on grounds of national security or public order. In fact, the Commission has endeavoured to prepare a set of draft articles that strike a balance between the sovereign rights of States and the rights of aliens subject to expulsion. This process involved both the codification of established State practice and the progressive development of fundamental rules on the expulsion of aliens. It was in conformity with the Statute of the ILC that provides in Article 1 that the ILC shall have for its object the promotion of the progressive development of international law and its codification. It is also worth noting that the draft articles on this topic were adopted by consensus in the Commission, thereby reflecting the agreement of all 34 independent expert members of the Commission and representing the different regional groups in the United Nations.

Aware of the complexity of the topic, the Commission has only recommended to the General Assembly to take note of the draft articles and to brief them to the attention of Governments and encourage their dissemination. It will be prerogative of the United Nations member states to decide at a later stage whether to adopt these draft articles as Guiding Principles on the subject or to proceed with the elaboration of an international convention on the basis of the articles.

It is my sincere hope that when the topic will once more be discussed at the seventy-second session of the General Assembly in November this year, a consensus will emerge on that subject, with the active participation of AALCO Member States.

I thank you Mr. Chairman.

The President: I thank Dr. Hussein Hassouna for his statement. Now I have the honour to invite Prof. Shinya Murase the Special Rapporteur on the topic of Protection of Atmosphere to deliver his presentation to us.

Prof. Shinya Murase, Member of the International Law Commission: Thank you, Mr. Chairman. Excellences, Distinguished Delegates, Ladies and Gentlemen, we have been very fortunate to have Prof. Dr. Rahmat Mohamad as AALCO's Secretary-General, we are all grateful for his leadership. The cooperation between AALCO and ILC has substantially improved in the last seven years with the tremendous efforts that the Secretary-General has made. We are very grateful to Dr. Mohamad.

Since I already spoke on my First Report at the AALCO session in Tehran last September, today, I will speak on my Second Report, in advance of my presentation at the International Law Commission (ILC) next month. I have asked the Secretariat to distribute my Second Report on the Protection of the Atmosphere (A/CN.4/681), which has been uploaded on the ILC website since last week. The draft guidelines that I have proposed have also been distributed, and I hope that everybody has a copy.

I have been teaching in Beijing since last September, in the course of my preparation of this Second Report, I was greatly assisted by the professors and graduate students of the Law School of China Youth University of Political Studies (CYU). I have greatly benefited from the Study Group on the 'Protection of the Atmosphere' that was so kindly set up at Peking University Law School for my work. I had the privilege to address the Chinese Academy of Social Sciences on this topic in November last year, and I was delighted to have received the enthusiastic support of the Academy's Forum of International Law. There is obviously strong interest in the protection of the atmosphere in China.

We had an extremely lively discussion on this topic at the Sixth Committee of the General Assembly last October. There were more than 28 States that commented on this topic at the Sixth Committee, including the representative of Asian and African States namely, Algeria, China, India, Indonesia, Japan, Malaysia, Islamic Republic of Iran, Republic of Korea, and Vietnam. I was particularly encouraged by the thoughtful and detailed statements made by Mr. Gharibi of Iran, Mr. Xu Hong of China, Mr. Bowoleksono of Indonesia and Mr. Wan Mohd Asnur Wan Jantan of Malaysia. I carefully reviewed all the statements made at the Sixth Committee, and based on the feedback that was received and further review and clarification over the past year, I have revised the draft guidelines in my Second Report.

I have submitted 5 draft guidelines this year and would like to explain these guidelines briefly. The first two guidelines are general guidelines addressing the definition and the scope of the topic.

Draft guidelines 1 on the use of terms:

- (a) “Atmosphere” means the envelope of gases surrounding the Earth, within which the transport and dispersion of degrading substances occurs.

Based on some additional scientific research feedback and a desire to be clearer and more precise, I made a few changes to paragraph (a). This is a “working definition” for this particular project. It addresses two factors of the atmosphere, substantive and functional. The substantive definition of the atmosphere is that it is “the envelope of gases surrounding the Earth” and the functional definition refers to its “transport and dispersion of degrading substances”.

In the Second Report, I have added two other definitional guidelines, one on “air pollution” and the other on “atmospheric degradation”.

- (b) “Air pollution” means the introduction by human activities, directly or indirectly, of substance or energy into the atmosphere resulting in deleterious effects on human life and health and the Earth’s natural environment.

This definition focuses on the “introduction of substances into the atmosphere” and is in line with Article 1 of the Convention on Long-Range Transboundary Air Pollution (LATAP), which is widely referenced in relevant conventions and literature. In some cases, air pollution is defined broadly encompassing other forms of atmospheric degradation, but we will adopt a narrow definition in our draft guideline.

Some members of the ILC last year questioned the insertion of the word “energy” in the draft guideline. As I mentioned in my summation, I consider it important to refer to “energy”, along with substances, in the definition of air pollution. It should be noted that the UNCLOS refers to “energy” when defining pollution in Article 1, paragraph 1(4). In light of the 2011 Fukushima nuclear plant disaster, I believe that we should not ignore the serious problem of radioactive emissions as well as the problems of heat and light introduced into the atmosphere, and therefore I consider the general reference to “energy” as necessary and appropriate. Let me come to Article 1 (c) that says:

- (c) “Atmospheric degradation” includes air pollution, stratospheric ozone depletion, climate change and any other alterations of the atmospheric conditions resulting in significant adverse effects to human life and health and the Earth’s natural environment.

As I explained a moment ago, we have adopted a narrow definition of air pollution in line with the existing conventions, that is, the introduction of substances and energy into the atmosphere.

Thus, taking the above limitation to the definition of “air pollution” into account, I propose to employ a broader concept of “atmospheric degradation” to cover air pollution and other alterations of atmospheric conditions such as climate change and ozone depletion in guideline 1(c).

Now, I would like to move on to draft guideline 2 on scope.

- (a) The present draft guidelines address human activities that directly or indirectly introduce deleterious substances or energy into the atmosphere or alter the composition of the

atmosphere, and that have or are likely to have significant adverse effects on human life and health and the Earth's natural environment.

Paragraph (a) addresses the substantive scope of this project. First, it makes clear that this topic addresses “human activities”, excluding the harm caused by natural phenomena such as volcanic eruptions and desert sands. The formulation of this paragraph is in line with the previous ILC Article on Prevention of Transboundary Harm.

(b) The present draft guidelines refer to the basic principles relating to the protection of the atmosphere as well as to their inter-relationship with other relevant fields of international law.

Paragraph (b) indicates the contents of the whole draft guidelines. I added the words “with other relevant fields of international law” after the word “inter-relationship”.

(c) Nothing in the present draft guidelines is intended to affect the legal status of airspace under applicable international law.

Paragraph (c) is a saving clause regarding “airspace”. As I have stressed repeatedly, airspace and atmosphere are two entirely different concepts in international law. While airspace is a static and area-based institution over which the State has “complete and exclusive sovereignty”, the atmosphere is a dynamic and fluctuating substance that constantly moves around the Earth and across national boundaries. The latter is invisible, intangible and non-separable, rendering it unable to be subjected to State sovereignty, jurisdiction or control.

We had a lively discussion on “common concern” last year, in the Commission as well as at the Sixth Committee, on the basis of which I am presenting a new version as draft guideline 3, which reads as follows:

Draft guideline 3: Common concern of humankind

The atmosphere is a natural resource essential for sustaining life on Earth, human health and welfare, and aquatic and terrestrial ecosystem, and hence the degradation of the atmospheric condition is a common concern of humankind.

We had a lively discussion on the concept last year in the Commission as well as in the sixth Committee. On the basis of those discussions I present a new version of this concept of common concern. I would like to stress that the concept of common concern of humankind is well established in treaty practice. The 1992 UNFCCC that acknowledges that “change in the Earth's climate and its adverse effects are a common concern of humankind”. Likewise the preamble to the 1992 Biodiversity Convention provides that “the conservation of biological diversity is a common concern of humankind”. The 1994 Desertification Convention adopted a phrase similar to common concern in its preamble. These are among the conventions that enjoy universal acceptance, ratified by more than 195 States, in which virtually all States agreed that there was a strong need for international community's collective response to tackle those global problems.

I believe it justified to employ the notion of common concern specifically in the transboundary context as well, based on relevant contemporary treaty practice. The 2011 Stockholm Convention on Persistent Organic Pollutants (POPs), and the 2013 Minamata Convention on

Mercury provides for terms or ideas similar to common concern. The 2012 Gothenburg Protocol to the 1979 UNECE LRTAP Convention addresses the linkage between transboundary air pollution and climate change, thus warranting application of the concept of common concern both to transboundary and global issues. Common concern is no longer a mere soft-law concept: it is sufficiently well established as a hard-law institution for the protection of the atmosphere, as I have enumerated these issues in paragraphs 30 to 32 of my Second Report.

The principle of common concern does not create specific substantive obligations of States to protect the atmosphere. However, it certainly supplements the creation of two general obligations: one is the general obligation of States to protect the atmosphere, and the other the general obligation of States to cooperate with each other for its protection, which I will address next.

Draft guideline 4: General obligation of States to protect the atmosphere
States have the obligation to protect the atmosphere.

This draft guideline is in line with Article 192 of the UNCLOS, which provides that “States have the obligation to protect and preserve the marine environment”. I submit that the same general obligation is applicable with regard to the protection of the atmosphere. This general obligation is characterized as an obligation *erga omnes*, and I discuss in detail the meaning and function of the term obligation *erga omnes* in paragraphs 41 to 51 of my Second Report.

Now, I would like to come to the final Draft guideline that also flows from the concept of common concern of humankind, that is, the principle of international cooperation.

Draft guideline 5: International cooperation

- (a) States have the obligation to cooperate with each other and with relevant international organizations in good faith for the protection of the atmosphere.
- (b) States are encouraged to cooperate in further enhancing scientific knowledge relating to the causes and impacts of atmospheric degradation. Cooperation could include exchange of information and joint monitoring.

As I mentioned, the work of the Commission on this topic seeks to establish a cooperative framework for atmospheric protection on the basis of common concern of humankind, instead of seeking to mold “shame and blame” matrices under a liability regime. International cooperation is the core of this project.

I have reviewed the treaty practice, global and regional, as well as previous ILC Articles, relating to international cooperation. I have also reviewed recent judicial decisions of the International Court of Justices, and focused on the 2010 *Pulp Mills* case between Argentina and Uruguay and the 2014 *Whaling in the Antarctic* case between Australia and Japan, with New Zealand intervening.

Finally, I touched on the principle of “good faith”, which lies at the heart of the international law of cooperation. In this regard, the 1973 judgment of *Nuclear Tests* cases and the 1980 *WHO-Egypt* advisory opinion are particularly important.

Thus, in this Second Report, I have presented the revised general draft guidelines on the definition and scope of the project as well as three additional draft guidelines on the basic principles for the protection of the atmosphere. These three basic principles: common concern of humankind, general obligation of States, and international cooperation are fundamentally interconnected, forming a “trinity” for the protection of the atmosphere. It is my hope that they will be favourably considered by the Commission and the Sixth Committee later this year.

Although our term as members of the Commission will expire next year, I was asked by the Commission members to give a “future plan or work” on this topic beyond the current quinquennium. My Third Report in 2016 will deal with the remaining basic principles, *Sic utere tuo*, Sustainable development, Equity and Vulnerable States. My Fourth Report in 2017, if am re-elected to the Commission, will deal with “Prevention and Precaution”. The Fifth Report in 2018 will consider “Inter-relationship” between the law of the atmosphere with other fields of international law such as the law of the sea, international trade law and human rights law. The Sixth and Final Report in 2019, if “I am still alive”, will cover “Compliance and Dispute Settlement”. This is the outline and thank you for your kind attention.

The President: I thank Prof. Shinya Murase for his statement on the topic of Protection of Atmosphere. Now, I have the honour to invite Mr. Narinder Singh to present his statements on Immunity of State Officials from Foreign Criminal Jurisdiction.

Mr. Narinder Singh, Member of the International Law Commission: Mr. President, I would like to join Ambassador Hussein Hassouna and Prof. Shinya Murase in thanking the Secretary-General Prof. Rahmat Mohamad for his contribution to the cooperation between AALCO and ILC and also for inviting us here for this Special Meeting on the work of ILC on selected topics.

Mr. President, the topic on which I have been asked to speak is ‘Immunity of State Officials from Foreign Criminal Jurisdiction’. This topic was included in the work programme of ILC at its fifty-ninth session (2007) and the ILC decided to appoint Mr. Roman A. Kolodkin as its Special Rapporteur. The Special Rapporteur submitted three reports. The Commission received and considered the preliminary report at its sixtieth session (2008) and the second and third report at its sixty-third session (2011). The Commission was unable to consider the topic (due to lack of time) at its sixty-first session (2009) and its sixty-second session (2010).

The preliminary report briefly outlined the breadth of prior consideration, by the Commission and the Institute of International Law, of the question of immunity of State officials from foreign jurisdiction as well as the range and scope of issues proposed for consideration by the Commission, in addition to possible formulation of future instruments. The Commission held a debate on the basis of this report, which covered key legal questions to be considered when defining the scope of the topic, including the officials to be covered, the nature of acts to be covered and the question of possible exceptions.

The second report reviewed and presented the substantive issues concerning the scope of immunity of a State official from foreign criminal jurisdiction, while the third report addressed the procedural aspects focusing, in particular on questions concerning the timing of consideration

of immunity, its invocation and waiver. The debate revolved around, *inter alia*, issues relating to methodology, possible exceptions to immunity and questions of procedure.

According to Mr. Kolodkin, two questions needed to be addressed: firstly, is there an exception to immunity in respect of what are called grave crimes under international law? secondly, the question of the precise categories of persons apart from the well known troika (the Heads of States, the Heads of Governments and the Minister of Foreign Affairs), who would be considered to enjoy immunity *ratione personae*.

In that regard, the crux of the Report of the Special Rapporteur on this issue was that immunity of State officials from foreign criminal jurisdiction should be considered as the norm and that any exception thereto needed to be proved. In summarizing the main trends of the debate, he noted that there were two streams of thought that informed the entire debate on the topic and the challenge for the Commission, lay in striking a proper balance between these two schools of thought.

According to one view, sovereignty must be limited, and that one could not talk of absolute sovereignty or immunity when grave crimes are committed. The principle of non-impunity was a core principle, and that one could not speak of absolute immunity where grave crimes are committed even by high-ranking officials. According to another view, the principles of immunity, which was well-established in international law, including the international customary law, does not brook any infringement and that, it was critical in preserving the stability of international relations.

Diverse views informed the debate within the Commission on the question of possible exceptions to immunity. While some members agreed with the findings of the Special Rapporteur on this point, other members expressed the view that the Commission could not limit itself to the status quo and had to take into account relevant trends that had an impact on the concept of immunity, in particular developments in human rights law and international criminal law. According to them the assertion that immunity constituted the norm to which no exception existed was thus unsustainable. Views are also expressed that the principle of non-impunity for grave crimes under international law constitute a core value of the international community which needed to be considered while examining the question of immunity. The topic would thus be more appropriately addressed from the perspective of hierarchy of norms; or norms between which there existed some tension.

Some other members supported the Special Rapporteur's conclusions concerning exceptions to immunity. They nevertheless envisaged the possibility of some further analyses to elucidate possible limitations to immunity as part of the progressive development of international law. In this context, the view was expressed that in establishing any such limitations, immunity *ratione personae* must cease to exist only after the high-level officials no longer serve their term of office. In order to facilitate future discussions, it was suggested that a further analysis of the earlier work of the Commission in this area should be made, as well as a study on exceptions to immunity, focusing on State practice, distinguishing clearly between the *lex lata* and proposals *de lege ferenda*.

Commenting on the possible exceptions to immunity, some members contended that the rationale that peremptory norms of international law prevail over the principle of immunity had merit. In their view, the report did not provide a convincing analysis for the assertion that the different nature of the norms in play, procedural on the one hand and substantive on the other, prevented the application of hierarchy of norms; these aspects needed to be further analyzed in light of existing State practice.

The view that the commission of serious crimes under international law could not be considered as acts falling within the definition of official duties of a Head of State generated some support in the Commission and references were made to the *Bouterse* case and opinions expressed in the *Pinochet* case. It was noted that, if immunity was justified on the theory of preserving the honour and dignity of the State, then it was undercut when its officials committed grave crimes under international law. It was suggested that the Commission should identify the offences that could under no circumstances be considered as part of the official functions, referring to the crimes under the Rome Statute of the International Criminal Court as a useful starting point. The opinion was also expressed that in cases of universal jurisdiction, there were also grounds to argue that exemptions to immunity existed.

The Commission, at its sixty-fourth session (2012), appointed Ms. Concepción Escobar Hernández as Special Rapporteur to replace Mr. Kolodkin, who was no longer with the Commission. The Commission received and considered the preliminary report of the newly appointed Special Rapporteur at the same session (2012).

At the sixty-fifth session in 2013, the Commission had provisionally adopted six draft articles and they were presented following an analysis of: (a) the scope of the topic and of the draft articles; (b) the concepts of immunity and jurisdiction; (c) the difference between immunity *ratione personae* and immunity *ratione materiae*; and (d) identified the basic norms comprising the regime of immunity *ratione personae*. Following the debate in plenary, the Commission decided to refer the six draft articles to the Drafting Committee. Upon consideration of the report of the Drafting Committee, the Commission provisionally adopted draft articles 1, 3 and 4.

At the sixty-sixth session in 2014, the Commission had before it the Third Report of the Special Rapporteur, in which the Special Rapporteur undertook an analysis of the normative elements of immunity *ratione materiae*, focusing on those aspects related to the subjective element. In that context, the general concept of a “State Official” was examined in the report, and the substantive criteria that could be used to identify such persons were considered, especially in respect of those who may enjoy immunity *ratione materiae* from foreign criminal jurisdiction. The report further considered a linguistic point concerning the choice of the most suitable term for designating persons who enjoy immunity, given the terminological difficulties posed by the term “official” and its equivalents in the various languages, and suggested instead that “organ” be employed. Following an analysis of relevant national and international judicial practice, treaty practice and the previous work of the Commission, the Special Rapporteur proposed two draft articles and the subjective scope of immunity *ratione materiae*. It was envisaged that the material and temporal scope of immunity *ratione materiae* would be the subject of consideration in the Special Rapporteur’s next report.

Coming to the draft articles which have been so far adopted by the Commission.

Article 1

Scope of the present draft articles

1. The present draft articles apply to the immunity of State Officials from the criminal jurisdiction of another State.
2. The present draft articles are without prejudice to the immunity from criminal jurisdiction enjoyed under special rules of international law, in particular by persons connected with diplomatic missions, consular posts, special missions, international organizations and military forces of a State.

Paragraph 1 covers the three elements defining the purpose of the draft articles, namely: (a) the persons enjoying immunity (State officials); (b) the type of jurisdiction affected by immunity? (criminal jurisdiction); and (c) the domain in which criminal jurisdiction operates (the criminal jurisdiction of another States). Paragraph 2 clarifies that the immunities under these draft articles do not affect immunities which are otherwise available under other rules of international law or other special regimes in particular persons connected with diplomatic missions, consular posts, special missions, international organizations and military forces of the State. As you are aware the privileges and immunities are dealt with by special Conventions such as the Vienna Conventions on Diplomatic Relations, Vienna Convention on Consular Relations, the Convention on Special Missions, the Convention on the Privileges and Immunities of UN and on Specialized Agencies, the Convention on Representation of States in their relations with International Organizations of a Universal Character and the Status of Forces Agreement which will deal with the immunities accorded to Military Personnel who are present in the territory of another state.

The Special Rapporteur in Article 2 had proposed a number of definitions. She had proposed defining the term criminal jurisdiction, immunity from foreign criminal jurisdiction, immunity *ratione personae* and immunity *ratione materiae*. However the ILC decided not to deal with the definitions at that stage. It was felt that as and when these terms occur in the specific draft articles the ILC would examine whether a definition was needed. Accordingly at the 2014 session, the Commission adopted a definition of officials. Before I come to this, I would also like to refer to the debates in the Commission on the question of those officials who should enjoy immunity.

Extensive reference was made to cases before international and national courts. It was recalled that in the Arrest Warrant Case the ICJ said that in international law it is firmly established that as also diplomatic and consular agents certain holders of high-ranking officials in the State such as the Head of State, Head of Government and Minister for Foreign Affairs enjoy immunity (both civil and criminal) from jurisdiction in other States. This Statement was later reiterated by the Court in the case concerning certain questions of mutual assistance in criminal matters. Both these judgments were extensively discussed in ILC especially with regard to the question whether the Minister for Foreign Affairs should be accorded immunity *ratione personae*. Most members stated that the Arrest Warrant case reflected the current status of international law and that the immunity from foreign criminal jurisdiction of the Minister for Foreign Affairs is recognized as a customary rule. In their view the basis for recognition of such immunity was the

special functions in international relations of the Minister of Foreign Affairs. Some Members felt that the Judgment was not a sufficient ground for concluding that a customary rule existed as the judgment did not contain a thorough analysis of the practice and that several judges had expressed opinions different from the majority view.

Another view which was expressed in the Commission was while the ICJ verdict did not disclose the existence of a customary rule, but since the courts judgment had not been opposed by States the absence of a customary rule did not prevent the Commission from including the Minister for Foreign Affairs among the persons enjoying immunity *ratione personae* as a matter of progressive development of international law.

The Commission also discussed the question whether other high-ranking officials apart from the troika could be included among those officials enjoying immunity *ratione personae*. Some Members supported inclusion of other high-ranking officials in Article 3 stating that the words such as used by the ICJ in the Arrest Warrant case should be interpreted to extent *ratione personae* immunity to high ranking officials other than the troika. In this regard reference was made to Ministers of Defense and Ministers of International Trade. Other Members felt that the words such as were used by the ICJ in the context of a specific dispute and should not be seen as widening the circle of persons enjoying such immunity. Attention was also drawn to the difficulty in drawing up a list due to differences from State to State in the designation and organizational structure and other details.

The Commission also referred to decisions of national courts but it found that these decisions were not conclusive as to which officials enjoyed immunity *ratione personae*. Some decisions favour immunity for officials such as Ministers for Defence or Ministers for International Trade. In other cases the Courts found that the persons did not enjoy immunity either because he was not a Head of State, Head of Government or the Minister of Foreign Affairs or because he did not belong to the narrow circle of officials who deserve such treatment. In view of this difficulty the ILC limited Article 3 to the Troika. However, this is without prejudice to the rules of immunity *ratione materiae* and the understanding that officials may enjoy immunity from foreign criminal jurisdiction under the rules of international law.

On the scope of immunity *ratione personae*, the Commission has adopted the text of Article 4. Under this article the immunity *ratione personae* applies only during the terms of office of the troika. It covers all acts whether it is in private or official capacity during or prior to the term in office. It ceases once the term of office comes to an end. However, the article also provides that immunity *ratione materiae* is not affected by the end of immunity *ratione personae*. Here again we can refer to the ICJ's view expressed in the Arrest Warrant Case that after a person ceases to hold the office of Minister for Foreign Affairs, he or she will no longer enjoy all the immunities according to international law in other States provided it has jurisdiction under international law. A court of one State may try a former Minister of a Foreign Affairs of another State in respect of acts committed prior or subsequent to his or her period of office as well as in respect of acts committed during that period of office in a private capacity. The same reasoning would apply to Heads of State and Heads of Government.

Coming to the next draft article adopted by the Commission, Article 5 deals with immunity *ratione personae* and it provides that:

State Officials acting as such enjoy immunity *ratione materiae* from the exercise of foreign criminal jurisdiction.

In this connection the Commission also adopted the definition of the State official in Article 2 (b) as any individual who represents the State or who exercises State functions. It may be noted that these articles do not specify the level of the officials that is whether he is a high-ranking official or a junior official. It would cover also the high-ranking officials such as the Head of the State, Head of Government and Minister for Foreign Affairs. And it would also cover the junior officials. It was felt that it is not possible to draw up a list of individuals who could be considered as representing the State and that who could be considered as exercising State functions and that this would need to be identified on a case-by-case basis. However it was accepted that what was essential is that there be a clear link between the official and the State for whom the official acts. The limitation in the phrase acting as such is meant to indicate that immunity *ratione materiae* fully covers official acts. It does not extend to private acts. The category of acts which will be covered under immunity *ratione materiae* would be dealt with in future articles and exceptions to immunity are also proposed to be dealt with in future articles which are likely to be presented in the report of the Special Rapporteur later this year.

At the Sixth Committee session last year, many States had participated in the debate on this topic and have largely reflected the views which have also been reflected in the Commission. There have been differences on the list on the troika with some representatives wishing for a re-examination of the criteria for identifying other high-ranking officials noting that in the present day world it is not only Minister's of Foreign Affairs, but also other high-ranking officers who represent the State in the conduct of the foreign relations. At the same time concern has also been expressed on not expanding the list too much and keeping it manageable and also views have been expressed on various other issues which need to be taken into consideration by the Commission.

Mr. President, I would like to just highlight the importance of the topic as noted both in the Commission and in the Sixth Committee and to urge all Member States of AALCO to take this matter very seriously and to make sure that their views are presented to the Commission and the Sixth Committee so that they can be taken into consideration by the ILC in formulating its draft articles. I thank you, Mr. President.

The President: I thank Mr. Narinder Singh for his statement. Now, I invite Dr. Hussein Hassouna to give a brief report on the Report of the Informal Expert Group on Customary International Law.

Report on the Meeting of the Informal Group on Customary International Law by Dr. Hussein Hassouna:³

Thank you, Mr. Chairman. Let me just briefly mention the background of this topic. At its 64th Session in 2012, the ILC had decided to include the topic “Identification of Customary International Law” in its programme of work and appointed Mr. Michael Wood as the Special Rapporteur. In 2013, the ILC considered the first report of the Special Rapporteur and last year, in 2014, the Commission considered his second report including a number of draft conclusions. This year in May, next month, the Special Rapporteur will submit his third report. Yesterday a meeting was convened, a meeting of AALCO’s Informal Expert Group on Customary International Law that had previously met at Malaysia last March under the chairmanship Prof. Sufian Jusoh as the Secretary-General had mentioned. I had the honour to chair the Informal Consultation on the Work of AALCO Expert Group on Customary International Law that took place yesterday. The meeting reached following conclusions:

1. The meeting took note of the Informal Expert Group recommendations available on the AALCO website and appreciated the sterling work of Prof. Yee who had been appointed as the Special Rapporteur of AALCO’s Informal Expert Group on the subject in Tehran last year.
2. The meeting was of the view that more time should be given to AALCO Member States to analyse the report and make recommendations thereon.
3. The meeting was also of the view that AALCO should retain this issue on its agenda and have more consultation on the topic in order to have a more in depth input to this important topic of Customary International Law.
4. The meeting recommended that Member States send their comments on the recommendation made by the AALCO Informal Expert Group in an expeditious manner.
5. The meeting suggested that the Secretary General should refer to the AALCO Informal Expert Group Recommendations and Prof. Yee’s report when addressing the ILC in Geneva later this year.

These were the conclusions reached at the meeting of the Informal Expert Group that took place yesterday. I believe that this topic presents a good opportunity for the Asian and African States to contribute in the formulation of rules on an important topic of international law that will become of universal application. It is an opportunity for us to reflect our interests and concerns on the various aspects of this topic. Thank you, Mr. Chairman.

The President: I thank Dr. Hussein Hassouna for his brief statement on the report on the Informal Expert Group on Customary International Law. Dear colleagues, we are nearing the tea break. Before we break, let me make a small point relating to the statements of Member States. Besides the statements on ILC we still have 8 statements to be made on the topic of Violent

³ It is to be underlined that the Informal Expert Group has convened three meetings thus far. The first meeting on customary international law was held at the Fifty-Third Session of AALCO in Tehran, 2014. The second was held in March 2015 at the National University of Malaysia, and this report is the report of the third meeting, chaired by Dr. Hussein Hassouna, held in Beijing, China, in April 2015. Subsequent to the Annual Session, another meeting on the topic of customary international law was held in August 2015 at the National University of Malaysia.

Extremism and Terrorism. We need to complete the discussions on that issue as well before the lunch. Hence, please shorten your statement. Let's break for tea and we will resume our session at 11.15 AM. Thank you.

The President: Distinguished Delegates, before the break we had presentations made by the Distinguished Members of the ILC. Now, I would open the floor to the Member States to make their comments. First, I would like to invite the distinguished delegate from Japan. You have the floor.

The Delegate of Japan: Thank you, Mr. President. My delegation listened with great appreciation to the introductory remarks made by the Secretary-General and the detailed and very useful presentations made by the three distinguished panelists who are all very eminent members of the ILC. I would like to here discuss very briefly three points including some proposal and suggestions which could serve to strengthen the role of ILC and further cooperation between ILC and AALCO.

Firstly, I will talk about strengthening the role of ILC and further dialogue with ICJ. The International Law Commission is the main body with the role of promoting the progressive development of international law and its codification in the UN system and thereby it has assumed a critical role over the years. On the other hand, some Member States feel that the topics which ILC is discussing in recent years are not very useful for them. Hence, we need to discuss how the Commission could contribute more for us.

In order to make ILC more appealing to Member States, it is important to promote and strengthen an interaction between ILC and ICJ. These days when the governments are faced with some issues related to international law, the first thing they refer to is the judgments of ICJ and other international tribunals and thus they are critical references for us. In order to further develop international law, judgments by international tribunals require objective evaluation by professionals. As the body consisting of persons of recognized competence in international law, ILC can play a role as a "good critic" of ICJ. Even though there already exists dialogue between ICJ President and the ILC members, the Commission should seek further opportunities for such talks.

Secondly, I will speak about the topic Protection of the Atmosphere. Regarding the topic of "protection of the atmosphere", the second report written by the Special Rapporteur, Mr. Murase, will be deliberated in the Sixty-Seventh session. During the session on the Report of the International Law Commission in the Sixth Committee, last October, many Member States expressed their support for the decision of the Commission to discuss this topic as the protection of the atmospheric environment is a crucial issue of the international community. I understand that a keen discussion took place regarding the draft guidelines 3 which stipulates that the protection of the atmosphere is a common concern of humankind. The discussion contributed to further clarification of conventional norms in the protection of the atmosphere.

The ILC has a major role in the field of environmental protection and we recognise that the protection of the atmospheric environment requires coordinated action by the international community. In that sense, we strongly hope that the next deliberation by the ILC over the second

report will be constructive as the last session in accordance with the understanding. Protection of atmospheric environment is a very serious issue particularly for Asia and Africa, so I hope that AALCO Members continue to contribute to the discussion both in the ILC and the Sixth Committee.

Thirdly, on the Cooperation between ILC and AALCO. We welcome that, in January, the Permanent Observer of AALCO in New York, Dr. Roy Lee, organized the informal exchange of views on the development and making of international law among legal advisors of delegations to UN. I understand that participants of the meeting exchanged their views on issues to be resolved such as current situation of the Sixth Committee and its revitalization as well as cooperation with ILC. The Japanese delegation also attended the meeting and expressed our views on a method of work for the topic of the report of ILC.

In order to realize the progressive development of international law and its codification, views from the international community, particularly, voices from Asia and Africa should be properly reflected. In this sense, the initiative of AALCO by holding the meeting which dealt with the issue regarding the empowerment of ILC and the Sixth Committee certainly has significant importance. The delegation of Japan would like to express its commitment to continue our involvement in such discussions. Thank You.

The President: I thank the distinguished delegate from Japan. Now, I call upon the distinguished delegate from Thailand to make his statement.

The Delegate of Thailand: Mr. President, at the outset, my delegation would like to express its appreciation to the speakers for their presentations which have provided us with the overall pictures of the ILC issues under consideration. Also, we wish to thank AALCO for organizing this Special Half-Day Meeting on “Selected Items on the Agenda of the International Law Commission” which has provided AALCO members with useful updates on ILC ongoing work. Our thanks also go to the AALCO Secretariat for preparing a report of excellent quality on related matters.

My delegation wishes to express appreciation to the members of the ILC for their invaluable contribution to the codification and development of international law. Thailand is pleased to note the work of Ambassador Kriangsak Kittichaisaree, the ILC member from Thailand who chaired the Working Group on the topic “Obligation to Extradite or Prosecute” (*aut de dere aut judicare*). The final report of the Working Group could serve well as a useful set of guidelines for States in implementing the said obligation.

Mr. President, my delegation wishes to share its view on the work of the Commission on the issues of “Expulsion of Aliens”, “Protection of Persons in the Event of Disasters”, and “Immunity of State Officials from Foreign Criminal Jurisdiction.”

Mr. President, on the topic “Expulsion of Aliens”, the Thai delegation commends Mr. Maurice Kamto, Special Rapporteur for his outstanding contribution to the draft articles and congratulates the Commission for the completion of the second reading of the draft articles. My delegations shares the view that the draft articles well capture the principles of international law on sovereign rights of States as well as the rights of an alien subject to expulsion and the rights of the

expelling State in relation to the State of destination of the person expelled. Nevertheless, the articles do not entirely reflect universal practices, as State practices are still limited in some areas. The draft articles involve the progressive development of the rules of international law on this issue and those that relate extensively to the sovereign rights of States, which could be somewhat sensitive. In particular, not all the draft articles are consistent with Thailand's and several other Asian States' current State practices.

Mr. President, with regard to the topic "Protection of Persons in the Event of Disasters", my delegation would like to congratulate the Commission for the conclusion of the topic and the first reading of the draft articles. My delegation would like to touch upon the definition of the terms "external assistance" under subparagraph (d) of the draft Article 4 on "Use of Terms". Thailand views the term "external assistance" should be defined with great caution. In particular, the "other assisting actors" shall not include domestic actors offering disaster relief assistance or disaster risk reduction.

Also we would like to reiterate the draft Article 20 on "Relationship to Special or Other Rules of International Law" which clarifies the way in which draft articles should interact with certain rules of international law. The provision contains references to both "special rules" (*lex specialis*), which apply to the same subject matter of the draft articles and "other rules" which apply to the matter not directly concerned but would nonetheless apply in the situations covered by the draft articles. However, besides the provisions concerning the law of treaties and the rules on the responsibility of both States and international organizations exemplified in paragraph 5 of the commentary to the draft article, the "other rules" should also be illustrated.

Mr. President, allow me to turn to the topic of "Immunity of State Officials from Foreign Criminal Jurisdiction." As a State Party to the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963, Thailand grants immunity from criminal jurisdiction to persons entitled to such immunity under the respective Conventions. Thailand also accords immunity to persons covered by host country agreements between Thailand and intergovernmental organizations based in Thailand.

Apart from the obligations under the above-mentioned agreements, Thailand is not party to the Convention on Special Missions. Thailand, therefore, wishes to reserve its position on this topic until a later stage when we can determine whether the ILC's work archives the right balance between according immunity to State Officials from foreign criminal jurisdiction on one hand and ending impunity of those officials, on the other.

Furthermore, we wish to share some observations on this topic. With respect to persons enjoying immunity *ratione materiae*, the Commission should focus its work on identifying the term 'official' as such term has not yet been defined in international law but is defined differently under the domestic laws of different States. Hence, the Commission ought to take into due consideration the practice of States in their domestic laws. In this connection, my delegation would like to point out that it would be a challenge to draw up a list of all the offices who would be classified as officials for the purpose of draft articles. The persons covered by immunity *ratione materiae* can only be determined using identifying criteria which are applied on a case-by-case basis.

In this connection, my delegation is of the view that the immunity *ratione materiae* should not be extended to individuals or legal persons who act for a State under a contract with that government or agency as there is no adequate legal basis to extend the scope of immunity to non-State officials such as private contractors who are not in a position to exercise inherently governmental authority. It is our belief that any exception to immunity must not undermine the immunity of the head of a State whose constitutional role is merely ceremonial and who has no de facto authority to direct or influence any act or omission, which constitutes a core crime proscribed by international law. I thank you, Mr. President.

The President: I thank the distinguished delegate from Thailand. Now, I invite the distinguished delegate from China to make his statement.

The Delegate of the People's Republic of China: Thank you, Mr. President for giving me the floor. Mr. President, at this outset, our delegation would like to thank the Secretariat for organizing this Special Half-Day Meeting on "Selected Items on the Agenda of the International Law Commission." We are also privileged to have the presence of the esteemed members of ILC for their illuminating presentations.

Mr. President, as an important institute for international law study within the UN system, the ILC plays an important role in the codification and progressive development of international law. Over the years, the AALCO Annual Session has considered items of the ILC and has maintained regular exchanges with the latter, as it helps rules of international law to reflect in a comprehensive and balanced manner the concerns of Asian-African countries. China supports these exchanges and will continue to work together with other AALCO members to enhance the voice and visibility of developing countries in the international law-making process through this organization and other international forums.

Mr. President, on the selected items, this delegation would like to make the following comments:

First, on "Expulsion of Aliens"; the 66th session of the ILC concluded the consideration of the item in 2014 by adopting 31 draft articles at second reading which had been submitted to the Sixth Committee of the UN General Assembly for consideration.

Our delegation is of the view that the draft articles of "Expulsion of Aliens" should strike a reasonable balance between the right of expulsion as an inherent sovereign right of a State and the basic human rights of aliens subject to expulsion. We appreciate the unremitting efforts made by the Commission and Mr. Kamto, the Special Rapporteur in this regard. At the same time, we still find that some draft articles remain imbalanced. Let me cite a few examples.

On draft Article 12 which provides that "a State shall not resort to the expulsion of an alien in order to circumvent an ongoing extradition procedure", this delegation is of the view that extradition and expulsion are useful means for inter-state cooperation to bring perpetrators of transnational crimes to justice. They have different functions and apply to different situations. Therefore which means should be adopted should be determined on the basis of practical needs for combatting transnational crimes in the specific circumstances of the case and in accordance

with domestic law. In addition, as State practice indicates, repatriation of foreign criminal suspects by expulsion is often availed in international cooperation of law enforcement.

On paragraph 2(b) of draft Article 19, which provides that “the extension of the duration of the detention may be decided upon only by a court or, subject to judicial review, by another competent authority.” In practice, competent authorities deciding on the extension of the detention duration vary from State to State and “one-size-fits-all” approach may not work. It is up to each individual State to decide the means and procedures, being either judicial or administrative, for safeguarding the rights of expelled aliens.

On Paragraph 2 of draft Article 23 which provides that “ a State that does not apply the death penalty shall not expel an alien to a State where the alien has been sentenced to the death penalty or where there is a real risk that he or she will be sentenced to death”, this delegation would like to point out, while the draft article reflects the recognition of and respect for human rights of aliens to be expelled, we have to acknowledge the fact that there is no consensus on abolition of death penalty among States, nor does international law prohibit death penalty. Every State is entitled to opt for or against death penalty as judicial justice, level of economic development and historical and cultural backgrounds so require. When it comes to expulsion of aliens, each State is entitled to make its own decisions vis-à-vis death penalty.

On draft Article 24 which provides that “ a State shall not expel an alien to a State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or to cruel, inhuman or degrading treatment or punishment”. This delegation would like to bring to attention the fact that fugitives tend to misuse the judicial review process of a foreign State or challenge from time to time, decisions of repatriation or expulsion by a competent authority as is detrimental to justice. It is also regrettable that there have been instances where inter-State judicial and law enforcement cooperations’ including the expulsion of fugitives have been hindered by some in the pretense of human rights protection.

In general, the draft articles are of positive significance to enhancing the protection of human rights. However, some articles overemphasize individual rights. They lack the support of general State practice and exceed State obligation under treaty law, and are thus likely to result in hampering relevant international cooperation.

On “immunity of State officials from foreign criminal jurisdictions”, the 66th Session of the ILC considered the third report submitted by the Special Rapporteur and adopted 2 draft articles. We support the ILC to codify relevant rules of international law on the basis of practice, while we believe that it is premature to develop new rules.

The ILC defines “State Official” as any individual who represents the State or who exercise State functions. On the whole, China believes it is a viable definition since it covers both the representative and functional characteristics of such officials. It must be emphasized that the representation by an official or a State or his exercise of State functions should be interpreted in a broad sense and on a case-by-case basis in accordance with the constitutional system, laws and regulations and the practical situation of his State.

On the scope of immunity, *ratione personae*, my delegation wants to reiterate that high-ranking officials taking part in international exchanges and exercising functions directly on behalf of States should also be accorded immunity *ratione personae* in addition to heads of State and government and foreign ministers.

On the exceptions to immunity of State officials, the Chinese delegation believes that since immunity of State officials is procedural in nature, it does not exempt them from substantive liabilities. These officials can still be held liable criminally without prejudice to the immunity from foreign criminal jurisdiction through measures such as prosecution by their own national courts, waiver of their immunity. Moreover, through the international community has identified crimes of genocide, ethnic cleansing and crime against humanity as serious international crimes, it has not developed rules of customary international law on disregarding immunity of State officials for such crimes.

On “protection of the atmosphere”, the ILC considered the first report submitted by the Special Rapporteur but failed to reach agreement on the three Draft Guidelines. The Chinese delegation believes that protection of the atmosphere is a global issue and also a multi-faceted issue with political, legal and scientific dimensions. When incorporating this item into its work programme, the ILC indicated the complexity and sensitivity of the issues involved, and took a prudent approach by providing an understanding for the Rapporteur. We appreciate this approach and hope that the ILC will follow this understanding in its consideration of this item.

The Chinese delegation is of the view that since negotiations on climate change and ozone layer are at a crucial stage, the relevant work of the ILC should be carried out in a prudent and rigorous manner, with a view to complementing various political and legal negotiations, without creating a new forum or playing down existing treaty mechanisms. In particular, principles like equity and CBDR should be enshrined. And the development of guidelines should be based on common international practice and current laws.

I thank you, Mr. President.

The President: I thank you the distinguished delegate from China for his statement and now I invite the distinguished delegate from India to make his statement.

The Delegate of India: Thank you, Mr. President. Good Morning Mr. President, Colleagues and Distinguished Panelists, on behalf of my delegation, I would like to take this opportunity to thank all the panelists for their excellent presentations. I also congratulate the AALCO Secretariat for their brief study on this subject and thank the Secretary-General for introducing the agenda “Report on Matters relating to the Work of the International Law Commission at its Sixty-Sixth Session” especially referring to the “Identification of Customary International Law”, “Protection of Environment in Relation to Armed Conflict”, and the “Protection of the Atmosphere”, among others. I would also like to thank you Mr. President, for encouraging us to make comments on any other areas of ILC work. I would like to make brief observations on “Customary International Law”, “Protection of Environment in Relation to Armed Conflicts”, and the “Protection of the Atmosphere”.

Mr. President, on the topic of “Identification of Customary International Law”, we would like to commend the Special Rapporteur, Sir Michael Wood for his second report, which contains eleven draft conclusions. It is well known that the customary international law is a formal source of international law. The ICJ is mandated to apply CIL to settle the disputes brought before it by the States. Article 38(1) (b) of the Statute of the ICJ describes customary international law as the State’s practice in their international behavior as evidence of general practice ‘accepted as law’. Thus, customary international law consists of ‘settled practice’ of States and the belief that it is binding. Thus it has objective and subjective elements (*opinio juris*).

While conventional law is both formal and material source of international law, customary international law is not considered to be material source. Therefore, unlike the treaty provisions it is not so easy to find out what the applicable customary international law is in a given case or situation; the amount of evidence that needs to be produced or examined and relative weight or importance to be given to the objective or subjective elements to identify or for formation of customary international law are tough calls. The challenge is compounded, if the persons who seek to apply customary international law are domestic lawyers, judges, courts or arbitral tribunals, who may not be trained or well versed in international law. And it is not easy even for those who have training and experience in international law to identify rules of customary international law in all cases. There is no readily available guidance or methods by which evidence of the existence or process of formation of customary international law rules could be appreciated and identified.

We would like to see that both elements the ‘State practice’ and ‘*opinio juris*’ are given equal importance in this study. The practice of States from all regions should be taken into account. In this regard, the developing States, which do not publish digests of their practice, should be encouraged and assisted to submit their State practice, including their statements made at international and regional fora, and the case-law, etc.

Mr. President, with regard to the topic, “Protection of the environment in relation to armed conflicts”, we thank the Special Rapporteur, Ms. Marie Jacobsson for her preliminary report. The Report provided an overview of the topic and examined the aspects relating to scope and methodology. It is our understanding that the Special Rapporteur will focus her work to clarify the rules and principles of international environmental law applicable in relation to armed conflict situations. Armed conflicts have often devastating effects on the environment. They affect the ecosystems directly—degradation of the natural environment, pollutions due to different military activities, illegal exploitation of natural resources—or indirectly—deforestation, massive exodus of refugees, etc.

Mr. President, environmental laws have witnessed a spectacular development during the last two decades as the urgency of the need for the solution of the environmental problem has become more and more apparent, both at the national and international levels. It is the duty of each State not to allow its territory to be used in such a manner as to injure another and this principle was laid down long back in the Trail Smelter Arbitration case. The Tribunal in that case held that, under international law, no State has the right to use or permit the use of its territory in such a manner as to cause injury to the territory of another State.

While dealing the topic, it will be relevant to see the existing international legal framework, including the areas of international humanitarian law, international human rights law, international refugee law, and international environmental law, as they provide legal obligations that either directly or indirectly have a bearing on the protection of the environment in relation to armed conflict.

Mr. President, we congratulate the Special Rapporteur, Prof. Shinya Murase, for his first report on the topic “Protection of the atmosphere”. Professor Murase, we wish you a very long, active and productive life so that you keep guiding us. The Report addresses *inter alia* the general objective of the project, providing the rationale for work on the topic, delineating its general scope, identifying the relevant basic concepts and offering perspectives and approaches to be taken with respect to the subject. He has also presented three draft guidelines concerning (a) the definition of the term ‘atmosphere’; (b) the scope of the draft guidelines; and (c) the legal status of the atmosphere.

Mr. President, considering the threats posed to the atmosphere, in particular, by air pollution, ozone depletion and climate change, the protection of the atmosphere is extremely important for humankind. In this context, there lies a general obligation for all the States to protect the atmosphere. We note with interest that Prof. Murase has dealt the topic by providing a historical sketch of atmosphere in international law through diverse sources and subsequently through the relevant judicial decisions rendered by the ICJ in Nuclear Tests Case, Gabcikovo - Nagymaros Case, Pulp Mills Case, etc.

The proposed three guidelines of the Special Rapporteur need an in depth analysis since they involve technical, scientific and legal issues. With regard to the concept of atmosphere as a common ‘concern’ of mankind, dealt in the Draft Guideline 3 on legal status of atmosphere, the Special Rapporteur may explore more legal reasoning and justification to propose such a concept for this topic, as the concept is highly debated and less accepted in other areas of international law.

While formulating the future guidelines, the Special Rapporteur may ensure that the interests of developing countries are protected and in case of any obligations ‘the principle of common but differentiated responsibility’ need to be considered and respected. He may also focus more on cooperative mechanisms to address issues of common concern, and this aspect may be given priority.

Mr. President, we look forward to having the next report of Prof. Shinya Murase in which we understand that the liability of States with respect to the protection of the atmosphere would be dealt with in detail. I thank you.

The President: I thank the distinguished delegate of India for his statement. Now, I invite the distinguished delegate from Iran to make his statement.

The Delegate of the Islamic Republic of Iran: ‘In the name of God, the Compassionate, the Merciful’, Mr. President, my delegation would like to express its appreciation for the useful explanations provided by the three panelists who are Members of the International Law

Commission on the topics under discussion by the International Law Commission. I should also thank the AALCO Secretariat for organizing this Special Half-Day Meeting on “Selected Items on the Agenda of the International Law Commission”.

As from among the eight topics on the Agenda of the Commission during its 66th Session, specific attention is to be accorded to topics of critical concern to the developing countries and we will limit our remarks on the three of them, namely, “Identification of Customary International Law”, “Protection of Environment in relation to Armed Conflict” and finally “Protection of Atmosphere.”

Mr. President, with respect to the topic of “Identification of Customary International Law”, as the Special Rapporteur, Sir Michael Wood underlined in his second report, solely methodological question of the identification of customary international law is dealt with and the hierarchy of sources of international law is not the issue. Thus, the exercise is not aimed at codifying rules for the formation of customary international law.

The question of adopting different approaches to the identification of rules of customary international law in different fields of international law has faced almost unanimous reactions by Member States at the Sixth Committee of the General Assembly. It has been suggested that, for instance, regarding international humanitarian law or international human rights law, *opinio juris* may suffice in constituting customary international law and it will not be necessary to identify the existence of practice by States. The Islamic Republic of Iran, like the majority of Member States supports the two-element approach which can be consistent with the jurisprudence of international bodies, contribute to the reinforcement of well-established norms and at the same time preclude fragmentation of international law.

We should further reiterate that in principle, the practice of States contributes to the creation of customary international law. So far as it reflects State practice, the practice of international organizations may on a subsidiary basis have a role in the identification of rules of customary international law. The UN General Assembly resolutions in ICJ’s terms can in certain circumstances provide evidence for establishing the existence of a rule or the emergence of the *opinio juris*. To this end, it is necessary to look at the content and the conditions of the adoption of the resolution (legality of the Threat or use of Nuclear Weapons 254-255).

Also, as we have previously stated, the conduct of non-governmental organizations and individuals cannot be qualified as practice for the purpose of the formation or evidence of customary international law. Nevertheless, ICJ can rely on “the teaching of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law”. Here I am referring to Article 38 (1) (d) of the Statute of the International Court of Justice. Other individuals and non-governmental organizations can indeed play, by their actions an important role in the promotion and observance of international law.

As for the question raised by the Special Rapporteur regarding the burden of proof, it seems that the State claiming or denying the rule has the burden to prove it. And finally, the assertion of the Special Rapporteur that “*opinio juris*” is not synonymous with “consent” or “desire of States” but rather means “the belief that a given practice is followed because a right is being exercised or

an obligation is being complied with in accordance with international law” needs further elaboration.

Finally, we appreciate the work done by Mr. Sienho Yee, the Special Rapporteur of AALCO’s Informal Expert Group on Customary International Law and share his view concerning “specially affected states” and the importance of inclusion of the concept of “persistent objector” in the work of the ILC. Like Mr. Sienho, we are of the conviction that “specially affected States” is not reserved for big and powerful States but applies to all States who are especially concerned with the subject matter under consideration and whose interests are specially affected by the rule under consideration. We hope that the Commission would consider the notions of “specially affected states” and “persistent objector” in his work on the topic.

Mr. President, turning to the topic of “Protection of Environment in relation to Armed Conflicts” and the preliminary report presented by the Special Rapporteur, Ms. Marie Jacobsson on its scope, we share the view of some of the members of the Commission that further elaboration of environmental obligations in armed conflicts might be warranted. We also believe that the study can provide an opportunity to fill the existing gaps in international humanitarian law concerning the protection of environment. An example thereof is the illustrative and not exhaustive list of vital infrastructure excluded from military targets in Article 56 of the 1977 first Protocol Additional to the Geneva Conventions. The exclusion of oil platforms and other oil production and storage facilities especially those built in the continental shelf has proven to run counter to the purpose of the drafters of the protocol to protect the environment; the conflicts inflicting considerable damage to such constructions and the consequent environmental damage since the adoption for the protocols and lack of legal remedy to that effect is indicative of this gap.

Moreover, the ceasing of special protection accorded to nuclear electrical generating stations in Article 56 (2) (b) has been repeatedly described as inappropriate given the dangerous nature of nuclear installations and the advances made to attain full prohibition at the international level including *inter alia* by adopting UN General Assembly Resolution A/RES/40/6 (dated 1 November 1985) condemning in the strongest terms “all military attacks on all nuclear installations dedicated to peaceful purposes” and the UN General Assembly Resolution 45/58 (dated 4 December 1990) on “prohibition of attacks on nuclear facilities” and IAEA General Conference Resolutions GC (XXVII)/407 (dated 9 November 1983) and GC (XXIX) RES/444 (dated 27 September 1985) on the “Protection of Nuclear Installations Devoted to Peaceful Purposes against Armed Attacks” and GC (XXXI)/RES/475 (dated 5 October 1987) on the “Protection of Nuclear Installations against Armed Attacks”. The debate on the issue since 1985 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its evolution into a serious proposal to adopt a legally binding instrument to prohibit any military attacks on nuclear installations dedicated to peaceful purposes including in the final document of the 2010 Review Conference suggests that the lifting of special protection provided for in Article 56 (2) (b) could be described as outdated.

Furthermore, as already stated by some Member States during the Sixth Committee discussions and as the report suggests, the Commission needs to come up with a definition of the term “armed conflict” in order to facilitate the consideration of the work at hand. This is an appropriate approach on the condition that the Commission confines the definition of the term to

“international armed conflict’ and considers it just a working definition. Expansion of the scope of the definition of armed conflict to include non-international armed conflict would seem to be problematic. The commission would have to consider the legal obligation of non-State actors, which may lead to expound upon a definition already fraught with ambiguities and disagreements. Such an endeavour would also entail further attempts to determine the threshold of non-international armed conflicts. Both of these require the modification of relevant provisions of international law of armed conflicts from the purpose of the work at hand.

Mr. President, I will now move to the issue of “Protection of the Atmosphere”. This is a topic having close linkages with political, scientific and other considerations; this, however, does not mean that the importance of the legal issues surrounding the topic should be downgraded. In fact, the decision of the General Assembly to include the topic in the long-term program of work of the Commission is based on such an understanding. The task assigned to Mr. Murase, the Special Rapporteur, to that end is fraught with difficulties; therefore the approach adopted should be applied with caution and ample flexibility to meet the expected purposes. This is justified by the mere fact that the Commission’s task, as stated in the report, consists in “identifying custom, whether established or emerging [...] and identifying, rather than filling any gaps in the existing treaty regimes.” It seems that the Commission is aware of the unique nature of the job. The question arises as to the end result of the task undertaken by the Special Rapporteur, while the task is not aimed at filling treaty gaps in international legal instruments applicable to State activities in the atmosphere. Mr. President, it seems that the concerns about the topic deserve more than merely pure research.

On the question of whether to include basic principles in the work of the ILC on the topic, subparagraph (b) of draft guideline (2), we are of the view that having resort to basic principle of international environmental law is inevitable and that examining rights and obligations of States regarding the protection of atmosphere is impossible without expounding upon principles such as *sic utere*, polluter pays, cooperation or precautionary approach.

In his first report, Mr. Murase, the Special Rapporteur on the topic raised the question of the legal status of the atmosphere which he considered rightly to be the prerequisite to the Commission’s consideration of the subject. He favoured the concept “common concern of humankind.” It seems that the normative content of the concept (of common concern of human kind) is still unclear and controversial. We agree that the protection of the atmosphere is a common concern of mankind. However, we share the view of some States that the precise legal implications of this new concept are difficult to define. We have already some clear idea about the consequence of the qualification of the sea-bed and its subsoil beyond the continental shelf as common heritage of mankind. I am referring to the advisory opinion of the ITLOS issued in 2011 regarding the obligation of States sponsoring persons and entities with respect to activities in the Area. The Tribunal refers to Article 48 of ILC Articles on State Responsibility by affirming that the responsibility of States to protect the environment of the Area creates *erga omnes* obligations. This morning Prof. Murase referred to this notion of *erga omnes* obligations. We can draw similar conclusion regarding the protection of atmosphere. Drawing analogies from the law of the sea, it was suggested that consideration should be given to dividing the atmosphere in zones based on the degrees of sovereignty and control exercised by the subjacent State.

In the end, we are aware of the difficulty of the task of the Special Rapporteur on this topic and we think that we have to take into account all the difficulties that Mr. Murase is facing on this issue. Thank you, Mr. President.

The President: I thank the distinguished delegate of Iran for his statement and now give the floor to the distinguished delegate from Myanmar to make his statement.

The Delegate of Myanmar: Mr. President, I thank you for giving me the floor. Firstly may I congratulate the panel of speakers for their very comprehensive and pertinent presentations. In humility may I make the following observations on the subjects that are being discussed today.

Firstly, on the “Protection of Atmosphere”, I do agree fully with Professor Murase that airspace and atmosphere are entirely different. I draw an analogy from Air and Space Law. When Space Law was invented in the early 1960s there was a problem as regards the dividing line between outer space and air space. The air and space was divided by a line called the Karman line named after the German jurist Von Karman. The highest height an aeroplane was able to fly in those days was 21 miles from the face of the earth for this area. Air Services Agreement (ASA) are required and there are bilateral agreements concluded. Beyond that there is outer space or *res nullius*. I wonder if it would be necessary to consider to protect the atmosphere in outer space now when space activities have greatly increased. Atmosphere is a volatile substance and States must have *bona fide* spirit/good faith and the opposite being *mala fide* in their activities. This is seen in an old case called Chorzow Factory case. But the Principles of International Law is the same. This was made a General Principle of law in accordance with Article 38 of the ICJ statute.

Secondly, in the “Expulsion of Aliens”, a matter that was discussed earlier, I would like to draw reference to international economic law. As we all know in international economic law there are many standards and one of the Standards of International Economic Law happens to be Fair and Equitable Treatment. So, I just wonder this principle would be considered in considering this.

Thirdly, in the area of custom, we would like to humbly mention that the more complex an international issue is, the more complex the legal norm is. It requires more inclusiveness that means togetherness, cooperation and inclusiveness is absolutely vital. As a result of that in the matter of custom, as we all know, there are so many kinds of principles. Firstly, there is a traditional principle which is based on usage and the passage of time. Second there is the creation of Instant Customary Law based on *opinion juris sive necessitas* called Instant School. Third is the Liberal School based on articulation and agreement of States. All these are very complex schools of thought. My question is that would it not be possible that our brothers here AALCO and our experts from Asia and Africa should be more inclusive and have a more wider view.

And different angles of approach should be given for the benefit of the world community. Because Mr. President, I do remember a saying by one of my lawyer friends that “when there are two lawyers, there are three opinions.” So as a result of that togetherness, inclusiveness and completeness are always essential. We might have different view with other but we need to respect the views of others and discuss to have a common ground for the benefit of the international community.

Thank You, Mr. President.

The President: I thank the distinguished delegate from Myanmar. Now, I give the floor to the distinguished delegate of Malaysia to deliver his statement.

The Delegate of Malaysia: Thank you, Mr. President. Malaysia would like to thank the AALCO Secretariat for preparing report on matters relating to the works of the ILC at its 66th session. We thank the eminent members of the ILC who are present with us today for the deliberations on the topics of Protection of Persons, Immunity of State Officials, Protection of Atmosphere and Customary International Law. We would focus our comments on the topic of Protection of Atmosphere and briefly on the works of the Informal Expert Group on CIL.

Mr. President, Malaysia appreciates the current work of the Special Rapporteur Prof. Shinya Murase on the important matter on Protection of Atmosphere. At the time of preparing our comments for this annual session we only had the benefits of scrutinizing Prof. Murase's first report. We had taken steps to discuss and consult with our relevant agencies and departments on his first report. We noted the draft second report. We truly appreciate having the hits in this regard. We noted the reformulation of draft guidelines 1-5 in Prof. Murase's second report. On the draft guideline 1 on use of terms we noted that whilst the first report proposed the definition of atmosphere to reflect the most effective layers of atmosphere that critically need to be protected i.e. troposphere and stratosphere and dispersion of substances that occur therein. But in the latest reformulation Prof. Murase has taken away the references to troposphere and stratosphere. We would definitely discuss again with our experts and scientists on this latest proposal and we look forward to engage with Prof. Murase on this very important reformulation. On draft guideline 2 on the scope of guidelines, Malaysia reiterates our concern regarding the specific type of human activities intended to be covered under the draft guidelines. This is to ensure that the activities proposed will not overlap with human activities covered under existing international regimes on environmental protection whilst at the same time in line with the ILC's understandings at its 65th session that this topic will not deal with specific substances or to fill the gaps in the existing treaty regime. We will follow closely Prof. Murase's detailed works on this very important concept.

On draft guideline 3, we noted the significant reformulation in his draft second report. It formally relates to legal status of the atmosphere, but now is changed to common concern of human kind. Malaysia notes the concept of common concerns as proposed applies to protection itself not concerning to the jurisdiction or territory of State to atmosphere. In this regard we reiterate our position that we have stated in previous AALCO session that further consideration needs to be devoted to the adequacy of the legal status of the atmosphere. Similarly, the concepts of air space, shared and common natural resources, common property, common heritage and common concern must be scrutinized further prior to determination of the legal status of atmosphere.

Malaysia would draw the special attention of Prof. Murase to the sovereignty, jurisdiction and rights of States toward maritime airspace as provided under UNCLOS in his reformulation of this particular draft guideline. Although we note Special Rapporteur's formulation of draft guideline 2(c) we are aware of that. Perhaps it would be clearer if certain fundamental

international law aspects are addressed. Taking into consideration other States' civil aviation and military rights with the view of avoiding duplication and inconsistency in terms of governance and regulatory regime.

Moving on to the topic of the customary international law we appreciate the brief introduction by Mr. Hassouna. We noted the report of the Informal Working Group and appreciate the work of Prof. Sufian and Prof. Yee on this very important topic. Due to the fact that we only received the report of the Informal Working Group on the final days before we depart for Beijing we would reserve our comments on the very detail, initial views in that report. We would further continue to engage with Informal Expert Group on this matter. But in the meantime we noted that the report of the deliberations on this item yesterday as read briefly by Mr. Hassouna earlier whereby among others it was proposed that this annual session accepts the recommendations of the Working Group and the report of the Working Group proposal to the ILC. If that is the position we had also look at the appendix to the report of the informal working group and we took note of that but due to time constraint we propose that the consideration of the proposal; particularly the appendix as attached to the Informal Working Group to be postponed to a more appropriate date in the future. But in the meantime we would continue to engage with the Expert Working Group. Thank you, Mr. President.

The President: I thank the distinguished delegate from Malaysia. Now I invite the distinguished delegate from Pakistan to make his statement.

The Delegate of Pakistan: Thank you, Mr. President. Pakistan would like to record our deep appreciation and offer compliments to the distinguished panelists in giving incisive presentations. May I also pay compliments to the Honorable Iranian Delegate's lucid comments which need serious consideration. I will not go on to make detailed comments I will confine myself to very brief contraventions due to paucity of time. Our detailed comments will be sent via e-mail to the Secretariat and copy to members whose visiting cards I have received.

As regards the issue of Aliens, I will point out a practical difficulty which an alien is exposed to and faces, when he is faced with expulsion. This is a question of legal and economic existence. I believe this issue needs to be addressed in the draft legislation. Other issues have been highlighted by the Honorable Delegate from China and Thailand and I need not repeat those. As for the matters relating to atmosphere, we need to identify climate and biological diversity which is brought about from the obnoxious emission from industry and deforestation. We need to further elaborate on these issues. On the question of immunity of State officials, I think we need to bring clarity and certainty as to who is entitled to immunity. We also need to give immunity to high ranking officials even when they leave office. This will encourage them in taking decisions when serving in their respective governments. But this should not continue after the person leaves office.

On the question of Customary International Law I have a suggestion that I need to make. May I suggest that AALCO set up a Permanent Sub-Committee which should compile and comment on various judgments, various treaties rendered in international tribunals by admissions and the national courts as well. They can cover topics such as sovereign immunity, environment, law of seas, trade law and various other aspects of international law. The Member States should be

encouraged to make contributions to this treasure trove which I would suggest entitle cases and material on customary international law. This will serve as a historical tool as well as a treatise in the area. Thank You.

The President: I thank the distinguished delegate from Pakistan for his statement. Dear colleagues we have exhausted the list of speakers from Member States. Now I invite the distinguished delegate from Russia, an Observer Delegate to make his statement.

The Observer Delegate of Russia: Thank you very much, Mr. President for this opportunity to address this session regarding the work of the International Law Commission. I would like first of all to thank the panelists for their insights into the work of the Commission. On behalf of my Delegation I would like to assure you that many of the views already expressed by the members of AALCO and also those reflected in the report of its Secretariat are quite close to the position of the Russian Federation.

I will start by addressing the topic of Customary International Law. First of all, I would like to support the views expressed in the paper prepared by the Special Rapporteur of AALCO and its Working Group on this topic. First of all, concerns the practice of States that may count and contribute in the formation of customary international law. In the view of our Delegation as well as that of the Special Rapporteur of AALCO it shouldn't be just any practice. It should be the practice in the area of the foreign relations. We also support the idea that due considerations should be given to the practice of specially concerned States and by this we mean the states with special interest in a particular rule. We are also of the view that rigorous criteria should be established by the Commission for a practice of States to qualify and pass the test of being customary international law. Apart from this concrete comments on particular conclusions of the Commission already drawn by the Commission and the Special Rapporteur, I would also like to draw the attention of the Member States of AALCO to some of the core issues that are currently on the remit of the Commissions consideration.

The Special Rapporteur of the Commission stated that he did not have an intention to address the issue of a hierarchy of different sources of international law. However in the view of our Delegation this issue could not be totally excluded from the work of the Commission. I would like to draw here just one example. For instance what happens if there is the practice of States that run counter to an existing treaty. May this practice eventually crystalize into the customary international law that would change the treaty or will the existence of a treaty preclude the formation of customary international law? Alternatively a special principle may be needed to be set up in the conclusions of the Commission for the creation of customary international law in this particular case. There is another related issue. What role generally recognized principles of international law plays in the formation of customary international law such as principle of good faith?. We also are looking forward as to how the Commission will deal with the number of issues that are announced for its future consideration. For instance, the role of practice of international organizations in the formation of customary international law. In the view of our Delegation, this practice, it is in respect of States in relation with the decisions of the international organizations that play crucial role in the formation of rules of customary international law and not the practice of international organizations per se.

We have also found that it is very important to set out rules related to the so called persistently objecting states and the influence of their behavior on the customary international law. In conclusion, we wish to underline that it would be advisable for the Commission to actually slow down the pace of its work so that all states have an opportunity to study the topic to present their views and those views can be taken into account. Now I would wish to just briefly address the topic of Immunity of States Officials from Foreign Criminal Jurisdiction. In the view of our Delegation the Commission has been successful so far in reflecting customary rules of international law existing in this area. I would just point out two things: First, it would be useful at an appropriate time in our view to go back to issue as to where the other high ranking officials apart from troika enjoy privileges and immunities based on their functions. It may be that Minister of Defense and the Head of Parliament are two positions that should be considered in this regard. Secondly, in the view of our Delegation there is currently no practice of States that would substantiate the idea that there are exceptions to the immunity of State officials for certain crimes. We believe that progressive development of law in this area would also not be useful and would even undermine the stability of international relations. Thank you, Mr. President for the opportunity to address this audience. Thank you.

President: I thank the Distinguished Delegate of Russia for her statement. I now invite Prof. Dr. Roy Lee the Permanent Observer of AALCO to the United Nations to deliver his statement. You have the floor, sir.

Dr. Roy Lee, Permanent Observer of AALCO to the United Nations: Thank you, Mr. President. Several Member States of AALCO have referred to the importance that ILC work has for them. They feel it should serve the purpose of interest of AALCO Members and AALCO Members should increase their participation in the work of ILC.

I think it is quite obvious from that statement that the key issue is to increase the Member States' contribution to the work of the ILC and yes, in practice they are two problems at two stages. One is at the formation stage in the ILC itself and then the second stage is when the work of the ILC or report come to the General Assembly at the decision stage whether the report should be adopted and what decision should be taken. Now there are factors affecting both stages and it is also quite obvious that even though the topics of the ILC are highly scientific and political and complicated legal issues but each of the topic has political implications. In this morning we have heard the three and it is quite obvious and particularly in the topic of Expulsions of the Aliens that depends upon one's national interest positions and that affects how you treat the subject matter.

One of the problems now is that the ILC requests members to make the contributions to their work and the Special Rapporteur relies on the contribution from Member States in order to prepare the report. I understand there is a lack of sufficient response to the ILC's request for various reasons that our Member States have not been able to do so and this means that in the formation stage your positions and your interest may not effectively reflected in the special report. Therefore there has been suggestions that Member States should be encouraged to contribute to the requests from the ILC not only on topics you are particularly interested but also on topics which you may not be interested which will affect you if you do not contribute to it.

I think here you have two examples if you look at among the eight topics of the ILC, it is the treaty practice where many of our countries have practice but they are not written down or have been recorded in a form that easily can be forwarded to for the consideration of the Special Rapporteur. The other example is the formation of customary international law where most of our Members have not participated during the period. We do have practice for the last 70 years for example but the question then is how to reflect our practice sufficiently in the so called formation of customary international law.

Now, I now move to second stage when the ILC has presented the report or has produced its final product then, it is considered by the Sixth Committee. Here the main problem is that the ILC report usually becomes available only at the beginning of September and then the Six Committee takes the report up in end of October or November. So there is only two months period for the Countries to review the report and it has been widely felt that there is not enough time to give adequate consideration to the ILC report. At moment the Headquarters of Members States have been considering various ways means to bridge this gap to deal with the problem. It seems very short time to consider the report of the ILC and therefore, States may not be ready to give there position on the products of the ILC and that affects weather or not the final product will reflect your position and your interest. Therefore, I thought it is desirable to point out these factors for Member States to consider how to increase their contribution to the ILC's report. This will be very important for your interests and to preserve your own position in the product. Thank you very much.

The President: I thank Dr. Roy Lee for his statement and one point I fully agree with him relates to the need to reflect our interest in ILC. Over the years I have been encouraging my colleagues from Treaty and Law Department of Chinese Foreign Ministry to be more active in submitting comments on draft articles of ILC and also to submit the information on practices to the ILC. This is important because normally the practices come from developed countries. We should be prepared to follow the advice of Prof. Lee in the coming years and be more active in providing information and comments to the ILC and to the Secretariat of the UN. This will make sure that our positions and views will be reflected in the codification process of the draft articles.

With these words let me take this opportunity to thank our three eminent members of ILC for their participation in our discussion this morning. I hope the members of ILC will remain active in their communications with AALCO Member States. I also encourage the Secretary-General of AALCO to be more active in the coming years to reflect the views of Asian-African States. Let's make sure that exchanges between ILC and AALCO becomes a regular practice in future. When we come back to the meeting after lunch, we will deal the eight statements on the topic of violent extremism and terrorism that are still pending. Possibly, we could complete these statements before the break around 3 or 3.30 and after that we will take up the issue of the report of regional arbitration centers. This afternoon is going to be very important for we need to cover all the pending agenda items, because for tomorrow morning we should have the last meeting of delegations. We need to wind up the proceedings by lunch tomorrow. So I am encouraging all the delegations to be engaged in consultation on draft resolutions and conclusions, so that we will be ready for the smooth adoption of all resolutions and reports. With these words let me adjourn the meeting for the morning and we shall be back at 2 P.M sharply.

The meeting was thereafter adjourned.

**XIV. VERBATIM RECORD OF THE FOURTH
GENERAL MEETING (CONT.)**

XIV. VERBATIM RECORD OF THE CONTINUED FOURTH GENERAL MEETING (CONT.) HELD ON THURSDAY 16 APRIL 2015 AT 2.00 PM

AGENDA ITEM: VIOLENT EXTREMISM AND TERRORISM (LEGAL ASPECTS)

President: Good afternoon, distinguished colleagues. We resume our General Meeting and will continue our discussion on the item ‘violent extremism and terrorism’. We still have around 10 speakers, so we shall start with the delegation from Turkey. I have the honour of inviting the distinguished delegate from Turkey to take the floor.

The Delegate from Turkey: Thank you, Mr. President. Mr. Secretary General, Your Excellencies, Ladies and Gentlemen; I would like to start by thanking the People’s Republic of China for hosting this event and the warm hospitality extended to our delegation. I would like to thank the Secretary General and his staff for their efforts and I congratulate the President and the Vice President to their election.

Terrorism and violence are extreme forms of expression, which are most contrary to the values of democracy, civilization and humanity. Terrorist acts, methods, and practices, seem to be adopted by movements which are of an exclusionist nature, refusing *a priori* the responsibility of living together with “the others”. The followers of these movements practically accuse the target groups of being the source of all evil. They project all sorts of pejorative attributes onto their target groups in a way to dehumanise them. Thus, they feel justified to employ any means and violence without much remorse against the dehumanised members of the target groups.

Terrorism is a crime against humanity, a threat to global peace and stability. Turkey condemns all forms of it. In this context we would like to express our condolences and sympathy for recent terrorist attacks in Kenya, Somalia, Pakistan and Egypt. Terrorism is a major violation of one of the most fundamental human rights, the right to life. By creating a climate of fear, terrorism also violates every individual’s right to live free from fear, as stated in the preamble of the Universal Declaration of Human Rights. By recruiting and using minors as combatants, terrorists also violate the provisions of the Convention of the Rights of the Child.

Ladies and Gentlemen, Turkey, as a country which has been exposed to different types of terrorist threats for more than 35 years, the destructive activities of the terrorist organizations caused death of thousands of Turkish citizens and huge economic losses. We attribute utmost importance to combat terrorism within our country, as well as on bilateral, regional and international level.

To this end, Turkey is a party to most UN conventions and contributes to capacity building efforts of UN agencies and regional institutions. It is also party to most of the Council of Europe conventions and protocols on terrorism. The Black Sea Economic Cooperation, the Islamic Cooperation Organization, the Southeast European Law Enforcement Center (SELEC) are some of the regional organizations where Turkey is actively involved in combating terrorism. We are also engaged in the Global Counter Terrorism Forum (GCTF) and co-chair of it. In this Forum 29 countries and the EU are founding members.

Recently, on 17th April, under Turkey's co-chairmanship the "DAESH/ISIL Working Group on Foreign Terrorist Fighters" took place in Istanbul. Turkey is contributing to the International Institute of Justice and Rule of Law (IIL) established in Malta, which is also involved in training and capacity building concerning the fight with terror.

Due to our geographical location and long borders, the terrorist activities of DAESH constitute a serious threat for us. Turkey and other countries in the region are being used by foreign fighters to join extremists in other areas. To this end we are cooperating with other countries to hinder the trespassing of foreign fighters of our territory to join DAESH.

With the contribution of other countries a list of suspects has been prepared. This list included more than 10,000 names. In recent months, more than 1,500 persons were not permitted to enter the country. Yet it is of crucial importance that source countries also strictly control their borders to hinder the exit of possible foreign fighters.

Ladies and Gentlemen, to combat terrorism, we need to step up our cooperation and coordination in various fields. By joining hands we need to step up information gathering and sharing, prevent the misuse of the internet and other communication technologies for purposes of recruitment and incitement to commit terrorist acts and violence, as well as the for the financing, planning and preparation of such activities, block the channel of terrorist movements and financing of terrorism. Furthermore we have to go to the roots of the problem and work towards de-radicalization. In this respect we believe that AALCO can continue to contribute to the legal aspects of combating terrorism and violent extremism.

I thank you for your attention.

President: I thank the distinguished delegate of Turkey for her statement. I now invite the distinguished delegate from China to take the floor.

The Delegate from China: Thank you, Mr. President, for giving me the floor. I would also like to thank the Secretariat for their submission of an excellent background document.

Mr. President, nowadays, the international community is facing a new round of heightened terrorist activities, as clearly manifested in rampant acts of violence and extremism, the infiltration of terrorists trained abroad and the increasing use of the internet for the propagation and plotting of violent acts of terror. The situation is gravely serious and the fight against terrorism remains an uphill task.

Mr. President, the Chinese delegation has noted Resolution 2199 adopted by the UN Security Council on January 22, 2015, a significant document on counter-terrorism in addition to Resolutions 2170 and 2178. These resolutions reflect the common will of the international community to fight terrorism. In the view of the Chinese delegation, the international community should carry out the Security Council resolutions and promote cordial collaboration between States in improving the exchange of intelligence, strengthening capacity building and conducting joint operations, so as to maintain international peace and security. The Chinese delegation would like to briefly emphasize the following four points:

First, firm adherence to consistent standard: Terrorism is enemy to humanity. Terrorist acts, regardless of when and where they are committed by whom, are heinous criminal acts for which there is no excuse. All States should act in unity in combating terrorism. No double standard and selectivity should be practiced, still less should terrorism be linked with any particular ethnicity or religion.

Second, strict observance of international law: Counter-terrorism operations should be carried out in conformity with the purposes and principles of the UN Charter, in full respect of the sovereignty, independence and territorial integrity of the States concerned and in strict accordance with the legal rules on the use of force. The international community should give full play to the leading role of the UN and its Security Council in countering terrorism. We support the formulation of the Comprehensive Convention on International Terrorism, so as to further improve the international legal framework for combating terrorism.

Third, improvement in comprehensive approach to fight terrorism: The fight against terrorism should be aimed at both its symptoms and its root causes. States should adopt a comprehensive approach that includes measures taken in the political, security, economic, financial, intelligence and ideological fields, in particular through eradicating poverty, improving people's livelihood and promoting their economic development, so as to remove the breeding ground of terrorism.

Fourth, tackling new challenges proactively: At present, cyber-terrorism has become a new big challenge to the fight against terrorism. All States should intensify their crackdown on the use of cyberspace by terrorist organizations to publicize audio-visual materials about terror and violence, to spread extremist ideas, to instigate, plot and commit terrorist acts as well as to recruit personnel and transfer funds.

Mr. President, violent extremism is closely intertwined with the acts of terrorism, and has fostered the growth of terrorism to a great extent. The international community should be well aware of the evil nature of violent extremism, its severe consequences. We need to make joint efforts to thwart the growth and spread of violent extremism. In 2001, the *Shanghai Convention on Combating Terrorism, Separatism and Extremism* was concluded by Kazakhstan, China and several other States. The convention is among the first in the world to contain a clear definition of terrorism, separatism and extremism. It sets up a comprehensive legal framework for the prevention and suppression of violent extremism, and thus plays a key role in maintaining the social stability of its State parties and promoting regional peace and security in the region.

Similar to many States in Asia and Africa, China has been the victim of violent extremism and terrorism. The terrorist forces of the so-called "East Turkistan" as represented by "Eastern Turkestan Islamic Movement (ETIM)" have been engaging in instigating, plotting and carrying out several grossly violent terrorist attacks inside China which have caused heavy casualties, posing a direct and real terrorist threat to China's security but also the regional stability and security. The Chinese Government has increased its efforts to guard against the combat ETIM and other terrorist forces of "East Turkestan". It is stepping up efforts to enact a Counter-Terrorism Law, so as to prevent and punish crimes of violence and terrorism, safeguard national and social stability. At the same time, the Chinese Government endeavours to strengthen

counter-terrorism cooperation in political, economic, legal and educational fields. China supports States in Asia and Africa in their counter-terrorism efforts. China has also to the best of its ability, provided other developing States with materials, emergency humanitarian relief and training in aid of their fight against terrorism, so as to make its due contribution to the maintenance of peace and stability in the region, and to the world at large.

Thank you, Mr. President.

President: I thank the distinguished delegate from China for his statement. I now give the floor to the distinguished delegate from India.

The Delegate from India: Thank you, Mr. President. On behalf of the delegation of India, let me first thank the Secretary-General for his introductory remarks on the topic.

Mr. President, the international community is facing unprecedented challenges from terrorism. India is a victim of terrorism for the last more than three decades. India is party to 13 international counter terrorism conventions and protocols and has enacted legislations to deal with all aspects of terrorism. At the bilateral and regional level, India has concluded bilateral treaties on extradition and mutual legal assistance in criminal matters with a number of Member States of AALCO. India is also party to the SAARC Convention on Prevention of Terrorism as well as mutual legal assistance in criminal matters and similar conventions adopted by BIMSTEC.

India strongly supports all efforts, within the purview of the United Nations that strengthen international and regional cooperation in the fight against terrorism. India stresses the need for expanding the scope of the legal instruments and the enforcement efforts to destroy safe havens for terrorists, their financial flows and support networks and to bring the terrorists to justice. India attaches importance to the work undertaken by the Ad-hoc Committee on Terrorism established by the General Assembly and supports early conclusion of the Comprehensive Convention on International Terrorism (CCIT).

With regard to 'violent extremism', there needs to be more clarity on the definition of violent extremism and the difference between terrorism and violent extremism. Further, it is unclear as to whether there is any difference between terrorist groups and extremist groups and if situations involving these two groups have to be dealt with differently.

In this context, Mr. President, let me recall the decision of AALCO at its Fifty-Third Session. The last year's resolution on "Violent Extremism and Terrorism (Legal Aspects)", AALCO/RES/53/SP2 of 18 September 2015 directed the "Secretariat to coordinate holding inter-sessional expert meetings joined also by eminent international legal experts from AALCO Member State, in order to consider AALCO Principles for coordination to combat violent extremism and its manifestation which could lead to drafting Asian-African Guidelines on violent extremism and its manifestation in order to strengthening cooperation against the acts of violent extremism and its manifestations".

A perusal of the very categorical and clear-cut directive required Secretariat to do three things: (i) To hold inter-sessional expert meetings; (ii) Meeting will consider “principles for coordination to combat violent extremism and its manifestations”; and, (iii) Draft the Asian-African guidelines on violent extremism and its manifestation

Those draft guidelines would then have been considered and adopted at this Session.

In view of the unfulfilled mandate of the Fifty-Third Session, Mr. President, we are not in a position to consider the draft guidelines prepared by the Secretariat and thus unable to support the proposed draft resolution. We also understand the constraints that the Secretariat was facing as only 6 months have elapsed since the last session.

In view of this situation we propose that the last year resolution may be reiterated so that the mandate given by the 53rd session on this agenda item may be fulfilled.

Thank you, Mr. President.

President: I thank the distinguished delegate from India for his statement. I now give the floor to the distinguished delegate from Nigeria.

The Delegate from Nigeria: Thank you, Mr. President. Distinguished Delegates, Ladies and Gentlemen; Yesterday, April 14, 2015, marked the painful one-year anniversary of the abduction of over 200 young schoolgirls from Chibok, Borno State in Nigeria’s North- Eastern region by the Boko Haram terrorist group. 365 days later, despite the global condemnation and domestic and international efforts by the Nigerian Government and global partners to locate and rescue these poor victims of heinous terrorist attack, their release has still not been secured. That incident and several others which have occurred around the globe, notably continued to act as painful reminders of the growing threat to school children and young people by terrorist group in their attempts to spread fear and sow seeds of hate in communities and nations across the world.

Against the backdrop of these concerns, my delegation therefore commends the on-going work by AALCO on this agenda topic and indeed notes the focus of this year’s Session on the adoption of Guiding Principles to Combat Violent Extremism and Terrorism, Within the context of this perspective, my delegation wishes to make the following contribution.

As a global community, we believe that success against terrorism and violent extremism can only result from a focus by States on common global interest and shared values and confronted as such. The international nature of terrorism in terms of financing, recruitment, propaganda and operations in today’s world makes it impossible for a single country or religion to contract the scourge alone. All States must therefore stand together within the United Nations system to confront these common threats. For instance, Nigeria’s National Counter-Terrorism Strategy (2014-2016) recognizes the international dimension of the Boko Haram insurgency as a segment of a wider global phenomenon and therefore advocates greater regional and global solidarity of confront it.

We therefore encourage all Member States to remain committed to the early negotiation and conclusion of Draft Comprehensive Convention on International Terrorism within the context of respect for the sovereignty and territorial integrity of all States and recognition of the capacity of all States to contribute to the resolution of this global problem.

We wish to add that in addition to the above, Member States must ensure the enactment of effective legal instruments to promptly prevent, investigate or prosecute cases of violent extremism and terrorism. Speaking from our experience before the enactment of the Terrorism Prevention (Amendment) Act 2013 which is our premier legislation to address terrorism, it is necessary that Member States should not wait until they become victims of persistent or isolated terror attacks before putting domestic legislation in place for the prosecution of such criminal conduct. States must be proactive in this direction in order to meet the challenges when they become inevitable.

Closely related to this is the need for Member States to embark on the development of requisite manpower in investigative, prosecutorial and judicial capacities using all possible measures including knowledge-sharing with other countries which have unfortunately had the prior experience of having to deal with issues of violent extremism and terrorism.

Mr. President, it is equally pertinent to highlight the crucial role that multilateral agreements as well as bilateral agreements on Extradition and Mutual Legal Assistance in Criminal Matters respectively can play in stemming the scourge of terrorism and the tracking of fugitive offenders.

In conclusion, let us also remember that in addition to confronting terrorists in the theaters of conflict, there must be a greater battle to deny them the opportunity for new recruits through an attack on their ideologies, which seek to divide the world on religious and cultural lines. Along this line, Nigeria, in 2014, adopted a non-combative approach, otherwise known as the ‘soft-approach’ as a component of the strategy to counter insurgency in the affected area. This approach relies on community and faith-based groups as well as positive information dissemination to counter the negative philosophy and message of the terrorists. The approach seeks to win the battle for the minds of target groups and in this process, de-radicalize potential recruits of terrorist gangs, de-contaminate the minds of arrested terrorism suspects and rebuild the dreams of victims of terror attacks.

Mr. President, I thank you.

President: I thank the distinguished delegate from Nigeria for his statement. I now give the floor to the distinguished delegate of Pakistan.

The Delegate from Pakistan: Thank you, Mr. President. Distinguished Delegates, before saying anything else, I must put on record my deepest appreciation for AALCO’s Secretariat for providing materials for this important item on the Agenda.

Pakistan has been a victim of international terrorism for the longest period of time. Can anyone forget the killing of schoolchildren in Pakistan? Will the attack on Malala Yousafzai be removed from our memories? What was she asking for: the right to education for a girl child? Places of

worship have been blown up in Pakistan. A city governor, a serving minister were also assassinated in the name of religion. It is in order to address these few instances that I've brought to your notice; to bring an end to the killing of these innocent lives; that we've had to take extreme measures of setting up special courts.

I would urge Member States to kindly lend your support to Pakistan in strengthening our institutions, in capacity-building, and render legal assistance. We need assistance in prosecution. We need it in evidence gathering. I am sure the Member States will support Pakistan in its war against terrorism. Members can help us by sharing information, border control and keeping checks on the transfer of digital data, including but not limited to, financial transactions. It is these financial transactions that help finance terrorist groups who pretend to be doing so in the name of religion.

The time has come for us to share our knowledge and experience, and fight this menace so that it can be eradicated for all times to come. We need to put down together a counter-narrative, and I urge this forum to very kindly consider looking at all these aspects.

I thank you, Mr. President, for giving me this opportunity.

President: I thank the distinguished delegate from Pakistan for his statement. I now give the floor to the distinguished delegate from Cameroon.

The Delegate from Cameroon: Thank you, Mr. President. Your Excellencies, Distinguished Delegates, Ladies and Gentlemen; the Cameroonian Delegation has some brief technical comments on the draft resolutions on this matter.

The resolution is on "Violent Extremism and Terrorism", but when you go through the document, you will notice that only Violent Extremism is generally mentioned. This delegation has taken good note of the fact that during his presentation, the Secretary General of AALCO has himself indicated that Violent Extremism is associated with Terrorism.

Therefore, we think that for the content of the resolution to be consistent with its title, we should have the two expressions in the whole text.

Thank you for your attention.

President: I thank the distinguished delegate of Cameroon for his statement. I now invite the distinguished delegate of South Africa to take the floor.

The Delegate from South Africa: Thank you, Mr. President. We thank the Secretariat for the paper entitled "Violent Extremism and Terrorism (Legal Aspects)". Terrorism remains an important topic as the senseless acts remain prevalent and continue to affect society on all levels. Indeed, a number of AALCO Member States have fallen victim to devastating terrorist attacks. It remains important that we address the global challenge in a comprehensive manner, and take steps to strengthen the multilateral system to do so. Indeed, no effort should be spared in

eradicating terrorism, which constitutes one of the gravest violations of human rights and international law.

We emphasize that all measures in addressing violent extremism and terrorism must be in conformity with international law, the UN Charter, relevant UN Security Council and other resolutions, and other existing mechanisms, including the Global Counterterrorism Strategy, which was unanimously adopted by the UN General Assembly in 2006 and provides a comprehensive framework in countering this scourge. The UN Global Counterterrorism Strategy remains pivotal in our response to violent extremism and terrorism.

We consider that there is a different definitional understanding of “violent extremism” and consider that a clear definition is necessary. We note that on 15 February 2015, the UN Secretary General, in addressing the Washington Summit on Countering Violent Extremism, outlined four imperatives to deal with the issues. They are as follows: (i) understanding motivations behind such ideologies and conflict; (ii) promoting human rights; (iii) preventing violent extremism requires a multi-pronged approach; and finally, (iv) recognizing that violent extremism is a global challenge.

The UN Secretary General also said that he would present, to the UNGA, a plan of action to prevent violent extremism, this year. We look forward to seeing this plan of action and studying it in detail, and we in AALCO should be mindful not to duplicate efforts in this regard.

Mr. President, South Africa supports the strengthening of the multilateral system to deal effectively with the scourge of terrorism, and an important issue which we as legal advisors face in the fight against terrorism is making tangible advances on the comprehensive convention on terrorism. South Africa reiterates the urgent need to finalize this convention, and that we should not lose focus on this.

Thank you, Mr. President.

President: I thank the distinguished delegate of South Africa for her statement. I now give the floor to the distinguished delegate of Saudi Arabia.

The Delegate from the Kingdom of Saudi Arabia:⁴ Thank you, Mr. President. In the name of Allah the most merciful and beneficent; Mr. President, Distinguished Heads and Members of participating delegations; Peace, mercy and blessings of God.

As you know terrorism and extremism are two sides of the same coin and one may be the cause or the result of the other. The Kingdom of Saudi Arabia is one the countries that has suffered from terrorism and is keen to combat it. It has warned the world for a long time about the gravity and nature of extremism and terrorism.

Sensing the threat of terrorism the Custodian of the Holy Mosque, His Majesty King Abdullah bin Abdul Aziz, May Allah Rest His Soul in Peace, in 2005 called for an international conference to combat terrorism in the capital city of Riyadh, which was attended by 64 countries

⁴ This statement was delivered in Arabic. This is an unofficial translation made by the Secretariat.

and organizations. This conference resulted in several recommendations, the most important of which sought to establish an international center to combat terrorism. The Kingdom of Saudi Arabia subsequently signed on to the establishment of the United Nations Anti-Terrorism Center in 2011, and supported it with the amount of US\$ 10 million. In its continued support of the Center, the Kingdom of Saudi Arabia in 2013 provided US\$ 200 million, and also signed all international, regional and Arab agreements to combat terrorism and extremism.

From this platform I call all Member countries for togetherness and cooperation in combating extremism and terrorism, and for the ratification and implementation of international conventions to combat terrorism and extremism.

Thank you.

President: I thank the distinguished delegate of Saudi Arabia for his statement. I now call upon the distinguished delegate of Syria to take the floor.

The distinguished delegate from Syria does not appear to be here, so in the absence of Syria, I give the floor to the distinguished delegate of Nepal to deliver a statement.

The Delegate from Nepal: Thank you, Mr. President.

The delegation of Nepal wished to appreciate the excellent documentation on violent extremism and terrorism prepared by the AALCO Secretariat, and notes, with appreciation, the comprehensive presentation by the Secretary General.

Terrorism and Violent Extremism have now been a global problem, thus requiring a global response. Mankind has, in recent years, witnessed many armed conflicts, mostly with civilians being more affected than the combatants themselves, with women and children being the most affected ones. Violent extremism and terrorism have further aggravated the situation. The brutality of acts perpetrated by extremist groups on combatants and non-combatants, including women and children, has become something that cannot be expressed in words.

A range of rules of customary and conventional international law aim to combat these violent acts and, at the domestic level, a range of policy, legal, and institutional measures, have been adopted in the jurisdictions of Member States of our Organization.

Nepal has also taken various legal measures to counter this phenomenon. In recent times, it has enacted or revised some important laws, which include the Organized Crimes Prevention Act, the anti-money laundering law, extradition law, and mutual legal assistance acts in civil and criminal matters. Moreover, the Government of Nepal has prepared a draft bill designed to implement the four Geneva Conventions of 1949.

Mr. President, Nepal is a party to some 160 multilateral conventions, including the Convention against Transnational Organized Crime, and the Convention on the Suppression of Terrorist Financing. The delegation of Nepal believes that the adoption and enhanced implementation of

national, bilateral, regional, and multilateral measures is a minimum required denominator to fight the impunity of violent acts of extremism in all their manifestations.

Mr. President, it is high time for our Organization to develop a set of guidelines, and enhance a set of principles, to be followed by Member States to ensure a robust cooperation against acts of violent extremism and its manifestations.

Thank you, Mr. President.

President: I thank the distinguished delegate of Nepal for his statement. Dear colleagues, we have exhausted our list of speakers for the item on “violent extremism and terrorism”. Are there any delegations who still wish to take the floor on this item?

It does not seem to be the case, so we have now concluded deliberations of this item. We shall have an early tea break then at ten past three we shall reconvene here for the delegations of member States to deliberate on the reports of the Regional Arbitration Centres and the Report of the Eminent Persons Group, which will be a closed-door meeting only for the delegations of AALCO Members. Thank you.

The meeting was thereafter adjourned.

**XV. VERBATIM RECORD OF THIRD MEETING OF
DELEGATIONS**

XV. VERBATIM RECORD OF THIRD MEETING OF DELEGATIONS OF AALCO MEMBER STATES HELD ON THURSDAY, 16 APRIL 2015, AT 3:15 PM

AGENDA ITEM: REPORT ON THE WORK OF AALCO'S REGIONAL ARBITRATION CENTRES

His Excellency Mr. Liu Zhenmin, Vice-Minister of Foreign Affairs of the People's Republic of China and the President of the Fifty-Fourth Session of AALCO in the Chair

The President: I have the honour to convene the Third Meeting of Delegations of AALCO Member States. First we will take up the report of the Regional Arbitration Centres. Second, we will have the report of the Chairman of the AALCO Eminent Persons Group. Third the financial matters are to be considered. Let me start with the first item. On this item, I give the floor to Mr. Feng, the Deputy Secretary-General of AALCO to deliver his introductory remarks.

Mr. Feng Qinghu, Deputy Secretary-General, AALCO: Thank you, your Excellency, Mr. President. Dear Directors of AALCO's Regional Arbitration Centers, Excellencies, Distinguished Delegates and Ladies and Gentlemen, it is my pleasure to introduce the report of the AALCO's Regional Arbitration Centres as contained in the Secretariat Document AALCO/54/BEIJING/2015/ORG 3 which consists of the reports of the Cairo Regional Centre For International Commercial Arbitration, the Lagos Regional Centre for International Commercial Arbitration, the Tehran Regional Arbitration Centre and the Kuala Lumpur Regional Centre for Arbitration for the year 2014-15.

AALCO's association in the area of arbitration goes back to 1970's when there were hardly any permanent arbitral institutions in the Asian-African region. AALCO was prompted to realize the need to develop and improve the procedure for international commercial arbitration, the necessity for institutional support, and to develop necessary expertise and creative environment conducive to conduct arbitration in the Asian and African regions. The AALCO Regional Arbitration Centres, it may be recalled, were the result of the AALCO's Scheme for the Settlement of Disputes in Economic and Commercial Transactions and the decision to establish Regional Centres for International Commercial Arbitration at the Doha Session in 1978.

In consonance with the scheme, the Regional Centres for Arbitration at Cairo, Arab Republic of Egypt for the African region and at Kuala Lumpur, Malaysia for the Asian region were established in 1978 and 1979 respectively. Later two more such Centres were established in Lagos, Nigeria in 1989 and Tehran, Islamic Republic of Iran in 2003. AALCO had also concluded an agreement with the Government of the Republic of Kenya in 2007, to establish its Fifth Regional Arbitration Centre in Nairobi to cater to the needs of the Eastern and Southern parts of the African continent. As regards the progress made on the establishment of the Nairobi Centre for International Arbitration, an update was given by the Head of Delegation of the Republic of Kenya to the Fifty-Third Annual Session held at Tehran, Islamic Republic of Iran. It will be of concern to hear the Government of Kenya to inform us of any further developments in the process of operationalizing the Nairobi Regional Arbitration Centre.

Mr. President, the role of Regional Arbitration Centres to mark a difference in the arbitration culture within the region is highly commendable. Their progress and efforts to fulfill their mandate and effectively function has given them reputation across borders. In fact, it is an honour for us to have these Regional Arbitration Centres under the auspices of AALCO as these Centres are one of the most successful ventures of the Organization. I would like to take this opportunity to congratulate our Directors and thank the Governments for hosting these Centres and all other Member States for energetically supporting and assisting the Centres. AALCO holds the view that the Centres successful activities would have been impossible without the active support and cooperation of the Host Governments.

May I extend our warm welcome to the Directors of the Tehran Regional Arbitration Centre (TRAC), Regional Centre for International Commercial Arbitration, Lagos (RCICAL) and the Kuala Lumpur Regional Centre for Arbitration (KLRCA) who are among us today at this Session. I thank you.

The President: I thank the Deputy Secretary-General of AALCO, Mr. Feng for his introductory remarks. Now, I shall invite the panelists to come to the podium to speak about the activities of the respective arbitration centers. First let me invite the Director of the Regional Centre for International Commercial Arbitration, Lagos (RCICAL) Hon. Wilfred Ikatari to present his report.

Hon. Wilfred Danola Ikatari, Director of the Lagos Regional Centre for International Commercial Arbitration Centre: The President of the 54th session of AALCO, the Vice President, Secretary-General of AALCO, His Excellency Prof. Dr. Rahmat Mohammad, Excellencies, the Members of Delegations, Distinguished Delegates, Ladies and Gentlemen, it is my pleasure to present a brief report on the activities of the Regional Centre for International Commercial Arbitration, Lagos during the year 2014-2015 at this 54th Annual Session of the Asian-African Legal Consultative Organization. I must also State that it has been eight months since I joined the Centre and it has been such a great experience. The Centre has undergone some renovations and reorganization in so many ways, including administrative, statutory and operational and others, but I do not have to burden this report with. We work closely with the host government on the review of the domestic law that established the Centre. The Centre as earlier mentioned was established in 1989 under the auspices of the Asian-African Legal Consultative Committee then, now an Organization, an inter-governmental organization of the 47 Member Nations including Nigeria. The Government of Nigeria acts as the host to this Centre. It is a non-profit and is established primarily for the purpose of providing alternative dispute resolution, methods to litigation and adjudication for the settlement of commercial disputes arising of international investments between parties having trade and commerce investments within and outside the African region. Such ADR methods include Arbitration, Mediation and Conciliation, etc. The Centre is an autonomous international arbitration institution, which has its lawyers, and a Headquarters agreement in relation to the Centre by virtue of a treaty signed in 1999 between Asian-African Legal Consultative Organization AALCO and the government of Nigeria as the host country. The Centre's rules are based on UNCITRAL rules with some modifications. The Centre is conferred with diplomatic immunities and privileges pursuant to the Headquarters agreement, which guarantees it's independent functioning. The main functions are:

- i) To promote international commercial arbitration in the African region;
- ii) To administer international commercial arbitration under the regional rules of the Regional Centre for International Commercial Arbitration;
- iii) To render assistance in the enforcement of arbitral awards;
- iv) To render advice and assistance to parties who may approach the Centre by ad hoc or by institutional reference.

Well to me as the Director of the Centre, I am an applied economist, Solicitor and Advocate at Supreme Court, before I was appointed as judge of the post of investment and security trustee in Nigeria. I succeeded Mrs. Unaya Sidhiri who retired from the post of Minister of Justice and who was the director of the Centre till Feb. 2014. I was barely two months and two weeks into my Directorship, and I was then a delegate of the 53rd Annual Session of AALCO held in Tehran Islamic Republic of Iran held in September. The case load for the period 2014 February-2015 was hefty and I do not need to add what are the specifics. Suffice to say that, within the period the case load has been what we had inherited last year, mostly in the construction industry. Both international and domestic engagements in the construction industry had been the predominant cases that we have had in the Centre. This is better illustrated in the pie chart and the adaptive pools as indicated in the report. However I am trying to carry out mandate to assist and get involved in promotion of local institutions who have participated in several fora and I would outline some of the major ones here.

First of which Bar association Fifth Annual Conference in 2014 which was held in outland of a very remote State and the capital of one of the districts in Nigeria. The Annual Conference continues to be a premier and meritable opportunity for the lawyers in the arbitration world who would meet to discuss legal developments in various areas of practice. The Centre participated in all its sessions and was part of this exercise in development and domestic arbitral institutions and other related bodies. The Centre addressed this session from all committee dispute resolution and the rule of law. One particular want that is of importance that we need to put in is that of China-African Legal Professional Exchange Projects that was organized in September 2014. The first case of China-Africa Legal professional exchange project was held in Beijing, China, here in this beautiful city in the month of September 2014. The project was organized by the China Law Society in collaboration with the Beijing Foreign Studies University on the different work legal forum on which under the framework of FOCAC. The participants were drawn from 17 African countries including Nigeria, Senegal, Kenya, Madagascar, Morocco, Seychelles and South Africa etc. The friendly relation between China and Africa has a long history, rapid development of China-Africa relation has provided a real opportunity and the broad stage of the legal exchange of China-African countries and has demanded for a better performance as well. The Centre was represented alongside the colleague from Ministry of Justice and from one of the State. Some of the salient topics of these lectures and seminars included China and Africa investments, trade law, international commercial arbitration and foreign related Arbitration of China, alternative dispute resolution mechanism with Chinese-African characteristics. During one of the session on the seminar on ADR mechanism Chinese participants on arbitration and ADR methods on services of the Centre were stressing the long ending friendship between China law society and the Center was further strengthened by the signing of MOU for the purpose of defining a mutual commitment to working in cooperatively to foster the dialogues and exchange knowledge experience between the liberal professions of both countries. International projects

were also undertaken and lessons from International Community from Nigeria and Africa was a topic of programme held in Nigeria in October 2014.

The Director of the Centre my humble self, on 30th of October 2014 was invited as the moderator on the seminar on ‘Infrastructure and Public-Private Partnership: Lessons for Asia, Nigeria and Africa’. The seminar was hosted by Alex with conjunction with International Project Finance Association (IPFA). The PPP has proved to be a veritable tool in the developmental of infrastructure in most countries around the world. Nigeria and Africa in general are now realizing the potential of this economic model. The event addressed issued arising out of the provision of open infrastructure, services where the private partnership model is followed in dealings in Nigeria and Africa. During this session all issues of disputes resolution arising out of implications of this economic model were fully examined.

Another key event was the Chartered Institute for the Arbitrators the Nigeria branch 2014 Annual Conference. The Chartered Institution for the Arbitrator’s Conference was focused on arbitration to the rescue and how ADRO controlled our economy. The event took place from 6-7 November 2014 at the Centre of Lagos. The conference was designed to examine strongly effective dispute resolution and economic growth and also to introduce non-legal practitioners and professionals to the possibilities that exist for them in arbitration and alternative dispute resolution. The Centre was presented and participated in all sessions. International Chambers of Commerce in Nigeria launched a Conference on ICC Mediation Rules. As stated earlier the fulfillment of the mandate to assist on first related activities on arbitration we participated in this fully.

The Centre was on the October 2014 involved in the launch of ICC Mediation Rules by International Chambers for Commerce in Nigerian branch. The event took place on the ICC Nigeria Commission and Arbitration ADRO for facilities by renowned international and indigenous experts on the new provisions in the ICC rules. It also provided opportunity for the participants to acquire knowledge about ICC mediation rules in general and the current developments in the field. In this area we also put in our own rules. Another major one was International Arbitration School. The School was designed to obtain both corporate in-house council and external lawyers who advice under presence of business enterprise to the theory and practice of international commercial and investment arbitration. Its aim was to provide Delegates from African countries with a firm ground in legal aspects of international commercial and investment arbitration as well as offering practical skills on how to resolve money disputes which are to be resolved by arbitration. The General Counsel of the Centre represented the Centre and was a panelist at the session on the disputes and risk management on the arbitration held in October 2014. Here, it was stressed about the importance of arbitration as a veritable tool in dispute resolution.

It also highlighted the significant role of the Centre in domestic and international disputes resolution. In the area of collaboration the school of African Oriental Studies, University of London in conjunction with the Regional Centre for International Arbitration Lagos will be having a round table discussion on regional arbitration institution in July 2015, at the Centre in Lagos. Well, on our list of arbitrators I do observe that Nigeria is the land where there are lot of arbitrators of international disputes and give new directions. They are properly represented on

the pie-charts and bar-graphs. If we talk about the future activities of this Centre, principally among others are not listed here which are the training session on Arbitration of Law Officers this would be done from State to State within and outside. Such invitation will go to member countries and training session on international Centre for ICSID arbitration rules will also be organized. An MOU in that respect will be signed and we do hope that details will be sorted out within the next coming month. The third one is the African Regional Forum for Arbitration Conference that will be held soon.

In conclusion, I have to thank H.E. Prof. Dr. Rahmat Mohamad, the Secretary General of this Organization for the leadership role and his immeasurable assistance as given to this Centre. He has been there quite for us on any issue raised and has demonstrated extraordinary dynamism, professionalism and giving us advice in the area where there are problems. I also have to compliment the government of People's Republic of China for the opportunity to come and see this wonderful land, the land of a magnificent designs and one is highly impressed with the hospitality and I cannot just, anywhere you look you see beauty not only of persons but of nature well preserved, well-protected and housed. And I think your leadership role in the world remains critical and I will also use this opportunity to thank the outgoing President of the 53rd session. If I could say his personality is so admirable and a person of resounding direction. His leadership was quite remarkable. And on the incumbent, I will say that we believe that the beautiful country you come from will open this forum to greater and more beautiful heights. I thank you sir.

Mr. President: I thank Mr. Ikatari, the Director of the Lagos International Centre for Commercial Arbitration for his presentation of the report of the Centre. Now, I would like to invite Mr. Dr. Oveis Rezvanian, Director of Tehran Regional Arbitration Centre to come to podium and present his report. You have the floor sir.

Dr. Oveis Rezvanian, the Director of the Tehran Regional Arbitration Centre (TRAC): Mr. President, His Excellency Mr. Secretary-General, Distinguished Delegates, Ladies and Gentlemen, as the newly appointed Director of Tehran Regional Arbitration Centre (TRAC), please let me take this opportunity and thank AALCO Secretariat for providing arbitration Centres with the opportunity of presenting their reports in the annual session. In 2014 TRAC actively continued to maintain its function and productivity as a neutral and independent arbitration institution in the region. As to the matter of administering arbitration cases TRAC provided it's users with the highest flexibility as well as remarkable efficiency. Thanks to the TRAC's rules of arbitration parties are free to decide about different aspects of arbitration from the appointment of the arbitrators to the conduct of proceedings. In addition, maintaining the efficiency of arbitrations in terms of time and cost of the proceedings is of great importance. Arbitration is generally expected to be cheaper and speedier than litigation. However if not conducted appropriately, it is likely that arbitration's time expands and costs increase. We should also add the problem of delaying tactics of participants for prolongation of the proceedings to disposal. In such situations it is to the institutions and the arbitrators to delicately maintain the efficiency of the arbitration without disregarding the principles of due process and equal treatment of parties.

We at the TRAC persistently pursue this matter and attempt it to provide to our users with the most efficient services. During 2014 a number of professionals from reputable law firms and

international organizations visited TRAC and exchanged ideas and documents relating to the Centre and discussed the possibility of further cooperation between TRAC and their respected institutions. In addition in 2014 TRAC was pleased to continue receiving applications of a number of outstanding arbitrators from throughout the world. A number of these applicants were added to the TRAC's list of arbitrators and some others are still under consideration. In selecting the arbitrators apart from applicant's general qualification it was particularly important to expand the variety of TRAC's panel in terms of expertise, nationality and languages. In order to provide parties with more choices while referring to disputes to TRAC's arbitration. The diversity of arbitrators become more important in complex disputes, such as International Construction, and infrastructure cases where parties prefer to appoint arbitrators with knowledge in specific technical area or where the factual documents are of the case that requires an arbitrator to have fluency in a specific language.

Now, at the TRAC we are delighted that our panel of arbitrators consists of well-known professionals with various languages and nationalities and wide range of expertise in different commercial areas. In addition, following the appointment of a new Director TRAC re-established its contact with arbitration board, which consists of various distinguished lawyers of global level, the names and qualifications of these members give an additional character to the works of TRAC and provide the parties with further comfort and confidence when referring the disputes to the TRAC. Also in late 2014, TRAC has recruited number of professional staff with relevant experiences and expertise in international trade law and international arbitration, in order to improve its function and productivity. In the last few months TRAC's new legal councils provide the number of users with some advice regarding draft of arbitration clauses in case the users for any reason wished to modify TRAC's model arbitration clause. Besides TRAC actively participated in encouragement of international arbitration practice in the region. In order to promote the knowledge of the young scholar in Iran regarding international arbitration TRAC supported and helped a group of Iranian students to participate in the annual Willem C. Vis International Commercial Arbitration Moot Court in Vienna. It was for the first time that students from Iran registered for this competition. To value this effort, TRAC's legal counsel provided the team with useful information and recommendations and facilities as well as organising a pre-moot in the centre. TRAC is intended to continue support of surge collegiate activities in the field of alternative dispute resolution and international arbitration. In late 2014 TRAC announced an opening for internship programme and a number of motivated young professionals with good academic qualifications were selected to enroll an internship at the TRAC. This will provide the young interns with the opportunity to familiarize them with international arbitration and break their learning's into practice at the place of an international arbitration institution.

Mr. President, please allow me now turn into TRAC's perspective of 2015. As a perspective to 2015, TRAC aims to offering high services among other arbitration centres in the region and promoting its name as a truly independent international arbitration Centre. TRAC is happy to report that in 2015 it will organize the first Iranian moot court competition jointly with the arbitration Centre of Iran Chamber of Commerce. The goal of this moot court is to foster international commercial law and arbitration for resolution of international business disputes. Through its application to a complete problem of the client and to train professional arbitration lawyers. TRAC also intends to organize more seminars and workshops to promote commercial

international arbitration and other techniques at both national and regional levels with the participation of qualified professionals. As an initiative to grow business relationship, TRAC aims to elaborate its collaboration with reputable scholar, academies, other arbitration Centres and law firms. Specialise in the field of international arbitration all over the world for these purposes TRAC has already communicated with different practitioners in the field of international arbitrations and some meetings have been organized in early 2015. Further meetings will be held for exchanging ideas and envisaging possible collaboration with other arbitration centres.

TRAC is now redesigning and updating its website. The new website will provide the user with more updated information in a more interactive and user friendly manner. In addition in the second phase of updating the website TRAC's website will be accessible in three more languages that are Farsi, Arabic, and French language in order to allow more users to be in contact with TRAC. As another new initiative in 2015 TRAC will trigger the publishing of an online newsletter, this newsletter will contain TRAC's activities and news, summaries of new cases, and awards in the field of international arbitration and any other relevant news related to international arbitration in Iran and elsewhere. The last but not the least in 2015 TRAC will celebrate its 10th anniversary and as part of this celebration TRAC is planning to organise a conference and bring together eminent experts and practitioners in the field of international arbitration. This event aims to provide a platform for Iranian and international arbitrators and jurists for exchanging their ideas and experiences. Mr. President, Mr. Secretary General, Distinguished Ladies and Gentlemen, I thank you for your attention.

The President: I thank Dr. Oveis Rezvanian, Director of Tehran Regional Centre for International Commercial Arbitration for his presentation. Now, I invite Prof. Sundra Rajoo, Director of the Kuala Lumpur Regional Centre for Arbitration to come to the podium and present the report.

Prof. Dr. Sundra Rajoo, Director, Kuala Lumpur Regional Centre for Arbitration (KLIRCA): His Excellency President of AALCO, His Excellency Secretary-General of AALCO, Excellencies, Distinguished Delegates, Ladies and Gentleman, it seems so fast, it looks as if only yesterday I was in Tehran for presenting my report. I am pleased to present another good year of the Centre to you.

Mr. President, I have done a report that has a lot of details as to what we have done last year. But, I am going to summarize what has been our main activities. In the first slide is seen our new building. Every year we have a theme and the theme last year was 'Surging Ahead'. In the report we have tried to show how we surged ahead. Now we have modeled ourselves not only as an arbitration Centre but more of an ADR Centre, where we deal with mediation, which tries to settle the disputes, arbitration, which is rights-based, that tries to settle disputes according to statutory rights and contractual rights you have. Then you have a new scheme that is coming up in Malaysia, indeed we are the fifth country in the world which set up what is called a Statutory Adjudication in the Construction Industry. KLIRCA is main administrative body and then the other track that we are going on now is Domain Name Dispute Resolution which is basically an intellectual property, which is done by WIPO, the main body in the world and we have taken active interest but we have been working together with number of the of other organizations.

Let me go to next slide. These are the products we have where arbitration is concerned. We have arbitration rule revised in 2013. We are now studying those rule again to take in to consideration some of the changes that are going on, we have an expedited proceeding of arbitration because arbitration generally international commercial arbitration is generally applicable to both domestic and international and tends to be seen as expensive, slow and sometimes too complex. So what we have done, we have created what is called as KLRCA *fast track rules* and it is on the third edition again. We are planning to come out with some changes to this, may be we can make them in this coming year or next year. But we are very conscious of making too many changes too often, but we always keep feedback what is going on. We also watch what is happening in arbitral world on the demands that are made by our users and also on the court's rulings.

In one of the things we did in 2013, you all would have realized that we have introduced what is called Emergency Arbitrator which is now a ruling norm in arbitration rule. We have mediation rules and of course our flagship which we had to differentiate ourselves from other institutions. We have expertise in Islamic Finance. Particularly we have created i-arbitration rules which have won a global arbitration review award in 2013. But the real development last year, Mr. President, was in relation to our new building. I thank the commitment of the Malaysian Government to what the Arbitration Centre in Malaysia is supposed to do. I must actually thank Tan Sri Abdul Gani Patail, who is the Attorney-General of Malaysia and my Chairman as well. He was one of the persons instrumental in us getting this office. I must say this is one of the important developments. I think we have established ourselves as one of the Centres now with a viable hearing venue with facilities of a world-class nature. It is actually located in the historical precinct and it has two parts to the building, the old building is called the Suleiman building which was built in in 1930. It has main arbitral functions, rooms and all these things I will show you some of the facilities that we have. We have two seminar rooms, car parking and then the entertainment area and then the old building the facade of building is not changed I suspect we are going to win an award for this project for conservation.

We have hearing rooms, and the whole complex has twenty hearing rooms. We have 150 persons hearing room for very large arbitrations and then we have nineteen hearing rooms of varying in sizes including large, medium, small and break out rooms. We have a business centre, we have a state-of-the-art auditorium which can accommodate 182 people, but I do not think I can hold AALCO meeting. This is at the top of building on the third floor. We have large hearing rooms. I think four large hearing rooms then we are going to equip two of the rooms fully with recording facilities where arbitration proceedings that are held can be fully recorded and we can give you CD with the entire recording. We can also have transcribing services simultaneous transcribing and this is the facilities we were thinking and which we had completed last year.

We have breakout rooms, where Parties can actually meet and discuss their case or they want actually mediate. We have an arbitrators' lounge, which is necessary to keep arbitrators and neutral people away from the Parties so they will be able to sit there and do their work. We have place to sit down and relax until they go in for hearing, it is all inside the building. We have modernized the building and from outside, it looks the same but once you go in, it is a totally a modern building. We have also a cafeteria we have operators to utilize our centre. We have maintained it to certain standards.

Mr. President, I want to highlight some of the key events we did last year though we did so many things last year. I want to highlight some of the key events that we did. The first event we did ADNDRC Workshop and Conferences, we did two CIPA conferences, we did training and capacity building in CIPA. CIPA is “Construction Industry Payment and Adjudication Act” which we administer. We did an Inaugural Arbitration Conference last year in Cochin and this year we doing it in the Centre itself. We had a soft launch of the new building, the new premises simply because I had to showcase to the world that we have this building there we can start marketing. And then we had official launch by Honourable Prime Minister himself on 4th November. We did outreach programme with ICSID and ICC, the two most important arbitral institutions in the world. The ICC of course is more important for International Commercial Arbitration. The idea basically and also ICSID based in Washington, they are two different organizations one deals with investment arbitration and the other deals with international commercial arbitration and my primary idea was to sell the venue. We may not be able to get, they may not be able to use your law as the seat but they are prepared to use your venue because we have avenue that has State of the art facilities and it is very easy to fly to Kuala Lumpur and we have a high-speed train stopping close to the Centre. We have hotels around

What we are now focusing on is getting the big boys and small people to come in to use our Centre. Talking about the Asian Domain Name Dispute Resolution Centre when we talk about the collaboration, this is what the collaboration is. The Asian Domain Name Dispute Resolution Centre is a joint venture between CTAC of China which is the foremost Arbitral Commission in China. For me despite split between Shanghai and Shenzei but still foremost, then Hong Kong International Arbitration Centre, the Korean Commercial Arbitration and KLRCA. So we have worked together, we have joint venture agreement, we have a common website and we deal with Domain Name Dispute Resolution so this is the cooperation through the Centre. What we did we take turns to organize a Conference every year. This year conference will be held in Beijing but last year it was held in Kuala Lumpur and we get the Asian practitioners. I think there is only other than ICANN having its meeting and having everybody all over the world. This has now become the conference for Asian practitioners. People interested in Asia are willing to attend . What we did was, we did a workshop and a conference. The workshop was basically to train domain name panelist. If you attend the conference and sit through the training programme the day then you will be empanelled but you have to have the basic knowledge of what the domain name dispute resolution means so there is vetting of the delegates and it went very well. I must say we did two things that were good. The first thing is that we had an exchange of ideas how we want to improve process itself, how we can talk about we have our counsel meeting the joint venture and had the counsel meeting where we discussed as to how we are going to market it as group and then at the same time we also created panelist who can help us to sell our services because we must have good arbitrators.

Mr. President, now we are talking about top level generic name, we are going to the next level of Domain Name Dispute Resolution and I think we are going to continue on these things. We are moving with Brunei hoping to actually get. Malaysia is trying to have the dispute resolution arrangement with the Brunei for its Domain Name. Next slide, one of the things what we did when we realized, if you stick to arbitration, I don't think so that you are serving the community because in actual fact dispute resolution is bit more than Arbitration what we did in Malaysian context when Construction Industry Payment and Adjudication Act, we worked very closely

with Attorney Generals' Chambers and they agreed to let us administer the Construction Industry Payment and Adjudication Act. But when you administer the Act being default appointing Authority, training and all these thing you need to create awareness. The Act was passed in 2012, and it came in to force on April 15. We did two conferences; one is actually I would have reported earlier we have done number of the road shows just to get public and users acquainted with what is going to become law after which we actually had the conferences to explain what the Act means, for example, to employers, contractors, sub-contractors and how it will affect lawyers and other people in Malaysia.

We had two conferences with one thousand attendants so I had to get a very big hall. When we first started I thought only two to three hundred people is going to attend but when one thousand people came I just shifted the place. This has become very popular and it was very successful. The Act is now in place and it is now kicking off. It started off slowly. Now I can report the case that are coming in and I think it is one of the very successful Acts in Malaysia. So CIPA came in to force on 15 April 2014. It is aimed at facilitating regular and timely payment a quick contemporaneous, economical and binding dispute resolution mechanism and is supposed to be summary method that dispute must be decided within 100 days from the date of notice of adjudication and the remedy it is for the payment disputes that is if a contractor does not get paid he will invoke this mechanism which is a compulsory mechanism, which every construction company is deemed to have this mechanism written into it. It also deals with statutes, outlaws and have two kind of payment if you put in the main contract or in sub-contract only paid when you pay or if you get payed that will be void so and then it also set out that if you do not have it in your contract a payment terms than the law will imply following payment terms that is monthly payment when you are going to pay contractor then law will assume that every month he supposed to be paid.

I think the main point is to improve the construction industry which is really a cash flow problem industry. I do not know about China, because China has done so much construction but in Malaysia it was a serious problem because a lot of small contractors, people who are sub-contractors were not paid. We have been nominated and named as the adjudication control authority under Sec.32 of the Act and we have been given a lot of obligations and duties including that we suppose to regulate. We are supposed to train, we are supposed to accredit and then the most importantly we administer the adjudication in the sense that the adjudication decision must come out within 45 days of the final reply having three form process. There is payment claim then after that there is adjudication notice, a reply and response and from there 45 days, the whole process takes about 100 days and if adjudicator does not deliver within the 100 days, then he will not be paid, I think that is quite effective because it causes no more delay in writing the award. Some of the things we found that there are delays in arbitration award so this is quite effective, we control and we ensure that adjudicator will hold the money. The adjudicator when he submits his adjudication decision, he has to declare that he has fulfilled the statutory requirements only then, we will release the money to him. So far it has worked quite well. Towards the end what we did as to build capacity and that is something very important. We have been running comprehensive two level programmes, one is to train adjudicators. We run full adjudication training course I think one of the most vigorous course in the world at present moment. It is five days with two exams at the end of five day and we have minimum requirement of the fact that you must be having a tertiary education and must be related to construction

industry and in one ways lawyers are assumed to be related to construction industry because it is right-based process and then you must have actually seven years of post graduation experience and then only you can sit for this course and when you sit for this course you will get KLRCA Certificate in Adjudication. At the present moment, Minister recognizes it as the qualification to be accredited as a adjudicator and we maintain the register. At the present moment we have about 381 Adjudicators of which we train through five days course. We have also just exported this course to Kigali in Rwanda because we do give one or two program scholarship outside to share with our brethren elsewhere. They were very interested and they set up and arranged. I sent three people to actually run the course in Kigali.

To reach out to the international arbitration community we had to actually plan ourselves carefully. If you have noticed a lot of the international arbitration centers will always have a lot of conferences. We decided to actually set up a programme, a conference every year based in KLRCA. We held the inaugural conference in the arbitration centre in Cochin, which is off the centre but I think I will not do it again for it involves a lot of work. But we got very good response, we had over two hundred eminent arbitration practitioners, and we had H.E. Prof. Dr. Rahmat Mohamad delivering the keynote address. And then, we had the Chief Justice of Malaysia opening the Conference. It was very successful. There was a wide range of topics that were discussed and the theme of the conference was 'Remembering the Past and Looking Forward'. I think because we held it in Cochin people took the opportunity to come to holiday too. So it worked in a way. The event I think was very pivotal and it is the base that we are now going to build is the move to Suleiman building. This building is about five times bigger than the earlier premises. For those of you who have visited Malaysia and if you have to the center at Jalan, it would have been a very rustic set up, an old bungalow, which has been extended and it was sitting on two acres of land. From there we have moved into a heritage building which I think is so much better because that old building that you see was our old premises. There was very little possibility of me extending it. I think getting a bigger premises we are very lucky and the government has been extremely supportive. My colleagues from Chambers are here and we work quite closely and the Prime Minister has agreed that we will get the building for a nominal rent for 10 years with an opportunity for renewal for another 10 years as long as KLRCA exists in Malaysia. The Government is very committed. They provided the money for refurbishment that is 50 million ringgit and more important thing also is the running cost to get the financial commitment from Malaysian Government is I think a firm testament for an AALCO Centre to exist in Kuala Lumpur.

When we finished of the building I had to actually try to market it around the world. The first thing we did was a soft opening and it was by the CJ and in fact I would have asked Tan Sri AG to do it. But he is quite modest and would not want to. What we had was we had the Chief Justice. There is a reason why, I chose the Chief Justice, because we need a very close relationship with judiciary. Arbitration center depends very much on how the judiciary rules. We must get the support from the judiciary. The judiciary is seeing what we do, how we perform. It would actually inspire confidence to make sure that it upholds arbitral practices and awards. So the CJ was very very happy, in fact he was very impressed with the building. All the federal court judges turned up as well. One of the things we are trying to do in Malaysia at KLRCA is to internationalize the Centre. Towards the Centre first thing is that my staff, I have international staff because of the AALCO host country agreement, we are able to actually employ

international staff. For example, my head of legal services is an Australian and his deputy is a person from Spain. When we face the world we have foreigners who actually deals with it, I have a person from Ethiopia, Ukraine, we have internship programmes, we have case management people, we have people from India, we have people from China. Most of the time, I have noticed that they will come and work for a year or two years and then they move on. So we get very very clever young people coming and helping us. We have also friends in places because they know the Centre.

The other strategy that we followed is we have identified international organizations which we want to work with. And towards the end we approached the 39 assets street to open their offices in the Center. There is collaboration agreement cum tenancy agreement for two plus two years. We will work with them and towards the end we had the joint conference and they are operating out of the building and I am hoping to actually with the help of Chambers to get the Permanent Court of Arbitration located in Hague to actually open up with us. When that happens, instead of you going to the Hague, you can have the hearing in Malaysia which is such a neutral venue-wise, very much cheaper than the Hague, easy to get in and easy to get out. This was the highlight of my life last year, the opening of our building by our Hon. Prime Minister. It was quite an event. I think it is quite important to actually get policy makers to buy in and I found that he would have approved the budget, he approved my appointment, he has never met me and he has heard a lot of things and suddenly he comes and sees what is happening. The other persons who helped us was the Former Chief Secretary of the Government and when I took him to show the building after we finished it, he said he was so happy and that he felt that he has achieved too. The successful completion involved the Prime Minister's, Governments and the AG's support. Of course, H.E. Prof. Rahmat Mohamad has always been there. It was quite a grand affair and it was reported on national news.

What we did then was we started to organize a number of seminars. The first two seminars I talked to ICSID and also ICC. So we had a joint seminar with ICC to tell them look we have this venue, please come and use this, we are open, we have open door policy as far as arbitration is concerned and also with ICSID, they are mostly heard in Washington. Of course a number of bilateral agreements are going on, we are hoping to attract the neutral venue. I just realized that we organized 23 talks last year and every two weeks we had a talk and it was free. We did a number of MOUs, we had started to talk with our neighbours, the Thai Arbitration Centre and of course we did an agreement with ICSID and also with Shangai International Arbitration Center and of course with Kigali.

Adjudication is picking up, by this year we have from January to April 50 cases and in fact adjudication is overtaking the number of arbitration cases. We have a number of other things that we are working on. We are working on sports dispute, we are trying to set up what is called the Malaysian Sports Arbitration Tribunal. We are in talks with Development Council of Malaysia. We have an alternative hearing venue for ICAS. They hold their hearings in Malaysia. So we are capitalizing on this. In Asia it is not developed yet. We are actually trying very hard to set this up. We are also looking at maritime law and trying to rope in other interested maritime practitioners in Malaysia.

We have applied for ICANN directly to be an independent service provider, because I would like to reach out for other areas, for example try to go to India, try to go to Africa, because when you do domain name it is all through the internet and you do not have to be physically present in these places. So we are trying to go beyond that also. The important is the ASEAN Economic Community has been launched this year and we want to be the Centre that offers the venue in the beginning and subsequently also dispute resolution to the ASEAN Community and of course beyond that we would like to offer it to the Asia-Pacific Region. We have a lot of collaborations going on and we are doing special training programmes. We are working out a Dispute Resolution Commission to take care of share holder's disputes, but it is still in talks. These are some of the things that we have done in the year and I thank you very much, Mr. President.

The President: I thank Professor Sundra Rajoo, Director of Kuala Lumpur Regional Centre for Arbitration for his statement, now I give floor to the representative from Nairobi Centre to give brief introduction.

Representative from the Nairobi Centre for International Arbitration Centre: Mr. President, Secretary General your Excellencies, Distinguish Delegates, it is my pleasure to make this report on behalf of the Nairobi Arbitration Centre. Ladies and Gentleman, in 2007 Kenya signed an agreement with AALCO undertaking to establishing Regional Arbitration Centre in Nairobi that would serve the countries of Eastern and Southern Africa. Consequently in order to demonstrate Kenya's commitment to establish a Regional Arbitration Centre, Kenya enacted Nairobi Centre for International Arbitration Act, which came in to force in 25 January 2013. The Act establishes Centre as an independent, non-profit making international organization for commercial arbitration based in Nairobi. It further provides that there shall be Board of Directors to run the affairs of the Centre. The Director membership being not only drawn from Kenya but the entire East African Countries.

Distinguish Delegates, one of the Board's primary responsibilities is to make Arbitration rules that will among others govern arbitration proceedings generally assist in the recognition and enforcement of the arbitral awards and specify the procedure for filing the applications to have arbitral award set aside. The notable functions of Nairobi Arbitration Centre include promoting and encouraging international commercial arbitration, administering domestic and international arbitration as well as other alternative dispute resolution techniques under its auspices. Additionally the Centre will actively train arbitrators and also provide assistance in enforcing awards thereby increasing the confidence in arbitration with a likely outcome of having few awards challenged.

Distinguish Delegates, the NCIA has held a number of workshops to validate the Centre's arbitration rules. The Government of Kenya continues to provide support at policy level to advocate Kenya's position with respect to international agreement on ADR and in respect to neutrality of Nairobi Arbitral Institution. The Government of Kenya is keen to ensure the arbitration is reserved as dispute resolution process. The focus is to ensure Nairobi Centre becomes the preferred regional and global Centre for resolution of international commercial disputes in which international companies come and settle dispute of commercial nature in a just and expeditious manner by establishing fast and credible arbitration process. The Nairobi Centre

will assist in ensuring that Nairobi remains a regional and financial hub and abide by investment destination for international investors.

Mr President, in conclusion, Kenya will like to take this opportunity to thank AALCO Secretariat for its continuous support in the establishment of Nairobi International Arbitration Centre. We also take this opportunity to thank Professor Dr. Sundra Rajoo, Director of Kuala Lumpur Regional Arbitration Centre for his support in establishment of Arbitration Centre in Nairobi in particular his role in development of Nairobi Centre rules of Arbitration. We look forward for partnership and initiating collaborative activities with all AALCO regional arbitration centres. Thank you, Mr. President.

The President: I thank the representative from the Nairobi Centre of International Arbitration for her statement. Now I open the floor to comments from the Member States of AALCO. Are there any comments? There are none. So let me move to the next item. I would give the floor to the Chairman of EPG to present his report on the meeting of EPG.

Report of the Chairman, Dr. Djamchid Momtaz on the Fifth Meeting of Eminent Persons Group (EPG): Mr. President, the Secretary-General of AALCO, Excellencies, Ladies and Gentlemen, it is a great honour for me to present this afternoon, the report of the Fifth Meeting of the AALCO EPG held on 12th April 2015. I would like to take this opportunity to thank Dr. Rohan Perera, the former Chairman of the EPG for his endeavours during last years. I wish him all the best for his new assignment. I would also like to thank the Members of the Group for their support and confidence reposed on me.

The Meeting was attended by EPG Members Amb. Hussein Hassouna, Member of the International Law Commission from the Arab Republic of the Egypt, Prof. Shinya Murase, Member of the International Law Commission from Japan, Mr. Narinder Singh, Member of the International Law Commission from India, Dr. Roy Lee, Permanent Observer of AALCO in United Nations, New York. Mr. Feng Qinghu, Mr. Mohsen Baharvand and Ms. Yukiko Harimoto, Deputy Secretaries-General of AALCO also attended the meeting. Mrs. Anuradha Bakshi, Principal Legal Officer and Mr. Pandiaraj, Senior Legal Officer, AALCO assisted the EPG.

At the beginning of the meeting, the Secretary-General gave a summary of the fourth meeting of the EPG held in Tehran in 2014. During the meeting of the EPG, we had very fruitful discussions on organizational and substantive matters regarding the work of AALCO. I will touch upon them in turn and will start with the organizational matters.

Private Sector Funding

In response to the comment of the Secretary-General on the issue of funding from the private sector including the concerns of some Member States in relation to the neutrality of the Organization, it was pointed out that United Nations receives funding from private entities. It was suggested that AALCO could consider emulating this practice. In addition funding could also be solicited from law firms or these firms could collaborate with AALCO in organizing

seminars and workshops on relevant subject matter. It was also stressed that contribution in kind needs to be given in order to attract private funds.

On the issue of increase in annual contribution, the view was expressed that gradual increase in the contributions was better way necessary for any organization. A clearly laid down vision with substantial benefits to Member States will surely prompt them to positively consider an increase.

Legal Staff

Regarding the question of legal staff, it was appreciated that the Secretariat staff, despite its small size, has been performing commendably in fulfilling their duties. In view of financial constraints, some Members suggested that research students from reputed universities could be engaged in the research projects undertaken by the organization.

On the issue of increasing the membership of AALCO, it was pointed that one definitive way to attract new States to AALCO is to invite key persons identified from selected nations or international organizations to attend the Annual Sessions of the Organization. In this regard, the possibility of inviting francophone countries and the Secretaries-General of African Union and the League of Arab States was alluded to.

Let me move to the substantive part of my report that would focus on substantive matters in regard to AALCO.

Reviving Working Groups in AALCO

Expressing support for the past practice of establishing Working Groups that used to deliberate various issues, it was mentioned that this practice could be revived and that more Working Groups could be created that would increase the outcomes of the Annual Sessions. In this regard mention was made specifically about the revival of the Working Group on Trade Law that did a commendable job in 1980s. The deliberate on their mandate during the Annual Sessions. The Informal Expert Group on Customary International Law last year in Tehran was a case in point. The work accomplished by the Informal Expert Group particularly the report of the Special Rapporteur was appreciated. It was clarified that this report was available on the website of AALCO and that there would be a parallel session on the subject where the Special Rapporteur would answer the questions raised by Member States in this regard. On the proposal of Secretary-General to forward the Report of the Informal Group to the Special Rapporteur of ILC on this subject, it was pointed out that a cautious approach needs to be adopted given the complex nature of the subject and that it is mainly for this reason countries are hesitant to forward their views on the subject to the ILC. On the issue of Asian-African Countries not responding to questionnaire issued by the ILC, it was noted that very few Asian-African countries have recorded their practice. It was mentioned that before the Report of the AALCO Special Rapporteur could be forwarded to the ILC, a consensus needed to be forged and that in the absence of that it was not advisable to do the same. It was also suggested that the sources used by the Special Rapporteur of AALCO while preparing his report could be forwarded to Sir Michael Wood so that it could be reflected in the latter's report.

On this issue of the timing of the AALCO Session vis-à-vis the ILC Session, it was pointed out that AALCO Sessions should be held in the first quarter of any calendar year so that views of Member States of AALCO could be placed before the ILC by the Secretary-General in an adequate manner.

The Permanent Observer of AALCO mentioned the efforts taken by him to increase the profile and image of AALCO within the UN system besides initiating discussions on topics that were of common concern to the Asian-African Countries. Citing an example, he brought attention to the problems of peacekeeping organizations and the applicability of international humanitarian law on their activities. The role and functions of Permanent Members of AALCO in other places such as Geneva and Vienna were also mentioned briefly.

Election of New Secretary-General

As the mandate of the current Secretary-General Prof. Dr. Rahmat Mohamad would come to an end next year, it was pointed out that Member States from Africa should begin their nominations for the post of Secretary-General at an early date to ensure smooth transition of the office of the Secretary-General. In this regard, a view was expressed that African Countries should play a more active role in AALCO. The Members of the EPG expressed deep appreciation to the role that the Secretary-General has been playing in all these past years and that the next Secretary-General could emulate his example. I thank you for your kind attention.

The President: I thank Prof. Momtaz for his report on the meeting on EPG. I take this opportunity to thank the members of this AALCO Eminent Persons Group on behalf of AALCO Member States for their dedication, their efforts and hope that they would continue to serve AALCO Member States with their ideas and views. Dear Colleagues, EPG is an informal advisory group, their suggestions are not formal in nature. It would be taken into account by the Secretary-General, the President and the Member States. So, I am not intending to open the floor for comments. With these words let me conclude the discussions on this item and now, we will take up one of the most important issues for AALCO that is the financial, budgetary issue. We have already had good presentations on Monday soon after the inauguration. We had listened to the Report of the Secretary-General and the Deputy Secretary-General. Over the past days there have been very productive consultations on AALCO's budget for the year 2016. To save time for tomorrow, we need to wind up our meeting before lunch tomorrow; I have the intention to have the adoption of the budget this afternoon. To do that, I shall ask the Secretary-General to brief you about the issues on budget. Mr. Secretary-General, you have the floor.

Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO: Thank you Mr. President, Distinguished Guests, Ladies and Gentlemen. The Secretariat has distributed the revised resolution on the 2016 budget after informal consultations. The second point that I would like to make here before the adoption of the 2016 budget is that, after consultations with delegations who raised some important points, we have reached a conclusion that the Secretariat will maintain the previous sanctioned numbers of professional staffs as proposed by Member States. As to the issue of waiver of arrears, I would leave it to the good office of the President to make

some comments on that. And I believe that the budget for 2016 is ready to be adopted by the Member State of AALCO. Thank you, Mr. President.

The President: I thank the Secretary-General Prof. Dr. Rahmat Mohamad for his explanation and for his additional information. Dear colleagues, as mentioned by the Secretary-General, we know that intensive discussions have taken place on the request of Member States to waive their arrears of their past years. I also noticed that there has been wide support and consultations but no consensus has been reached. On this matter consultation will continue in the coming year taking into account the request of the Member States having arrears. This issue has been seen closed. On the budget we have taken note that there have been very fruitful, informal consultations. I hope that Member States are in a position to adopt AALCO's budget for the year 2016. If this is the case, may I declare that AALCO's budget for the year 2016 is adopted? Yes, it is adopted. Thank you very much, dear colleagues.

For the proceedings for tomorrow, we shall start our meeting of the Third Meeting of Delegations of AALCO Member States at 10 AM in the morning in this room sharply. The most important thing at this meeting would be the adoption of Resolutions on all agenda items discussed, the adoption of Summary Report and other issues. After consultations, drafts have been prepared. It will be circulated immediately to all the delegations. So please look at it and come prepared for their adoption tomorrow morning. After the adoption of the resolutions we shall have a tea break and that will be the last tea break of the Fifty-Fourth Annual Session in Beijing. After that we would convene the Fifth General Meeting and the Concluding Session. After the lunch, there will be a sightseeing organized by the host government to the Forbidden City. For this evening at 6.30, there will be a dinner hosted by the Ministry of Foreign Affairs of People's Republic of China. All the delegates, experts and eminent persons are invited. With these words let me close the meeting.

The meeting was thereafter adjourned.

**XVI. VERBATIM RECORD OF THE THIRD MEETING
OF DELEGATIONS (CONT.)**

XVI. VERBATIM RECORD OF THE THIRD MEETING (CONT.) OF THE DELEGATIONS OF AALCO MEMBER STATES HELD ON FRIDAY, 17 APRIL 2015 AT 10.25 A.M.

His Excellency Mr. Liu Zhenmin, the President of the Fifty-Fourth Annual Session of AALCO in the Chair.

President: Good morning, Dear delegates, dear colleagues, I declare open the third meeting of the Delegations of AALCO Member States. Dear colleagues, this morning, for this meeting of Delegations of AALCO Member States, we have three items. First item is the adoption of Message of Thanks to the President of People's Republic of China. For this issue, I shall give the floor to the Secretary-General to introduce the message. Mr. Secretary-General, you have the floor.

Prof. Dr. Rahmat Mohamad, Secretary-General: Thank you, Mr. President.

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen; On behalf of all the Delegations of the Member States and Observers and the Secretariat of AALCO attending the Fifty-Fourth (2015) Annual Session of the Asian-African Legal Consultative Organization, I would like to extend the following message as a token of our heartfelt appreciation, gratitude and respect to the people and Government of the People's Republic of China.

“We, the participants in the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization, wish to seize this opportunity to convey our profound gratitude and sincere respect to Your Excellency and through you to your esteemed Government and peoples of the People's Republic of China, for graciously helping and assisting to host the Fifty-Fourth Annual Session of AALCO in this historic and majestic city of Beijing, China.

We are also grateful to His Excellency Mr. Li Keqiang, the Premier of the State Council of the People's Republic of China, for gracing the occasion, for his presence and also addressing the inaugural address. We are proud to have commemorated the 60th Anniversary of Bandung Conference here. The Conference of Bandung declared the will of the Asian and African nations to re-conquer our sovereignty and complete independence through the process of authentic, independent, economic and social development for the benefit of all classes.

Excellency, I thank the Government of the People's Republic of China on behalf of AALCO and on my own behalf for hosting the session.

The People's Republic of China has always espoused the cause of the developing countries and hence taken a keen interest in the affairs of AALCO over the years. In that pursuit it has always taken an active part in deliberations during the Annual Session and has undertaken to strengthen the agenda and the role of the Organization among the comity of nations. Your Excellency would be pleased to know their spirit of constructive dialogue and cooperation among attending delegations marked this Session as special thus enabling us to make crucial decisions on the organizational as well as substantive matters. Among the many factors which paved way for the success of the Session, one of the prime ones was the excellent cooperation from the

Government of People's Republic of China which contributed significantly towards the excellent achievements of our deliberations. In this magnificent city of Beijing famous for its picturesque juxtaposition of history and modernity, we the delegates of the Fifty-Fourth Annual Session of AALCO had a very comfortable and a memorable stay. We would like to place on record our sincere gratitude for the full cooperation and warm hospitality that the government of People's Republic of China has extended to AALCO and its Member States. I wish to especially thank the Government of the People's Republic of China for providing excellent accommodation, logistics and transportation for the entire Secretariat of AALCO. Please accept Your Excellency, the assurance of our highest respect and consideration, and may the Almighty bless the endeavors of your great country. Thank you.

President: I thank the Secretary-General for the introduction of the Message of Thanks to the Government and President of People's Republic of China. The message has been adopted. Dear colleagues, now let us move to the next issue, the venue of AALCO's Fifty-Fifth Annual Session. For this issue, I once again give the floor to the Secretary-General to give the presentation.

Secretary-General: Thank you, Mr. President. To date we have not received any official confirmation from any Member States of AALCO to host the next Fifty-Fifth Annual Session, we are still at a negotiating stage and we earnestly hope that soon we will receive the official communication, and once we receive the official communication, we will be communicating to all the missions in New Delhi regarding the next host of the Fifty-Fifth Annual Session. Thank you.

Adoption of Resolutions:

The following resolutions were adopted at the Third Meeting of the Delegations of AALCO Member States on 17th April 2015. All the resolutions were adopted unanimously.

Organizational Matters

AALCO/RES/54/ORG 1 Report of the Secretary-General on the Organizational, Administrative and Financial matters

AALCO/RES/54/ORG 3 Report of AALCO's Regional Centres for Arbitration.

Substantive Matters

AALCO/RES/54/S 2 The Law of the Sea

AALCO/RES/54/S 4 The 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

AALCO/RES/54/S 9	Violent Extremism and Terrorism (Legal Aspects)
AALCO/RES/54/S 10	Environment and Sustainable Development
AALCO/RES/54/S 12	Report of the Work of UNCITRAL and Other international Organizations in the field of International Trade Law
AALCO/RES/54/SP 1	Half Day Special Meeting on the Selected Items on the Agenda of the International Law Commission
AALCO/RES/54/SP 2	Half Day Special Meeting on International Law in Cyberspace
AALCO/RES/54/XX	Half Day Special Event to Commemorate the 60 th Anniversary of the Bandung Conference

The resolution on the budget of AALCO 2016 (AALCO/RES/54/ORG 2) was adopted on 16 April 2015.

Consideration of the Summary Report:

The Draft Summary Report of the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization was placed for consideration of the Member States.

President: The resolutions on both organizational and substantive matters along with the Draft Summary Report have been adopted.

**XVII. VERBATIM RECORD OF THE FIFTH GENERAL
MEETING AND CONCLUDING SESSION**

XVII. VERBATIM RECORD OF THE FIFTH GENERAL MEETING AND CONCLUDING SESSION HELD ON FRIDAY, 17 APRIL 2015 AT 11.00 AM

His Excellency Mr. Liu Zhenmin, the President of the Fifty-Fourth Annual Session of AALCO in the Chair.

President: Distinguished delegates, dear colleagues, May I declare open the Fifth General Meeting and Concluding Session. For this session, we shall start our agenda with Vote of Thanks. For this matter, first may I give floor to the distinguished delegate of India to speak on behalf of Asian members. Mr. Chowdhary, you have floor, Sir.

Leader of Delegation of India: Good morning to all the colleagues. Mr. President, Honorable Ministers, Attorneys General, Excellencies, Distinguished Delegates, Ladies and Gentlemen, as we approach the end of this Fifty-Fourth Annual Session of AALCO, I deem it a great honor and privilege to propose the Vote of Thanks on behalf of Asian Member States of AALCO to Mr. Liu Zhenmin, the President of Fifty-Fourth Annual Session of AALCO and His Excellency, Prof. Githu Muigai, the Vice President of the Fifty-Fourth Annual Session for successfully steering and conducting the proceedings of this Annual Session.

Mr. President, the successful conclusion of the Session can be directly attributed to your invaluable guidance and wisdom. Your planning, critical insight and timely interventions not only broadened the scope of our discussion, but also helped us gain better perspectives on the issues under consideration. I would also like to express my heartfelt gratitude to the Government of the People's Republic of China for their warm and exceptional hospitality that you have bestowed on us. Without your commitment and relentless cooperation this Session would not have been a success. I would like to thank the members of the National Organizing Committee for making this Session such a worthwhile experience. An event like this takes months of planning and meticulous way in which this Session was organized and carried out is quite commendable. We indeed owe a special gratitude to you. In this regard, I specially express my deep appreciation to all Liaison Officers and staff attached with delegations, staff at the help desk, other contact officers at the Ministry of Foreign Affairs of China who were always eager to help us and make our stay comfortable. I would also like to thank the talented artists who performed admirably before us yesterday after dinner and made the evening memorable.

I would also like to extend my warm appreciation to the Secretary-General of AALCO, His Excellency Dr. Prof. Rahmat Mohamad, for his vision and commitment as well as his immense contribution towards attaining objectives for which AALCO was set up. I also wish to express my deepest regard and appreciation to the staff of the Secretariat of AALCO who were not even able to attend the dinners with us but working tirelessly in preparing the documents and making them readily available for our perusal and deliberations every day. The interpreters also deserve our heartfelt appreciation for carrying out their job with utmost care and great efficiency. Finally, Mr. President, the success of this Annual Session would not have been possible without the goodwill, cooperation, active participation and understanding of all the delegates and participants, I extend my sincere thanks and praise to all of them. Thank you, Mr. President.

President: I thank Mr. Chowdhary, Head of Delegation of India for Vote of Thanks on behalf of Asian members of AALCO. I now give the floor to the distinguished delegate from Nigeria to speak on behalf of African members. You have the floor, Sir.

Leader of Delegation of Nigeria: Thank you, Mr. President for the opportunity to deliver the Vote of Thanks on behalf of African Delegations. I want to thank all the distinguished delegates from the African States at this Session too for the privilege to deliver the statement on their behalf.

Mr. President, honorable ministers, Attorneys Generals, Excellencies, Distinguished Delegates, Ladies and Gentlemen, it is my privilege to have been asked to propose a Vote of Thanks on this occasion. As an outset, I would like to express my profound gratitude and sincere appreciation first, to His Excellency Mr. Liu Zhenmin, the honorable President of the Fifty-Fourth Annual Session of AALCO, and secondly, to His Excellency Prof. Githu Muigai, the Vice President for successfully guiding the deliberations of this historic Fifty-Fourth Annual Session of AALCO to a logical conclusion. I also would like to thank the government of the People's Republic of China and all the members of their National Organizing Committee for their efforts to make this session a success. We are humbled by your hospitality. I would like to acknowledge and appreciate your commitment and cooperation in organizing and managing this session.

I would also like to express our gratitude to the Secretary-General of AALCO, His Excellency Prof. Dr. Rahmat Mohamad for tirelessly building and promoting the solidarity between Asian-African States in the international arena. We believe that his leadership has played crucial part in steering AALCO in the right direction. My appreciation also goes to all the staff of the Secretariat of AALCO for their laudable efforts in preparing the documents and making them readily available to all the delegations. I would also like to thank the interpreters for accomplishing the demanding and grueling task of translating each and every word spoken at this forum. Finally, I extend my sincere thanks to all those who have come here to participate in this Annual session, for taking time out from your busy schedules and honor us with your presence and sharing your thoughts on various issues with you. I thank you.

President: I thank the distinguished delegate of Nigeria for his statement for vote of thanks on behalf of the African Member States. Now I invite the distinguished delegate from League of Arab States to deliver the vote of thanks on behalf of the international organizations. You have the floor, Sir.

Observer of the League of Arab States: Mr. President, Honorable Ministers, Attorney Generals, Excellencies, distinguished delegates, Ladies and Gentlemen; it is my privilege to have been asked to propose a Vote of Thanks on this occasion. Please allow me at the outset to express my sincere appreciation for the President of Fifty-Fourth Annual Session of AALCO, His Excellency Mr. Liu Zhenmin for presiding over this historic Session and for the commendable effort you have made towards its success. By the same token, I would like to express my gratitude to the Vice President of Fifty-Fourth Session of AALCO, His Excellency, Honorable Prof. Githu Muigai, for his cooperation and leadership which has inspired all of us. The articulated manner in which you have guided and convened the proceedings of the Annual Session is laudable. I would also like to extend my sincere thanks to the government of the

People's Republic of China and all the members of its National Organizing Committee for the tireless efforts that they have put into making all of us comfortable. Without your commitment and unstinted cooperation the session would not have been a success. I also extend my heart full gratitude to the people and government of People's Republic of China for their warm and exceptional hospitality.

I would also like to take this opportunity to thank the Secretary-General of AALCO for steering the Organization in the right direction; not only he has consolidated the support of member countries but also helped the Organization in realizing its objectives in an effective manner. You can be assured of my delegates full support under your guidance. I also wish to express my deepest regards to the staff of the Secretariat of AALCO for working so hard and earnestly to make available so many documents which were useful for our debates and discussions. My sincere thanks goes to the interpreters for doing their job wonderfully well by making sure the language did not act as a barrier for exchange of different ideas and perspectives. Finally Mr. President, I would like to express my heartfelt thanks to the participants for their patience and contribution to the discourse. Without your active participation and invaluable inputs this event would not have been a success. Thank you, Mr. President.

President: I thank the distinguished delegate from the League of Arab State for his statement of thanks on behalf of the international organizations. Dear colleagues, now may I invite the Secretary-General of AALCO to say a few words.

Secretary-General: Thank you Excellency, Mr. President, Mr. Vice President, distinguished delegates, Ladies and Gentlemen, First, I would like to say thank you very much to Mr. President, Mr. Liu Zhenmin, we look forward to working with you to lead this Organization and we hope that we will have a very fruitful, effective leadership from you and, of course, I stand to be guided by your wisdom, and also the Vice President Prof. Githu Muigai for your guidance. To the delegates, I am very much encouraged, I am very much inspired by your kind words, in giving me this encouragement to pursue looking at the Organization to work very hard and give full dedication to ensure that this Organization remains relevant and significant to Member States of AALCO. Also to my colleagues the DSGs, Mr. Feng Qinghu, Ms. Yukiko Harimoto and Mr. Mohsen Baharvand. They are very important people to me; they have advised me, they have given me a good advice and we are always in consultation. I believe in team work and this is the best part of the Organization that we work together. And also to the host Government, national organizing committee, and to my Secretariat, Mrs. Bakshi, Pandiaraj, Kiran, Rahul, Nihal and my secretary, Mrs. Manju; they are also very important, they are the backbone of this Organization, they work very hard. For their patience and passion and their dedication towards the success of this Organization and I owe them a lot. And also that we must not forget the volunteers. I think I see the young staff running around this hall, I think they have worked very hard for this Session to ensure the success of this Session. We must thank them for their dedication, they work very hard. They were always there to help us, so I would like to thank them very much. Now for the coming one year, I give my very best; I will ensure that we work to ensure that this Organization becomes more relevant and significant and I hope to see you, all of you in our next session. The host or the venue will be decided very soon. Thank you very much, Mr. President.

President: I thank the Secretary-General for his comments, I would also like to take this opportunity to thank Secretary-General for his dedication and work of this Organization over the past seven years. I think without his efforts, this Organization would not have been so successful in current experience over the past seven years with so many difficulties including the financial constraints. So I thank him and wish him all the best in this coming year. Before I give the floor and invite our Vice President to make comments, I note that distinguished delegate of Pakistan wants to make a comment. You have the floor.

The Leader of the Delegation of Pakistan: Thank you, Mr. President. I propose a vote of thanks to the Deputies of the Secretariat and also the volunteers who made this conference a success.

President: I thank the distinguished delegate of Pakistan for his suggestions. I think really I also once again invite you to join me to thank the Secretary-General, Deputy Secretaries-General, all staff from Secretariat and all the volunteers. I think they have really helped us for the preparation of this meeting and most proceedings of this session. Once again, join me for the applause for the Secretary-General and his staff. Now I invite our Vice President to make a comment.

Vice- President: Mr. President, I thank you very much for this opportunity I want, on my own behalf and behalf of all the delegates who have attended this meeting, to thank the government of the People's Republic of China for the very warm welcome and indeed very auspicious hosting of the delegates of the various forums, do convey sir, our deep felt thanks. Further I would like Mr. President to thank you for your wise leadership, very firm but very fair. We used the time well, you guided us in a very useful way and we thank you very much and we hope that for the coming year we will continue to enjoy your able leadership. And you, Mr. Secretary-General and your deputies, thank you very much for all the works that went on behind the scenes. The comprehensive reports that the Secretariat prepared made it possible for us to have very useful discussions. Last but not the least, the Secretariat toiling away at the corner; they are doing an excellent job; and the interpreters, we are very thankful to all of you and to my fellow delegates, I wish you a very safe return to your stations and look forward to meeting you next year. Once again, thank you.

President: I thank the Vice President, honorable Prof. Githu Muigai, Attorney General of Kenya, for his comments. I particularly want to thank him for his general support offered to me and to all members of this Organization. You must have noticed that he sat on the podium, to lead the entire proceedings of the meeting on Tuesday. For this, I am grateful to him. Without his support I would not have been able to complete proceedings of this Session. I am looking forward to work with Prof. Muigai in the coming year to build up the cooperation of Asian-African countries and to build up the Organization as we are expecting. Once again, thank you Mr. Vice President. Dear colleagues, now it seems that we have completed all the agenda items, let me make concluding remarks, before we conclude the session. Mr. Vice-President, Mr. Secretary General, Honorable Ministers, Distinguished Delegates, your Excellencies, and dear colleagues, we have now concluded all items and agenda for the Fifty-Fourth Annual Session of AALCO. The past week has witnessed the strenuous efforts and hard work by all of us here today.

As the President of this session, I would like to take this opportunity to share some of my thoughts before concluding. First, this Annual Session has been a timely one; this year is a year of special and great historical significance as it marks the 60th Anniversary of the Bandung Conference as well as the 70th Anniversary of the end of the Second World War and the founding of the United Nations. Against this background, this Annual Session has provided a platform for Asian and African countries to reflect upon the past and put our sight in future. In doing so, to carry forward Bandung Spirit and continue our solidarity, friendship and cooperation so as to further the international rule of law and uphold the post-war international order. This Annual Session therefore has particular significance in terms of past, present and of future.

Second, this Annual Session has been of a high profile with a broad representation of most Asian and African members. We are pleased to have welcomed more than 230 participants from 49 countries in addition to a big Chinese delegation and international organizations including United Nations and its relevant agencies, Arab League, Shanghai Cooperation Organization and the International Committee of the Red Cross. Additionally, 23 States have been represented by either the ministers or at the vice ministerial level. The Secretary-General of United Nations, Mr. Ban Ki Moon sent his legal counsel, His Excellency Miguel Soares to our Session and he participated in a number of meetings in our Session. The Chinese government attaches great importance to the present Annual Session and have tried our best to be a good host. His Excellency Li Keqiang, the Premier, attended the inauguration session and delivered the inaugural address. All of us have also actively participated in the deliberations of the agenda items with over 30 States delivered their general statements.

Third, this Session has encompassed a wide range of topics that are of practical significance to all of us, including the environment and a sustainable development, violent extremism and terrorism, the law of the sea and others. We also held a half day special meeting on international law in cyberspace and half day special meeting on selected items on the agenda of International Law Commission. We also had a special event commemorating the 60th Anniversary of the Bandung Conference and a side event, an international colloquium on the UN Charter and the post war international order. On the occasion I have to say that I am sorry to have kept you very busy for the past week. Every day we had at least four meetings.

Fourthly, the Annual Session has been particularly fruitful. We have reached consensus on important issues relating to the international rule of law and the development of AALCO and have adopted 11 resolutions and the Summary Report of the Annual Session. We have agreed that in the face of new circumstances, Asian and African countries should carry forward the Bandung Spirit and continue to strengthen solidarity and cooperation as well as friendship and participate more actively in promoting the international rule of law and international governance. We should voice our common concerns to safeguard our common interests in the international arena. We should safeguard an improved international political and economic order so as to contribute to the building of a world of peace, justice and mutual cooperation. We also agreed that the available platform at AALCO should be effectively utilized in order to make greater contribution for promoting the international rule of law.

I am so glad to note that the initiative, China-AALCO Exchange and Research Programme on International Law, announced by Premier Li has received widespread support and welcome. We

had valuable exchanges on topic of international law in cyberspace and this new issue will affect the rights and interests of governments and individuals throughout the world, especially all developing countries. In this respect, we have agreed to set up an open-ended working group on international law in cyberspace with instructions for AALCO to continue our discussion. I believe, this working group will facilitate Asian-African States in seeking consensus, voicing our common concerns and actively participating in international rule making.

Your Excellencies, distinguished delegates, well, this Annual Session has come to an end, but there is still lot to do for us in the coming months or in the coming year for the promotion of the international rule of law and for the future development of AALCO. It will be the task of Secretary-General and the Secretariat to bring the new consensus reached at this Annual Session into action in collaboration with the Member States.

As to the future work of AALCO, I shall describe them by four keywords. First, implementation: Premier Li, in his inaugural address, has announced that China will setup the China-AALCO Exchange and Research Programme on International Law. The idea is to facilitate further exchanges among AALCO members. In addition to the Annual Session, we need to have more events. So Chinese side will work in close collaboration with AALCO Secretariat and the Member States to ensure the smooth implementation of the programme and we look forward to views and ideas from all parties. We also hope that the Working Group on International law in Cyberspace will be set up as soon as possible and will run smoothly. In regard to other international law issues that are important to our development AALCO should continue to play the greater role in facilitating all the Member States in reaching consensus, voicing a common consent and safeguarding all common interests. We have set up a number of groups and sub-committees through resolutions; I hope the Secretariat and Secretary-General will continue to promote the implementation of this mechanism in cooperation with the Member States.

Second, cooperation: AALCO should have a greater role in influencing the solidarity and cooperation of Asian-African States. This includes, first and foremost, enlarging AALCO's membership in Asia and Africa, in particular to have more members from Africa thereby enhancing its representation in two continents. Now we have 47 members, we hope that with our due efforts from both members and the Secretary-General, we hope that in the coming year we should increase some members especially from Africa Members. Informally, I talked to some ministers that we need to have more Africa members. Of course, we are encouraging other States from Asia to also join AALCO but we particularly need more African members to join our Organization. AALCO should also continue to join its cooperation with the United Nations and other international and regional organizations. As our academic and legal practitioner, the Secretary-General is encouraged to continue to present the views of AALCO Member States at international legal forums such as International Law Commission and Sixth Committee of General Assembly.

Third, exchanges: AALCO should enhance exchanges between its Member States and important issues through symposiums and training programs as well as thematic research projects thereby furthering mutual understanding and trust.

Fourth, capacity building: Capacity building of AALCO would be a long lasting task, I think first and foremost for the capacity building of AALCO, I have to share this with the members of AALCO that we shall have an election for the new Secretary-General at the forthcoming session, that is the Fifty-Fifth Annual Session of AALCO, next year. In compliance with the tradition, the next Secretary-General will be from Africa. I encourage the African colleagues to be actively engaged in submitting candidates for the new Secretary-General. I hope we will be able to reaching an agreement as soon as possible. Second, I believe that AALCO should continue to facilitate Member States in strengthening their capacity building and improving their participation in international rule making and in application of international law. At the same time I hope that Member States will do their best to support the AALCO Secretariat by making voluntary financial contributions in addition to their annual contributions and give us assessment for the budget. I think the voluntary contributions are encouraged in order to improve the financial situation of AALCO. So this is where I am always complaining and also talking with other organizations that AALCO, to be fair, is a poor organization in terms of financial conditions. We need to strengthen organization by increasing its budget and also to make more voluntary contributions.

Dear colleagues, with this, last but not the least, I must express my sincere thanks to the trust and support all of you have given to my country and to me. As the President of present Annual Session, I would like to extend my deep gratitude to His Excellency Mr. Danesh Yazdi, the President of Fifty-Third session of AALCO, who came far way from Tehran to Beijing to preside over opening session of the current Annual session of AALCO. Also, I want to thank the Vice President, his Honorable Prof. Githu Muigai, Attorney General of Kenya, for the support he has extended to me and to all Member States. I also want to thank Prof. Rahmat Mohamad, Secretary-General of AALCO and his three Deputy Secretaries General and all staff members of AALCO Secretariat for their dedication and efforts devoted for preparation and also conducting of the session. May I also express my thanks to all members from Eminent Persons Group and International Law Commission for being present to all sessions and to the efforts made by all delegates and representatives from Member States and observers as well as international organizations. Without your support this session would not be possible, would not be so successful. My thanks also go to the hard work of staff members of State Guesthouse, we had our meeting here. The student volunteers from China, you can see so many young colleagues; many of them are students. They are acting as volunteers in support of the activities of our session.

Of course, I also want to thank all interpreters provided by the Secretariat, also provided by the host government. They have ensured communication between all of us. Moreover, I should also give special thanks to my colleagues in the Ministry of Foreign Affairs of China, who over half a year have strived day and night for the organization and preparation of this Fifty-Fourth Annual Session. So this reminds us, normally the preparation of the Annual Session takes about several months. Without such preparations, this session would not have been such a success. So that is why in view of our experience, the Chinese experience, we need to decide the venue of Fifty-Fifth Annual Session of AALCO soon to enable host and the Secretariat to start the preparations immediately.

Distinguished delegates, dear colleagues, this Annual Session has been a memorable one for all of us. Although the Session is about to come to an end, the course of AALCO will continue. I firmly believe that by maintaining the spirit of solidarity, friendship and cooperation and by joining our hands together we will assure a brighter future of AALCO. Dear colleagues, may I now announce the conclusion of Fifty-Fourth session of AALCO, *bon voyage* and see you next year at the Fifty-Fifth session of AALCO. Thank you very much.

Now I declare the Fifty-Fourth Annual Session of AALCO closed.

**XVII. TEXT OF THE DOCUMENTS ADOPTED AT
THE FIFTY-FOURTH ANNUAL SESSION**

A. SUMMARY REPORT



AALCO
Asian-African Legal Consultative Organization
Fifty-Fourth Annual Session
13 to 17 April 2015
Beijing, People's Republic of China

SUMMARY REPORT
OF THE FIFTY-FOURTH ANNUAL SESSION OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION*

1. Introduction

1.1 43 Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Fifty-Fourth Annual Session (hereinafter "the Session") namely, **Arab Republic of Egypt, Bahrain, Bangladesh, Botswana, Brunei Darussalam, Cameroon, People's Republic of China, Cyprus, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Libya, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Sultanate of Oman, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, State of Palestine, Sudan, Syrian Arab Republic, Tanzania, Thailand, Turkey, Uganda, United Arab Emirates, Yemen.**

1.2 Representatives of the following Regional Arbitration Centres of AALCO were also present: Kuala Lumpur Regional Centre for Arbitration (KLRCA), Regional Arbitration Centre for International Commercial Arbitration, Lagos (RCICAL), and Tehran Regional Arbitration Centre (TRAC).

1.3 In accordance with Rule 18 (1) of the Statutory Rules, the following Observers were admitted to the Session:

- I. Representatives from the following Non-Member States: Algeria, Benin, Ethiopia, Namibia, New Zealand, Russia and Vietnam.¹

* This is the final version of the Fifty-Fourth Annual Session of AALCO, held in Beijing, China

¹ This list was updated on 24 April 2015.

- II. Representatives of the following International Organizations: Association of South East Asian Nations (ASEAN), International Committee of Red Cross (ICRC), International Court of Justice, International Criminal Tribunal for the Former Yugoslavia, League of Arab States, The Shanghai Cooperation Organization, UNCITRAL, United Nations and United Nations Environment Programme (UNEP).

2. Inaugural Session

2.1 The Session commenced on 13 April 2015. **H.E. Mr. Danesh Yazdi, President of Fifty Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran** welcomed all the delegations to Beijing. He then invited Premier Li Keqiang of the People's Republic of China to deliver the inaugural address.

2.2 **H.E. Premier Li Keqiang of the People's Republic of China**, in his inaugural address, stressed on the significance of reviving Bandung spirit and reinforcing Asian-African solidarity and friendship to meet the current challenges the regions face and for maintaining global peace and security. He said that it was important to safeguard the post-war international order, as this year also marked that 70th anniversary of the victory of the world anti-fascist war and the founding of the UN.

2.3 He said that peace and development cannot be achieved without Rule of Law and order. With this in mind the international community should work on the following areas: (i) to make a more just and equitable international political order, (ii) to work for a more open and institutionalized world economy, (iii) to uphold international peace and stability, (iv) to work together to meet global non-traditional security challenges, and (v) to deepen exchange and cooperation within the international legal system. As a mark of respect for the contributions made by all AALCO Members, China would support the work of AALCO as always and would fund the establishment of China-AALCO Research and Exchange Programme on International Law. H.E. Dr. Danesh Yazdi delivered the vote of thanks to H.E. Premier Li Keqiang.

2.4 **H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)** welcomed all delegations to the Session and thanked the Government of the People's Republic of China for hosting the Session and for the meticulous arrangements made. He highlighted the contribution made by People's Republic of China to the development of AALCO since it joined the Organization in 1983.

2.5 **Mr. Miguel de Serpa Soares, Under Secretary General for Legal Affairs and legal Counsel of the United Nations** addressed the delegations on behalf of H.E. Ban Ki-moon, the Secretary General of the United Nations. His speech dwelled upon the cooperation between the two organizations in addressing areas such as reinforcing the rule of law at national and international levels and the current legal challenges faced by the international community.

2.6 **H.E. Mr. Danesh Yazdi, President of Fifty Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran** addressed the Plenary. He summarized the achievements of AALCO and stated that AALCO has been able to keep up with the current legal challenges. The inclusion of “Violent Extremism and Terrorism” and “International Law in Cyberspace” was indicative of this fact.

2.7 **Vote of Thanks** was delivered by **Dr. Pradip Choudhary, Director, Legal and Treaties, Ministry of External Affairs of India**, on behalf of the President of the Fifty-Second Annual Session.

3. First Meeting of the Delegations of AALCO Member States

3.1 **H.E. Mr. Danesh Yazdi, President of Fifty Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran**, called the Meeting to order. The following agenda was adopted for the Fifty-Fourth Annual Session:

3.2 Agenda

I. Organizational Matters

1. Consideration and Adoption of the Agenda
2. Election of the President and Vice-President
3. Admission of Observers
4. Admission of New Members
5. Report of the Secretary-General on the Work of AALCO
6. Proposed Budget for the Year 2016
7. Report on the Work of the AALCO’s Regional Arbitration Centres
8. Report by the Chairman of the Working Group on Customary International Law
9. Report by the Chairman of the EPG
10. Venue of the Fifty-Fifth Annual Session

II. Matters under Article 1 (a) of the Statutes: Matters Referred to the Organization by Member States

1. Law of the Sea
2. 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
3. Violent Extremism and Terrorism (Legal Aspects)

III. Matters under Article 1 (b) of the Statutes: Matters of Common Concern Having Legal Implications

Environment and Sustainable Development

IV. International Trade Law Matters

Report on the Work of the UNCITRAL and Other International Organizations in the Field of International Trade Law

V. Two Half-Day Special Meetings

1. Special Meeting on “Selected Items on the Agenda of the International Law Commission”
2. Special Meeting on “International Law in Cyberspace”

VI. Any Other Matter

1. Special Event on “Commemorating the Sixtieth Anniversary of the Bandung Conference”
2. Parallel Side Event: “Colloquium on UN Charter and the Post-War International Order “(Co-hosted by the Ministry of Foreign Affairs of China and the Chinese Society of International Law)

3.3 **Admission of New Members:** No New Member was admitted in this Fifty-Fourth Annual Session.

3.4 **Admission of Observers:** The observers were admitted as per the list provided in page 2 of this report.

3.5 The President of the Fifty-Third Annual Session, **H.E. Mr. Danesh Yazdi**, invited the Member States to propose candidates for the posts of President and Vice-President of the Fifty-Fourth Annual Session of AALCO. The Head of Delegation of Kenya proposed the nomination of **H.E. Liu Zhenmin, Vice Minister of Foreign Affairs of the People’s Republic of China** as the President of the Fifty-Fourth Annual Session of AALCO. The nomination was seconded by the Heads of Delegations of Pakistan, Indonesia and Cyprus and he was unanimously elected. The Head of Delegation of Malaysia proposed the nomination of **Hon’ble Prof. Githu Muigai, Attorney General of Kenya** as Vice-President of the Fifty-Fourth Annual Session. The proposal was seconded by the Head of Delegation of Cameroon and he was unanimously elected. Thereafter, the outgoing President Dr. Danesh Yazdi invited the President and Vice-President of the Fifty-Fourth Annual Session to assume their positions on the dais.

3.6 The newly elected President thanked the Member States for nominating him. He expressed his satisfaction on the turnout for the Fifty-Fourth Session which indicated the relevance that Member States accord to AALCO and its activities.

4. First General Meeting

4.1 **Release of AALCO Publication: The Secretary-General of AALCO** briefly gave a background on the various publications of AALCO and their importance in the dissemination of international law knowledge in the Asian-African region. Thereafter, the following AALCO publications were released: Yearbook of the Asian-African Legal Consultative Organization (2014, vol.XII); AALCO Journal of International Law, (Vol. 3, Issue 2, 2014); and Secretary General's Handbook on Basic Entitlements and Obligations under 1982 UNCLOS.

5. Special Event Commemorating the 60th Anniversary of Bandung Conference

5.1 The Session began with a commemorative video on the 1955 Bandung Conference and its objectives.

5.2 **H.E. Zhang Yesui, The Executive Vice Minister of Foreign Affairs of The People's Republic of China**, said that the Bandung Conference proclaimed to the world the emergence of developing countries on the world stage as a new important force. He emphasized that the conference gave birth to the Bandung Spirit which characterizes solidarity, friendship and cooperation. He said Bandung Principles served as an important intellectual and political foundation for building up a just and equitable economic order. He stressed the need to uphold peace and stability through international rule of law. He highlighted the importance to uphold inclusiveness and mutual learning through the international rule of law.

5.3 **Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel**, highlighted the contribution of Bandung Conference to multilateralism and the importance of Bandung principles as touchstones for effective international relations among States. He reiterated the importance of the final communiqué of the Bandung Conference—and the “spirit of Bandung” that it represented. He said that it requires us to critically examine the operation of Bandung principles in the current environment, taking into account its history and prior application.

5.4 Thereafter, the following delegations presented their statements: **Indonesia, Myanmar, Pakistan, Japan, India, DPR Korea, Thailand, South Africa, Sri Lanka, Qatar, Republic of Korea, Iran, Arab Republic of Egypt, Nigeria, Kenya and Saudi Arabia.**

The **Secretary-General of AALCO** made his concluding remarks.²

6. Second Meeting of the Delegations of AALCO Member States

² In accordance with the past practice, detailed views of Member States will be reflected in the Verbatim Record of Discussions of the Fifty-Fourth Annual Session.

6.1 **Report of Secretary-General:** The Secretary-General summarized the activities and mandate undertaken since Fifty-Third Annual Session and made a brief presentation on the future plans of action including research intensification programmes and cooperation with academic institutions and international organizations.

6.2 **Dr. Roy Lee, the Permanent Observer of AALCO to the United Nations in New York** reported on his activities at the UN aimed at enhancing visibility of the Organization at the UN.

7. Discussions on Budget for 2016

7.1 **The Secretary General of AALCO** outlined the factors which necessitated the increase in the proposed budget for 2016. He also mentioned the requests from the State of Palestine, Yemen and Lebanon for waiver of their arrears. Thereafter, **Ms. Yukiko Harimoto, the Deputy Secretary-General of AALCO** presented the budget for 2016. She highlighted the exceptional circumstances that prompted an increase in the proposed budget. These include the related cost for the outgoing and incoming Secretaries-General. She also mentioned the impending 7th Pay Commission of India, the release of which may entail financial implications in 2016.

7.2 The Deputy Secretary-General's presentation was followed by comments from the delegations of **Japan, Pakistan, India, Republic of Korea, Cameroon, State of Palestine, Iran, Nigeria, South Africa, Saudi Arabia, Pakistan, Kuwait, Libya, Qatar, Sultanate of Oman, Iraq, Jordan, Democratic People's Republic of Korea, People's Republic of China, Turkey, Indonesia, United Arab Emirates, Bahrain and Arab Republic of Egypt**. The delegations generally supported the budget proposal for 2016. One delegate pointed out that as regards the salary and allowances of the new Secretary-General, the past instances were allowed on an one time *ad hoc* basis; and that the status quo as regards the strength of sanctioned staff should be maintained unless it is duly discussed in the Liaison Officers Meeting. Then the budget for 2016 was adopted with relevant comments properly reflected.

7.3 As regards the request made by the State of Palestine to waive its arrears, there was an overwhelming support for the same. One delegate, however, noted that it disapproved the request for waiver of arrears from three Member States on the ground that doing so would discourage other Member States from working together for the better administration.

8. Second General Meeting

8.1 At the Fifty-Fourth Annual Session of AALCO the following delegations made their general statements: **Japan, Brunei Darussalam, People's Republic of China, Malaysia, Sri Lanka, Sultanate of Oman, DPR Korea, South Africa, Nepal, India, Kuwait, Arab Republic of Egypt, Qatar, Republic of Korea, Myanmar, Syria, Bahrain, Cyprus, Thailand, Cameroon, Indonesia, Pakistan, Kenya, Islamic**

Republic of Iran, Ghana, Saudi Arabia, Sudan and Nigeria. The observer delegations from **Russia and Ethiopia** also presented their statements.

8.2 All the delegations congratulated the President and Vice-President on assuming their posts. Delegations also thanked the People and Government of the People's Republic of China for the warm welcome and hospitality. On the topics chosen for deliberation at the session, many delegates found them to be of contemporary relevance, having considerable interest to Member States. These included the latest additions to the agenda items such as, Violent Extremism and Terrorism (Legal Aspects), International Law in Cyberspace and Investment Treaties and Their Implications. While welcoming the Special meeting on "International Law in Cyberspace" many delegations expressed the need find the right balance between the assertion of sovereign rights in cyberspace and the protection of freedom of speech and expression. Many delegations also decried the military use of cyberspace. They were of the opinion that the deliberations of this meeting would contribute to global dialogue necessary to achieve consensus on this critical issue. While noting that AALCO should exclusively focus on the legal aspects of the issue, few delegates noted that there is a need for mutual legal assistance and cooperation among Member States in finding solutions to these vexing questions.

8.3 Many delegates opined that the commemoration of the 60th anniversary of the Bandung Conference presented an opportune moment for the Member States to further strengthen Asian-African solidarity and chart out a new plan of action for AALCO's development. Some Member States enumerated various legal measures they undertook since the last Annual Session which were in conformity with international legal norms. Many States emphasized the significance of rule of law to ensure peaceful coexistence and stability nationally and globally.

8.4 One delegate proposed to add French as one of the official languages of AALCO in order to attract Francophone States to join AALCO.

9. Third General Meeting

Agenda Item: Environment and Sustainable Development

9.1 **Deputy Secretary-General of AALCO, Ms. Yukiko Harimoto,** introduced the agenda item and stated that the report is focused on climate change and Sustainable Development Goals. She explained the recent developments in multilateral fora on climate change and sustainable development. She also highlighted the linkage between environment and development, and the need for a Comprehensive Agreement on Climate Change by briefly describing the recent related conferences.

9.2 Thereafter, the delegates of **Japan, Sri Lanka, Indonesia, Iran, People's Republic of China, India, Republic of Korea, Kenya, South Africa, Democratic People's Republic of Korea and Saudi Arabia** presented their views on the agenda item.

9.3 Many delegates appreciated the focus of the secretariat report on climate change and Sustainable Development Goals (SDGs). Delegates were generally in favour of a fair, equitable and legally binding agreement on climate change and emphasized the importance of the Paris Conference scheduled to be held in 2015. Some delegates mentioned the importance of “Intended Nationally Determined Contributions” (INDCs). Many delegates were of the view that poverty eradication is an imperative to sustainable and equitable economic development and that Common but Differentiated Responsibility (CBDR) is a recognized principle which must be reflected in any new agreement.

9.4 One delegate stated that “climate change and sustainable development were two sides of the same coin. The efforts to tackle climate change would not succeed without implementing sustainable development agenda and vice versa, we will not succeed to implement sustainable development agenda without tackling the challenges posed by climate change”³. Many delegates were of the view that economies of Asian and African countries were dependent on natural resources and hence highly vulnerable to climate change. Many delegates mentioned the importance of South-South cooperation in efforts to mitigate climate change and adopt and implement SDGs. One delegate welcomed the entry into force of the Nagoya Protocol to the Convention on Biological Diversity. Some delegates welcomed the total amount of pledge Green Climate Fund (GCF), having exceeded 10 billion dollars.

Agenda Item: Report on the Work of the UNCITRAL and other International Organizations in the field of International Trade Law

9.5 **Mr. Mohsen Baharvand, Deputy Secretary-General of AALCO**, introduced the agenda item and highlighted the issue of shrinking policy space for Host States and the resource constraints that developing Member States grapple with while dealing with international arbitration disputes. Further, he briefly explained systemic deficiencies in the existing Investor-State Dispute Settlement (ISDS) mechanism including lack of transparency and the legitimacy of *ad hoc* arbitrators particularly in dispute involving sensitive public policy issues.

9.6 Thereafter, the delegates from **Japan, Myanmar, Thailand, People's Republic of China, Indonesia, Republic of Korea, India and South Africa** presented their views on the agenda item. The representative from the **UNCITRAL** also made a statement.

9.7 Many delegations appreciated the focus of the Secretariat report on International Investment Law. Some delegates were of the view that investor-State is beneficial for the foreign investment of the Host State. Some delegations were of the view that the first generation of bilateral investment treaties needed a thorough review. Some delegates stated the lacunae in their respective bilateral investment treaties. Many States supported the work of UNCITRAL in harmonization of international trade rules.

³ This change has been suggested by the Delegation of the Republic of Indonesia vide email received by the Secretariat on 5 May 2015.

9.8 Many delegates appreciated the work of UNCITRAL on transparency in ISDS mechanism. Many delegates emphasized the need to strike a balance between investor rights and the regulatory rights of the Host State. Many delegates described the regional multilateral investment mechanisms they are associated with. A few delegates called for harmonization of international trade rules regarding a framework convention on investment. One delegate said that the surge in reservations by States on bilateral investment treaties is not a favourable sign, as it results in high litigation costs for Member States. One State opined that ISDS mechanism unduly favours the investor and erodes state sovereignty. One delegate said that foreign investment comes irrespective of bilateral investment treaties, citing example that investment is coming from States which does not have BITs. One delegate mentioned that investment treaties should allow for health and safety regulation of Host State.

9.9 The representative of UNCITRAL explained the work of the organization relating to transparency in ISDS. He called for Member States to benefit from the research and activities of UNCITRAL relating to foreign investment.

10. Topic I: Half Day Special Meeting on “International Law in Cyberspace”⁴

10.1 While delivering the introductory statement on the topic, the **Deputy Secretary-General of AALCO Mr. Feng Qinghu** emphasized the new challenges which include: (1) disagreement over a universally accepted structure of internet governance and associated issues including state sovereignty in regulating internet within its jurisdiction, (2) articulation of rules related to state and non-state conduct during cyber warfare and (3) burgeoning transnational cyber crimes and the need for a multilateral treaty to effectively prevent its escalation.

10.2 With regard to cyber warfare, he noted that the articulation of traditional rules of war, both on the use of force (*jus ad bellum*) and International Humanitarian Law (*jus in bello*), applicable to cyberspace is a prime concern. While noting that cyber espionage factors have become a critical concern with respect to cyber security, he emphasized that Vienna Convention on Diplomatic Relations reaffirmed the inviolability of diplomatic correspondence and that it equally applied to cyberspace as well. As regards cybercrimes and international law, he added that its provisions did not adequately address various new threats such as terrorist use of the Internet, botnet attacks and phishing.

10.3 **Mr. Zhijong Fan, Representative of HUAWEI** explained the various ways in which Internet has changed our lives taking into account the past, present and future of the internet. To bring home this point, he gave a number of examples that included: the phenomenal growth of the Chinese company called Taobaor, due to the license issued by the Ministry of Industry and Informational Technology in 2013 which allowed it to

⁴ In accordance with the past practice, detailed views of Member States will be reflected in the Verbatim Record of Discussions of the Fifty-Fourth Annual Session.

operate 4 G; the work of the HUAWEI in Nairobi, Kenya on building a new mobile network; the work of the national power grid company, Copel in Brazil which was building its network and data centres to convert itself to a smart grid company and the changed nature of the functioning of Banks after the advent of Internet.

10.4 In conclusion, he stated that protecting internet and preventing its misuse is as vital as protecting other sources such as air and water and that the misuse of the internet would only undermine the efforts of mankind and slow down the technology evolution itself.

10.5 **Mr. Richard Desgange, Regional Legal Advisor, ICRC, Beijing** explained why it has been difficult to provide an authoritative definition of ‘cyber warfare’ and stressed that IHL applies to this new technology in armed conflicts. He went on to add a list of challenges emanating from the interpretation and application of IHL in regard to cyberspace.

10.6 Firstly, since IHL relies on attribution of responsibility to parties to an armed conflict, anonymity in cyber space may create major legal challenges. Secondly, in cases where the only hostile act is a cyber-operation, it may be difficult to call it an armed attack within the meaning of IHL. This question was closely related but nevertheless distinct from whether a cyber-operation alone could amount to a “use of force” or an “armed attack” under the UN Charter. Thirdly, the interconnectedness of cyberspace makes it impossible to distinguish between military and civilian networks before launching cyber-attacks.

10.7 The following delegates presented their statements pursuant to the presentations made by the panelists: **Japan, Ghana, China, Nepal, India, Pakistan, Malaysia, Sultanate of Oman, South Africa, Iran and Sudan**. The Observer delegation of **Vietnam** also made a statement.

11. Fourth General Meeting

Agenda Item: 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

11.1 **The Deputy Secretary-General, Ms. Yukiko Harimoto** introduced the agenda item. She briefed the recent developments, referring also to the illegal annexation of Palestinian Land, creation of Jewish Settlements and massive deportation of Palestinians which violate international law and IHL. On 1 April 2015 Palestine became the 123rd State to join the ICC, marking an important step towards accountability and justice for the victims in the conflict. She emphasized that the resolution to the conflict could be achieved only in accordance with the principles of rule of law including the widely supported UN Security Council and UN General Assembly Resolutions 242, 338 and 1515.

11.2 The following Member States presented their views, namely: **State of Palestine, Qatar, Japan, Indonesia, Iran, Arab Republic of Egypt, Saudi Arabia, People's Republic of China, India, Pakistan, Syria, Nigeria and Libya.**

11.3 Most delegates expressed their wholehearted support to the creation of an independent State of Palestine enjoying full sovereignty. Many of them added that the Israel- Palestine conflict should be resolved exclusively through peace talks based on the relevant UN Security Council resolutions, Madrid Principles, the Arab Peace Plan and Quartet Roadmap.

11.4 Many delegates expressed deep concern over the violation of human rights and IHL committed by parties to the conflict and made it clear that a military solution to this conflict would only damage the prospect of peace and stability in the region.

11.5. A few delegates welcomed the establishment of the Independent Commission of Inquiry by the Human Rights Council and expressed hope that the outcome of this inquiry would end the culture of impunity for the violation of human rights and IHL committed by the occupying power, Israel.

11.6 One delegate brought attention to the four-point proposal that it had offered for resolving the conflict. Another delegation mentioned that it had hosted along with another country and with the Palestinian authority an international Conference on Palestine entitled "*The Cairo International Conference on Palestine: Reconstructing Gaza*" that was aimed at strengthening the ceasefire in place and improving the prospects of attaining a political solution.

Agenda Item: The Law of the Sea

11.7 The **Deputy Secretary-General of AALCO Mr. Feng Qinghu**, introduced the agenda item and stated that the report focused on Marine Scientific Research and Exploration of Deep Sea Resources. He highlighted issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction especially the necessity for a new international legal instrument in this regard.

11.8 Following the introduction, a brief presentation was made by **Mr. H.P.Rajan, Legal Adviser of AALCO**. In his presentation, he highlighted that marine scientific research is an important and essential component to understand the nature of deep sea resources as well to develop appropriate technology and devise mechanisms for the protection and preservation of the marine environment and its biodiversity. He pointed out that while the Convention recognized the conduct of marine scientific research as a freedom of the high seas, it also contained general principles for the conduct of marine scientific research in the various maritime zones of coastal States. He explained that although the term marine scientific research was not defined in the Convention, the three Regulations adopted by the International Seabed Authority for prospecting and exploration of polymetallic nodules, sulphides and cobalt-rich ferromanganese crusts all defined marine scientific research as well other terms like prospecting, exploration,

exploitation, marine environment, serious harm to marine environment etc. He stated that there were several practical difficulties involved in determining what activities constitute marine scientific research and what activities go beyond marine scientific research. He was of the view that in view of several contemporary developments, and the importance of the subject to Member States of AALCO, it would be very useful to convene a workshop that would provide an opportunity for an in-depth discussion of the complex legal and practical issues involved.

11.9 An expert presentation was also made by **Ms. Alice Hicuburundi, Senior Legal Officer, Division on Ocean Affairs and the Law of the Sea, UN**, on the issues of Marine Scientific Research. She explained the legal regime of marine scientific research under Part XIII of UNCLOS. She said that the deep sea is seen as the source of future scientific discoveries and resources. She highlighted that strong and dependable scientific knowledge base is fundamental to informed political and economic decision-making. She advocated strengthening co-operation and co-ordination among States and international organizations, at the global and regional level. She underlined the need for establishing better links between marine scientists and policy makers and managers. She called for strengthening capacity building and better dissemination of knowledge, information and data sharing among Member States.

11.10 Thereafter, the delegates of **Thailand, Japan, Republic of Indonesia, Ghana, People's Republic of China, Nepal, India, Pakistan, Malaysia, Sultanate of Oman, South Africa** and **Iran** presented their views on the agenda item. The observer delegation of **Vietnam** also made a statement.

11.11 Many delegates appreciated the focus of the secretariat report on Marine Scientific Research and Exploration of Deep Sea Resources. Most delegates applauded the progress made by the Working Group to study issues relating to the Conservation and Sustainable Use of Marine Biological Diversity beyond Areas of National Jurisdiction (BBNJ). One delegate supported the Secretariat's suggestion on conducting study, sponsoring seminars and workshops on BBNJ and exploration of deep sea resources. Some delegates were of the view that strengthening of capacity-building programs is significant for the Asian and African states to meaningfully participate in international marine affairs.

11.12 One delegate stated that his country is yet to explore in deep sea mining but it has been closely following the work and rules of International Sea Bed Authority. Many delegates urged other Member States to intensify marine scientific research as provided under Part XIII of UNCLOS and also to respect sovereignty, jurisdiction and rights of coastal states. One delegate said with reference to deep sea bed mining, there is a lot which needs to be done in terms of capacity building for developing countries and land-locked states. Many delegates emphasized that the mineral resources in the Area are the "Common Heritage of Mankind".

Agenda Item: Violent Extremism and Terrorism (Legal Aspects)

11.13 **Prof. Dr. Rahmat Mohamad, Secretary General of AALCO**, introduced the agenda item and explained the idiosyncratic and multidimensional nature of violent extremism that necessitates a comprehensive articulation of the existing international legal norms.

11.14 Thereafter, presentations were made by the following Member States namely: **Japan, Indonesia, Ghana, Myanmar, Iran, Jordan, Malaysia, Kenya, Qatar, Uganda, Iraq, Turkey, People’s Republic of China, India, Nigeria, Cameroon, South Africa, Pakistan, Saudi Arabia and Syria.**

11.15 All delegates expressed their grave concern over the threats posed by crimes of terrorist and violent extremist groups and reaffirmed that they constitute a serious concern for all Member States. They vehemently condemned the horrendous crimes perpetrated by extremist groups such as ISIL, Boko Haram, and Al-Qaeda. Delegations expressed their condolences and sympathy for recent terrorist attacks in Kenya, Pakistan and Somalia.

11.16 Many delegates emphasized the importance of UN Security Council Resolution 2178 to combat violent extremism and its various manifestations. Many of them enumerated the legal measures undertaken by them to prevent and tackle terrorism and violent extremism. Some delegates stressed on the significance of strengthening bilateral and regional cooperation with respect to capacity building and information sharing in pursuance of thwarting this menace. It was pointed out that conventional international customary law provides sufficient apparatus for effective cooperation in this regard.

11.17 Some delegates pointed out that terrorism and violent extremism should be disassociated with any religion and regardless of their underlying motivation they cannot be justified. One delegate emphasized that an “Asian-African Guidelines” should incorporate substantive elements in addressing violent extremism, and the draft guidelines presented by the Secretariat in its current form must be revised and resubmitted in the next Annual Session for consideration by the Member States. He recalled the resolution on “international terrorism” adopted at the Fifty-First Annual Session on the mandate given to the Secretariat to study the feasibility of an Asian-African on Mutual Legal Assistance in Criminal Matters and subsequently consider drafting an Asian-African Treaty on this matter.

12. *Topic II: Half Day Special Meeting on “Selected Items on the Agenda of the International Law Commission”*⁵

12.1 **The Secretary-General of AALCO Prof. Dr. Rahmat Mohamad** delivered the introductory statement on the subject and stated that the International Law Commission (ILC) and AALCO have shared a long-standing and mutually beneficial relationship and that one of

⁵ In accordance with the past practice, detailed views of Member States will be reflected in the Verbatim Record of Discussions of the Fifty-Fourth Annual Session.

the functions designated to AALCO under its Statute is to study the subjects which are under the consideration of the ILC and thereafter forward the views of its Member States to the Commission.

12.2 Explaining the deliberations held at the Sixty-Sixth session of the Commission, he pointed out that they focused on eight topics, namely; Expulsion of aliens; the obligation to extradite or prosecute (*aut dedere aut judicare*); Protection of persons in the event of disasters; Immunity of State officials from foreign criminal jurisdiction; Subsequent Agreements and Subsequent Practice in relation to the interpretation of treaties; Identification of Customary International Law; Protection of Environment in relation to armed conflicts, and Protection of Atmosphere. He went on to give a brief summary of how each one of them was dealt with.

12.3 While stressing that the Special Meeting would focus on three topics; Immunity of State Officials from Foreign Criminal Jurisdiction, Expulsion of Aliens and Protection of Atmosphere; he also observed that the topic of the “Identification of Customary International Law” has been a matter of great concern to developing countries on account of the reason that the voice of Asian and African states were not simply present in the international law discourse. He also brought attention to the fact that the Secretariat of AALCO had proposed and received approval at the Fifty-Third Annual Session to constitute an “Informal Expert Group of Customary International Law”, that has held two meetings so far.

12.4 **Amb. Dr. Hussein Hassouna, Member of ILC** was the first panelist on this Special Meeting who spoke on the topic “Expulsion of Aliens”. His presentation then focused on four aspects of the topic, namely historical background, general approach of the ILC on the Draft Articles, Analysis of the ILC draft Articles, debates on the Draft Articles held at the UN Sixth Committee.

12.5 On the historical aspects, he stated that from 2005 to 2014 the Commission received and considered nine reports by the Special Rapporteur and that that in his last report submitted in 2014 he submitted his proposals for reformulating the draft articles adopted on first reading in the light of the comments and observations received from Governments. On the general approach adopted by the Commission, he pointed out that though expulsion of aliens is a sovereign right it also involves the question of respect for the rights of aliens.

12.6 Commenting on the draft articles adopted by the ILC, he explained that they are divided into five parts and that while parts I and II dealt with general framework and cases of prohibited expulsion, Parts II and IV dealt with protection of the rights of aliens subject to expulsion, Part IV dealt with procedural rules. The last Part dealt with the legal consequences of expulsion, he added.

12.7 On the debate over the draft articles that took place at the United Nations General Assembly, analyzing ILC draft articles, he observed that it reflected a divergence of

views among the various delegations especially as regards their potential impact on their national policies and immigration laws.

12.8 **Prof. Shinya Murase, Member of the ILC** made a statement on the topic “Protection of the Atmosphere”, referring to his second report. He recalled an extremely lively discussion on the topic in the Sixth Committee of the General Assembly, wherein many Asian and African states participated. He provided a working definition of “Atmosphere” and also mentioned two new terms, namely “air pollution and atmospheric degradation”. He stated that the final draft guideline flows from the concept of common concern of humankind, that is, the principle of international cooperation. He explained that he reviewed the global and regional treaty practice, previous ILC articles, ICJ jurisprudence, relating to international cooperation. He stated that finally in his second report he touched upon the principle of good faith. He also discussed his future plan and tentative work schedule as a Special Rapporteur of ILC on the topic.

12.9 **Mr. Narinder Singh, Member of the ILC** made a statement on the topic “Immunity of State Officials from Foreign Criminal Jurisdiction”. He explained the three elements of the topic namely persons enjoying immunity, jurisdiction affected by immunity, and domain of such jurisdiction. He exemplified the topic with the help of ICJ jurisprudence on the issues of diplomatic and counsellor relations, privileges and immunities etc. He relied on the Arrest Warrant Case and other cases to drive home the point that a Head of States (HOS), Head of Government (HOG) and Minister of Foreign Affairs, enjoy immunities from jurisdiction in foreign states, both civil and criminal. He said that this view is also supported by Customary International Law relating to treatment of Foreign Minister. He also explained Immunity *rationae materiae* and *rationae personae* with reference to Draft Articles of the International Law Commission on the topic. He said that the same reasoning would apply to the Head of States (HOS) and the Head of Government (HOG) also.

Report of the Chairman of the Informal Consultation on the Work of the Informal Expert Group on Customary International Law

12.10 The report was presented by the Chairman of the Group, **Ambassador Dr. Hussein Hassouna** who stated that the ILC Special Rapporteur on the topic of “Identification of Customary International Law” had already presented three reports on the topic. He went on to highlight the conclusions that had been reached at the meeting of the informal consultation on the Work of AALCO Expert Group on Customary International Law that took place on 15th April 2015. The conclusions included: taking note of the informal expert group recommendations available on AALCO website and appreciating the sterling work of Prof. Yee as AALCO Special Rapporteur; the need to give more time to the Member States of AALCO to analyse the report and make recommendations thereon; that AALCO should retain this issue on its agenda and have more consultation on the topic to have a more in-depth input; that Member States should send their comments on the recommendation made by the AALCO Expert Group in an expeditious manner and that Secretary-General should refer in general to the AALCO

Informal Group recommendations and Prof. Yee's report when addressing the ILC in Geneva later this year.

12.11 The following Member States of AALCO delivered their comments after the Panelists had made their presentations. **Japan, Thailand, China, India, Iran, Myanmar, Pakistan, Malaysia.** The Observer Delegation from **Russia** also made a statement which was followed by a brief statement from the **Permanent Observer of AALCO to the United Nations Prof. Roy Lee** who spoke about the different ways in which the Member States of AALCO could influence the work of ILC.

13. Third Meeting of the Delegations of AALCO Member States

Report on the Work of AALCO's Regional Arbitration Centres

13.1 **The Deputy Secretary-General of AALCO Mr. Feng Qinghu** presented the introductory statement on the subject that gave a brief overview of the evolution of the regional arbitration centres of AALCO.

13.2 This was followed by presentations made by the Directors of the following arbitration centres: **Hon. Wilfred Danola Ikatari, Director, Regional Centre for International Commercial Arbitration-Lagos (RCICAL); Dr. Oveis Rezvanian, Director of Tehran Regional Arbitration Centre (TRAC); Prof. Datuk Sundra Rajoo, Director, Kuala Lumpur Regional Centre for Arbitration (KLRCA) and a delegate from Kenya for the Nairobi Centre for International Arbitration (NCIR).** All these presentations had outlined the activities undertaken by their respective Centres in the previous year.

Report by the Chairman of the Eminent Persons Group (EPG)

13.3 The Chairman of the AALCO Eminent Persons Group (EPG) for the fifth meeting, **Dr. Djamchid Momtaz** presented a Report on the Meeting of the EPG that took place on 12th April 2015 at Beijing. He informed that the meeting focused on both the organizational as well as substantive issues of the Organization in great details.

Adoption of thanks to the President of the People's Republic of China

Excellency,

On behalf of all the Delegations of the Member States, Observers and the Secretariat of AALCO, attending the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization (AALCO), I would like to extend the following message as a token of our heartfelt appreciation, gratitude and respect to the People and Government of the People's Republic of China:

“We, the participants in the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization, wish to seize this opportunity to convey our profound gratitude and sincere respect to Your Excellency, and through you to your esteemed Government and the people of the People’s Republic of China, for graciously helping and assisting to host the Fifty-Fourth Session of AALCO in this historical and majestic city of Beijing, China. We are proud to have commemorated the sixtieth anniversary of Bandung Conference here. The Conference of Bandung declared the will of the Asian and African nations to reconquer their sovereignty and complete their independence through a process of authentic independent economic and social development for the benefit of all laboring classes. Excellency, I thank the Government of People’s Republic of China on behalf of AALCO, and on my own behalf, for hosting this session.

People’s Republic of China has always espoused the cause of the developing countries and hence taken a keen interest in the affairs of AALCO over the years. In that pursuit it has always taken an active part in deliberations during the Annual Sessions and has undertaken to strengthen the agenda and the role of the Organization among the comity of nations.

Your Excellency would be pleased to know that a spirit of constructive dialogue and cooperation amongst attending delegations marked this Session as special, thus enabling us to make crucial decisions on the organizational as well as substantive matters. Amongst the many factors which paved the way for the success of the Session, one of the prime ones was the excellent cooperation from the Government of People’s Republic of China, which contributed significantly towards the excellent achievements of our deliberations.

In this magnificent city of Beijing, famous for its picturesque juxtaposition of history and modernity, we the delegates of the Fifty-Fourth Annual Session of AALCO had a very comfortable and a memorable stay. We would like to place on record our sincere gratitude for the full cooperation and warm hospitality that the Government of People’s Republic of China has extended to AALCO and its Member States. I wish to especially thank the Government of People’s Republic of China for providing excellent accommodation, logistics and transportation for the entire Secretariat Staff of AALCO.

Please accept, Your Excellency, the assurances of our highest respect and consideration.”

Adoption of Resolutions

13.4 RES/54/ORG 2, the organizational resolution on the AALCO’s Budget for the Year 2016 was adopted on 16 April 2015.

13.5. The following resolutions were adopted at the third meeting of delegations of AALCO Member States on 17 April 2015.

Organizational Matters

RES/54/ORG 1 Report of the Secretary-General on Organizational, Administrative and Financial Matters

RES/54/ORG 3 Report on AALCO's Regional Arbitration Centres

Substantive Matters

RES/54/S 2 The Law of the Sea

RES/54/S 4 The 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

RES/54/S 9 Violent Extremism and Terrorism (Legal Aspects)

RES/54/S 10 Environment and Sustainable Development

RES/54/S 12 The Report on the Work of UNCITRAL and other International Organizations in the Field of International Trade Law: Investment Treaties and their Implications

RES/54/SP 1 Resolution on the Special Meeting on "International Law in Cyberspace"

RES/54/SP 2 Resolution on the Special Meeting on "Selected Items on the Agenda of the International Law Commission"

RES/54/SP XX Resolution on the Half-Day Special Event to Commemorate the 60th Anniversary of the Bandung Conference

Consideration of the Summary Report

13.6 The draft summary report of the Fifty-Fourth Annual Session was placed for the consideration of Member States. The Member States adopted the draft summary report and thereafter they were requested to send in their written comments on the same to the Secretariat within one month, after which it would be finalized.

Fifth General Meeting and Concluding Session

Vote of Thanks

13.7 A vote of thanks on behalf of Asian Member States was proposed by the Head of Delegation of India and a vote of thanks on behalf of the African Member States was given by the Head of Delegation of Nigeria.

13.8 His Excellency, Mr. Liu Zhenmin, the President of the Fifty-Fourth Annual Session delivered the concluding remarks.

The Fifty-Fourth Annual Session of AALCO was thereafter adjourned.

B. RESOLUTIONS

**AALCO/RES/54/ORG 2
BEIJING, 16 APRIL 2015**

AALCO'S BUDGET FOR THE YEAR 2016

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Having heard with appreciation the introductory statement of the Secretary- General on the Proposed Budget for the Year 2016 as contained in the Document No. AALCO/54/BEIJING /2015/ORG 2,

Taking note of the comments of the Member States on the Proposed Budget,

Noting further the Proposed Budget for the year 2016 was placed before the 327th Meeting of the Liaison Officers held on 3rd December 2014 , 328th on 28th January 2015, and 329th on 31 March 2015 at the Headquarters, New Delhi, and was submitted to the Fifty-Fourth Annual Session for final approval,

Considering that the Proposed Budget for the year 2016 is a realistic budget depending on the actual contributions to be received,

Noting with appreciation the part of arrears paid by the Government of the Republic of Iraq on the basis of Memorandum of Understanding (MoU) and requesting other Member States in large arrears to follow suit,

Acknowledging the need to replenish the Reserve Fund of the Organization, with the objective of ensuring that it always has a six-month operational fund for the functioning of the Organization,

Recognizing the need to follow a rule based approach relating to the salary and entitlements of the Secretary-General for the sake of transparency, predictability and accountability in financial matters of AALCO,

Considering all the above-mentioned reasons to place the Organization on a firm financial footing,

1. **Approves** the Budget for the year 2016 as proposed;
2. **Decides** to mandate Liaison Officers Meeting to draft rules relating to the salary and entitlements of the Secretary-General taking into account the practice of similar Asian-African organizations and the same shall be placed before the Fifty-Fifth Annual Session for its consideration and approval;

3. **Requests** Member States who have not paid their annual contribution for the year 2015, to do so at the earliest in order to ensure the effective functioning of the Organization;
4. **Strongly urges** Member States, who are in arrears, to fulfill their financial obligation and to expeditiously clear the same in accordance with the Statutes and Statutory Rules of AALCO;
5. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO;
6. **Mandates** the Secretary-General to explore ways and means of raising funds by additional sources in accordance with the Statutes and Statutory Rules of AALCO; and
7. **Decides** to place this item on the provisional agenda of the Fifty-Fifth Annual Session.

**AALCO/RES/54/ORG 1
BEIJING, 17 APRIL 2015**

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,
ADMINISTRATIVE AND FINANCIAL MATTERS**

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Recalling the functions and purposes of the Organization as stipulated in Article 1 of the Statutes of AALCO,

Having considered the Report of the Secretary-General on Organizational, Administrative and Financial Matters pursuant to Rule 20 (7) of Statutory Rules as contained in Document No. AALCO/54/BEIJING/2015/ORG 1,

Having heard with appreciation the introductory statement of the Secretary-General on the Report of the Secretary-General on organizational, administrative and financial matters,

Also having heard with keen interest and appreciation the statements of the Heads of Delegations of AALCO Member States on the Report of the Secretary-General,

Recognizing the significance of the 60th Anniversary of the Bandung Conference which *inter alia* resulted in the establishment of AALCO,

Also recognizing the need to take forward the spirit of Bandung Conference in the current era which has witnessed many international legal challenges for the developing States of Asia and Africa,

Appreciating the efforts of the Secretary-General to enhance the activities of the Organization and to implement its work programme as approved at its Fifty-Third Annual Session held in Tehran, Islamic Republic of Iran, from 15-18 September 2014,

Also appreciating the continued practice towards the rationalization of its work programme, including consideration of the agenda items during its annual sessions,

Reiterating the mandate of the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization; and the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1 adopted by the Extraordinary Session of AALCO Member States held on 1 December 2008, in New Delhi (Headquarters), India,

Welcoming the efforts by the Secretary-General for Revitalizing and Strengthening the AALCO,

Noting with satisfaction the increased co-operation between the Organization and the United Nations and its Specialized Agencies, other international organizations and academic institutions,

1. **Approves** the work programme of the Organization as set out in the Report of the Secretary-General and urges Member States to extend their full support to the implementation of that programme;
2. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in Asia and Africa, in particular, to increase the representation from the African States and Central Asian States;
3. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work programme of the Organization;
4. **Further requests** the Secretary-General to report on the activities of the Organization at its Fifty-Fifth Annual Session; and
5. **Decides** to reactivate the sub-committee in which the Member States would discuss the administrative and financial issues and exchange their views through their Liaison Officers in the headquarters of AALCO in New Delhi.

**AALCO/RES/54/ORG3
BEIJING, 17 APRIL 2015**

REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION
The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Considering the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/54/BEIJING/2015/ORG 3,

Noting with appreciation the introductory remarks of the Deputy Secretary-General and the report of the Directors of the Regional Arbitration Centres,

Reaffirming the commitment by the Governments of Member States towards enhancing the role of the Regional Arbitration Centres,

Recalling decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978,

Expressing satisfaction over the increasing use of the facilities and the opportunities offered for both domestic and international arbitrations under the auspices of its Regional Arbitration Centres,

Appreciating the efforts and contributions of the Governments of the Malaysia, Arab Republic of Egypt, Federal Republic of Nigeria, the Islamic Republic of Iran, and the Republic of Kenya for hosting the respective Regional Arbitration Centres,

Further appreciating the promotional activities undertaken by the Directors of the Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions,

Reiterating the earlier decision of the AALCO on the necessity for the Governments of Member States to promote and support the use of the Regional Arbitration Centres,

Further reiterating its proposal that after consultation with the Directors of the respective Regional Arbitration Centres, for the holding of International Arbitration Conference biennially, by rotation in each of the Centres, with the support of Member States,

1. **Requests** that, based on the above mentioned commitments for promoting and supporting the use of Regional Arbitration Centres, the Member States urge their esteemed Governments and private sector to use the AALCO's Regional Arbitration Centres for their disputes and in particular to consider in their contracts, the inclusion of the Arbitration Clause of AALCO's Regional Arbitration Centres;
2. **Urges** the Regional Arbitration Centres to consider, among themselves, the

- formation of a common system both administratively and financially between the Centres and common standards for the qualification of arbitrators;
3. **Directs** the Arbitration Centres to meet at every AALCO Annual Sessions to enable an exchange of ideas and to report the outcome to the Organization;
 4. **Requests** the Secretary-General to take initiative to promote the Arbitration Centres among Member States and to work toward establishing another Arbitration Centre in the South Asian region; and
 5. **Decides** to place this item on the provisional agenda of the Fifty-Fifth Annual Session.

**AALCO/ RES/54/S2
BEIJING, 17 APRIL 2015**

THE LAW OF THE SEA

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Considering the Secretariat Document No. AALCO/54/BEJING /2015/SD/S2,

Noting with appreciation the introductory remarks of the Deputy Secretary-General,

Recalling the United Nations Convention on the Law of the Sea 1982 (UNCLOS)⁶, as well as the customary international law relating to the management of the oceans,

Mindful of the historical contribution made by the Asian-African Legal Consultative Organization in the elaboration of the UNCLOS,

Conscious that the AALCO has been regularly following the implementation of the UNCLOS and its implementing agreements as well as other issues regarding the law of the sea,

Hopeful that in view of the importance of the law of the sea issues, AALCO would maintain its consideration on the agenda item and continue to perform its historical role on the law of the sea matters,

Taking note of the deliberations at the United Nations Open-ended Informal Consultative Process established by the United Nations General Assembly to facilitate annual review of the developments in ocean affairs,

Welcoming the active role being played by the International Tribunal for the Law of the Sea (ITLOS) in the peaceful settlement of disputes with regard to ocean related matters,

1. **Reaffirms** that in accordance with the UNCLOS, the “Area” and its resources are the common heritage of mankind;
2. **Encourages** AALCO Member States not yet parties to the UNCLOS and its implementing instruments, to consider the possibility to ratify or accede thereto, in compliance with their domestic policies;
3. **Urges** the full and effective participation of its Member States which are Parties to UNCLOS in the work of the International Seabed Authority and other related bodies established by the UNCLOS, and further urges effective contribution of its Member

⁶ The Republic of Turkey disassociates itself from the references made in this Resolution to the United Nations Convention on the Law of the Sea, 1982. Approval of the said Resolution cannot be construed as a change in the legal position of Turkey with regard to the said Convention.

States to the United Nations Informal Consultative Process, so as to ensure and safeguard their legitimate interests;

4. **Directs** the Secretariat to conduct a research study on the topic of marine biological diversity beyond areas of national jurisdiction, from the perspective of Asian African States on the subject;
5. **Also directs** the Secretariat to hold Seminars or Workshops, depending on the availability of financial and personnel resources, to discuss the issues and recent developments relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, marine scientific research and exploration of deep sea resources;
6. **Requests** the Secretariat of AALCO to assist the capacity building of Member States within the field of law of the sea through varied ways such as joint training programmes with States and intergovernmental organizations, and calls upon its Member States to offer all possible support and assistance; and
7. **Decides** to place this item on the provisional agenda of the Fifty-Fifth Annual Session.

**AALCO/RES/54/S4
BEIJING, 17 APRIL 2015**

**THE 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**

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Having considered the Secretariat Document No AALCO/54/BEIJING/2015/SD/S4,

Noting with appreciation the introductory remarks of the Deputy Secretary-General,

Recalling and reiterating the decisions taken at the consecutive Annual Sessions of the Asian-African Legal Consultative Organization since 1988, when the topic was first introduced on the agenda of the Organization, in particular the decisions adopted on 22 April 1998 and 23 April 1999,

Also recalling and reiterating the resolutions adopted on 23 February 2000, RES/40/4 of 24 June 2001, RES/41/4 of 19 July 2002, RES/42/3 of 20 June 2003, RES/43/S 4 of 25 June 2004, RES/44/S 4 of 1 July 2005, RES/45/S 4 of 8 April 2006, RESW/46/S 4 of 6 July 2007, RES/47/S 4 of 4 July 2008, RES/48/S 4 of 20 August 2009, RES/49/S 4 of 8 August 2010, RES/50/S 4 of 1 July 2011, RES/51/S 4 of 22 June 2012, RES/52/S 4 of 12 September 2013 and RES/53/S 4 of 18 September 2014,

Having followed with great interest the deliberations on the item reflecting the views of Member States,

Being concerned with the serious obstacles created by the occupying power, which hinder the achievement of a just and lasting peace in the region,

Recognizing that the massive Israeli military operation in the Occupied Palestinian Territories, particularly in the occupied Gaza strip, has caused grave violations of the human rights of the Palestinian civilians therein and international humanitarian law, and exacerbated the severe humanitarian crisis in the Occupied Palestinian Territories,

Also recognizing that the Israeli siege imposed on the occupied Gaza strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

Welcoming the international and regional initiatives for peace in the Middle East,

Condemning Israel's acts of violence and use of force against Palestinians, resulting in injury, loss of life and destruction, coercive migration and deportation in violation of human rights and the Fourth Geneva Convention of 1949,

Stressing the need to compliance with existing Israeli – Palestinian agreements concluded in order to reach a final settlement,

Being concerned about the continuing dangerous deterioration of the situation in the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, the continuous deportation of Palestinians from their homeland, and the continuing serious and systematic violation of human rights of the Palestinian people by Israel, the occupying power, including that arising from the excessive use of force, the use of collective punishment, the occupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall in the occupied Palestinian Territories, the destruction of property and infrastructure, use of prohibited weapons and all other actions designed to change the legal status, demographic composition of the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, and about war crimes and crimes against humanity committed in these territories, and calling for the implementation of the relevant United Nations resolutions on the humanitarian situation of the Palestinian people,

Recalling the Advisory Opinion rendered by the International Court of Justice in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and related General Assembly Resolution (A/RES/ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006), as well as the United Nations initiative of establishment of a Register of Damage arising from the construction of the separation wall, and **bearing in mind** that **more than ten years** have elapsed since the International Court of Justice delivered its opinion,

Deeply concerned about the tenacity of Israel in proceeding with the construction of wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime which is contrary to international law,

Acknowledging with deep concern that the Security Council is still unable to adopt a resolution stipulating the illegality of the Israeli expansionist wall,

Expressing its support to the Arab Peace Initiative for resolving the issue of Palestine and the Middle East, adopted by the 14th Arab Summit held in Beirut (Lebanon) on 28 March 2002 and reaffirmed in the 19th Summit Conference of the League of Arab States, Riyadh, 28-29 March 2007 as well as other peace initiatives, including the Quartet Road Map,

Taking note of conclusions and outcomes of all events held at both regional and international levels aiming at the achievement of a just, durable and comprehensive solution of the question of Palestine,

Taking note of the initiation of a preliminary examination of the situation in Palestine by the Prosecutor of the International Criminal Court,

Affirming that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the Charter of the United Nations, existing agreement between the parties and the relevant Security Council and General Assembly resolutions, which will allow all the countries of the region to live in peace, security and harmony,

1. **Urges** its Member States to take part in the peace process/efforts exerted by the international community for the achievement of a just and comprehensive solution of the question of Palestine on the basis of relevant Security Council resolutions, including 242 (1967), 338 (1973), 425 (1978), 1397 (2002) and 1860 (2009), and relevant General Assembly Resolutions, including 194 (1949) on the formula of “land for peace” and the legitimate rights of the Palestinian people, and expressing solidarity with the Palestinian people and their elected leadership;
2. **Takes note** of the findings of the United Nations Secretary General’s Board of Enquiry as transmitted on 4 May 2009 to the Security Council as well as the findings of the recent report of the Special Rapporteur of the Human Rights Council and other regional organizations;
3. **Also takes note** of the report of the Independent Fact Finding Committee on Gaza presented to the League of Arab States on 30 April 2009;
4. **Strongly condemns** the shocking developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the deportation of Palestinians from their homeland, the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality against Palestinian civilians, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people;
5. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in order to protect the rights of Palestinians;
6. **Also demands** that Israel positively respond to the 2009 Report of Mr. Richard Falk the Special Rapporteur for the Palestinian Territories Occupied Since 1967 and 2010 Report and Recommendations of Justice Goldstone, United Nations Fact Finding Mission on the Gaza Conflict in order to protect the rights of Palestinians;

7. **Further Demands** that Israel comply with its legal obligations as mentioned in the Advisory Opinion rendered by the International Court of Justice in the case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and related General Assembly Resolution (A/RES/ES-10/15 of 20th July 2004);
8. **Strongly demands** that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory;
9. **Strongly deplores** the Israeli blockade of the Gaza strip and its consequent human rights and humanitarian law violation;
10. **Further demands** for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction of property and calls for the immediate and full withdrawal of Israeli (occupying) forces from Palestinians territories in implementation of Security Council Resolutions, including 1402 (2002), 1403 (2002), 1515 (2003), and 1544 (2004) as a first step for ending the Israeli occupation of Palestinian territories occupied since 1967;
11. **Calls upon** Israel to ensure the return of refugees and displaced Palestinians to their homes and the restoration to them of their properties, in compliance with the relevant UN resolutions;
12. **Decides** to change the title of this agenda item from “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” to “Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine”;
13. **Directs** the Secretariat to closely follow the developments in occupied territories from the view point of relevant legal aspects; and
14. **Decides** to place the item on the provisional agenda of the Fifty-Fifth Annual Session.

**AALCO/RES/54/S9
BEIJING, 17 APRIL 2015**

VIOLENT EXTREMISM & TERRORISM (LEGAL ASPECTS)

The Asian- African Legal Consultative Organization at its Fifty-Fourth Session,

Having considered the Secretariat Document No. AALCO/54/BEIJING/2015/SD/S9 prepared by AALCO Secretariat,

Noting with appreciation the introductory remarks of the Deputy Secretary-General and the statements of the Member States during deliberations on “Violent Extremism & Terrorism (Legal Aspects)”,

Gravely concerned over the threats posed by acts of violence perpetrated by violent extremist and terrorist groups and desiring to put an end to such threats,

Reaffirming that violent extremism and terrorism constitute a serious common concern for all Member States, threatening the security and well-being of their societies, and convinced that there is no justification for violent extremism, whatever the motivation,

Reiterating the relevant international instruments, where applicable, the UNGA resolution 68/127 entitled “World Against Violent Extremism” (WAVE) and the efforts to prevent, combat and eliminate violent extremism and its manifestations,

Expressing concern about the upsurge in acts of violent extremism and terrorism in the Asian - African regions, which threaten the life and security of innocent people and impede the economic development and scientific activities of the concerned States,

Strongly condemning any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

Recognizing the need for the collective response to the dilemma of violent extremism and terrorism,

Recalling that international efforts to eliminate violent extremism and terrorism, and reaffirming the need to strengthen those efforts in accordance with the Charter of the United Nations, taking into account the principles of international law including non-interference, respect for sovereignty and territorial integrity of all states,

Desirous of fulfilling the mandate of its resolution RES/53/SP2 of 18 September 2014 on “Violent Extremism and Terrorism (Legal Aspects)” and RES/53/S7 of 18 September 2014 on “International Terrorism”,

1. **Encourages** Member States to consider ratifying/acceding to the relevant conventions on terrorism and try to further develop legal instruments to combat violent extremism and terrorism;
2. **Urges** for action on international, regional and bilateral levels to fight impunity against acts of violent extremism and terrorism, *inter alia*, by adopting and implementing relevant national legislation, bilateral and multilateral instruments;
3. **Directs** the Secretariat to coordinate holding inter-sessional expert meetings, joined also by eminent international legal experts from AALCO Member States, in order to consider AALCO legal principles to combat violent extremism and its manifestations which could lead to drafting Asian-African guidelines on violent extremism and its manifestations in order to strengthen cooperation against acts of violent extremism and its manifestations; and
4. **Decides** to place the item on the provisional agenda of its Fifty-Fifth Annual Session.

**AALCO/RES/54/S10
BEIJING, 17 APRIL 2015**

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Having Considered the Secretariat Document No. AALCO/54/BEIJING/2015/SD/S 10,

Noting with appreciation the introductory statement of the Deputy Secretary General,

Having followed with great interest the deliberations on the item reflecting the views of the Member States on the agenda item “Environment and Sustainable Development”,

Deeply concerned with the deteriorating state of the global environment through various human activities, and unforeseen natural disasters,

Reaffirming that environmental protection constitutes an integral part of sustainable development,

Recalling the Nairobi Resolution on Environmental Law and Sustainable Development adopted by the Forty-Fourth Session of AALCO in 2005,

Underlying that climate change is one of the greatest challenges of our time,

Emphasizing that strong political will to combat climate change in accordance with the principles of the United Nations Framework Convention on Climate Change, especially the principle of common but differentiated responsibilities and respective capabilities is essential,

Recognizing the importance of the on-going negotiations for stronger international cooperation on climate change for the period beyond 2012 under the *Ad Hoc* Working Group on the Durban Platform for Enhanced Action to strengthen the multilateral rules-based regime under the United Nations Framework Convention on Climate Change,

Considering the Doha Climate Gateway adopted at the United Nations Climate Change Conference held at Doha, Qatar in December 2012 that amended the Kyoto Protocol agreeing for 8-year commitment period since January 2013,

Also considering the outcome of the United Nations Climate Change Conference held in Warsaw, Poland in November 2013, including the request of the Conference that the *Ad hoc* Working Group on the Durban Platform for Enhanced Action to further elaborate elements for a draft negotiating text for the protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties to be adopted by 2015,

Considering further the decision in Warsaw to invite Parties to initiate or intensify domestic preparations for their intended nationally determined contributions and to

communicate them well in advance of the 21st session of the Conference of the Parties (by the first quarter of 2015) by those countries ready to do so in a manner that facilitates the clarity, transparency and understanding of the intended contributions,

Affirming the importance of the linkages between climate change and sustainable development goals,

1. **Urges** Member States to actively participate in the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21/CMP11), 30th November-11th December 2015, Paris, France, working towards an ambitious and a fair agreement that will strengthen the multilateral rules-based regime under the United Nations Framework Convention on Climate Change;
2. **Also Urges** Member States to participate constructively in the forthcoming United Nations Summit to adopt the post-2015 development agenda, which will be held from 25 to 27 September 2015, in New York;
3. **Directs** the Secretariat to continue following the climate change negotiations under Ad Hoc Working Group on the Durban Platform for Enhanced Action for a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all parties;
4. **Further directs** the Secretariat to continue to follow up the progress in the implementation of the Sustainable Development Goals, and as well as follow up the progress in the implementation of the United Nations Framework Convention on Climate Change, Convention on Biological Diversity, and the United Nations Convention to Combat Desertification; and
5. **Decides** to place this item on the provisional agenda of the Fifty-Fifth Annual Session.

**AALCO/RES/54/S12
BEIJING, 17 APRIL 2015**

**REPORT ON THE WORK OF UNCITRAL AND OTHER INTERNATIONAL
ORGANIZATIONS IN THE FIELD OF INTERNATIONAL TRADE LAW**

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Having considered the Secretariat Document No. AALCO/54/BEIJING/2015/SD/S12, emphasizing on International Investment Agreements and their implications, prepared by the AALCO Secretariat,

Noting with appreciation the introductory statement of the Secretary-General,

Recognizing the significance of International Investment Agreements in promoting foreign investment and thereby catalyzing economic growth in host jurisdictions,

Acknowledging its critical role in ensuring adequate protection to foreign investors against expropriation and other forms of discrimination,

Noting with concern proliferation in the number of investment treaty arbitration claims filed against many Member States resulting in huge expenses for their governments and ensuing legal challenges,

Realizing the systemic deficiencies in Investor-State Dispute Settlement (ISDS) mechanism and the need to explore ways and means to develop alternate approaches to address these deficiencies,

1. **Encourages** Member States to seek assistance from the Secretariat and the Regional Arbitration Centres of AALCO in capacity building;
2. **Urges** the Secretariat to organize workshops for the law officers of the Member States aimed at enhancing their expertise in ISDS mechanism under Bilateral Investment Treaties; and
3. **Decides** to place this item on the Provisional Agenda of the Fifty-Fifth Annual Session.

**AALCO/RES/54/SP1
BEIJING, 17 APRIL 2015**

**HALF-DAY SPECIAL MEETING ON “SELECTED ITEMS ON THE AGENDA
OF THE INTERNATIONAL LAW COMMISSION”**

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Having considered the Secretariat Document No. AALCO/54/BEIJING /2015/SD/S1,

Having heard with appreciation the introductory statement of the Secretary-General and the views expressed by the panelists and the statements of the Member States during the Special Half-Day Meeting on “Selected Items on the Agenda of the International Law Commission”, held on 16th April 2015 at Beijing, People’s Republic of China,

Having followed with great interest the deliberations on the item reflecting the views of Member States on the work of the International Law Commission (ILC),

Expressing its appreciation for the statements made by the Representatives of the ILC on its work,

Recognizing the significant contribution of the ILC to the codification and progressive development of international law,

1. **Recommends** Member States to contribute to the work of ILC, in particular by communicating their comments and observations regarding issues identified by the ILC on various topics currently on its agenda to the Commission;
2. **Requests** the Secretary-General to continue convening AALCO-ILC meetings in future;
3. **Also requests** the Secretary-General to bring to the attention of the ILC the views expressed by Member States during the Annual Sessions of AALCO on the items on its agenda; and
4. **Decides** to place the item on the provisional agenda of the Fifty-Fifth Annual Session.

**AALCO/RES/54/SP2
BEIJING, 17 APRIL 2015**

INTERNATIONAL LAW IN CYBERSPACE

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Having considered the Secretariat Document No. AALCO/54/BEIJING/2015/SD/S17 prepared by the AALCO Secretariat,

Noting with appreciation the introductory statement of the Deputy Secretary-General,

Recognizing the significance of cyberspace as an integral part of human interaction and its profound impact on Member States and its citizens,

Realizing the need to develop a transparent and balanced global mechanism for the governance of the Internet in pursuance of equity and bridging the “digital divide” existing among States,

Recognizing the need to prevent the use of ICTs for purposes that are inconsistent with the objectives of maintaining international stability and security,

Deeply concerned about new threats and challenges in the development and application of ICTs such as cybercrimes and the use of cyberspace for terrorist purposes,

Noting with concern the use of cyberspace for military purposes and the escalation in various kinds of cyber attacks perpetrated by state and non-state actors,

Stressing the significance of the principles of international law applicable to cyberspace, including the UN Charter,

Also stressing the need for further development of rules of international law on cyberspace,

1. **Encourages** Member States to actively participate in the relevant regional and global forums deliberating on the governance of cyberspace and to strengthen their communication and cooperation in this issue;
2. **Directs** the Secretariat to study this subject based on deliberation and progress made in the UN framework and other forums, with special attention to international law pertaining to State Sovereignty in cyberspace, peaceful use of cyberspace, rules of international cooperation in combating cybercrimes, and identification of the relevant provisions of the UN Charter and other international instruments related to cyberspace;

3. **Decides** to establish an open-ended working group on international law in cyberspace to further discuss on the issues identified in paragraph 2 of this Resolution through meetings or workshops to be cosponsored with Governments of the Member States or relevant international organizations; and
4. **Decides** to place the item on the Provisional Agenda of the Fifty-Fifth Annual Session.

AALCO/RES/54/XX
BEIJING, 17 APRIL 2015

**HALF-DAY SPECIAL EVENT TO COMMEMORATE
THE 60TH ANNIVERSARY OF BANDUNG CONFERENCE**

The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,

Noting with appreciation the statements made by ministers, vice-ministers and other high level officials as well as delegates of Member States during the Half-Day Special Event jointly organized by the Government of People's Republic of China and the Asian-African Legal Consultative Organization on 13th April 2015 at Beijing, China, to commemorate the 60th anniversary of the 1955 Asian-African Conference at Bandung, Indonesia,

Recognizing the historical importance of the Bandung Conference, which aimed to promote economic and cultural cooperation, bring to an end colonialism, as well as secure world peace and development, and also recognizing that the Organization was a tangible outcome from Bandung Conference,

Noting with satisfaction that in the past six decades, the Spirit of Bandung, the core principles of which are solidarity, friendship and cooperation, has been a relevant, effective and solid foundation for fostering stronger relations among Asian-African countries with different political, economic or legal systems, and in this process the two regions are inextricably interlinked, sharing an Asian-African identity,

Expressing its appreciation for the strong commitment of Member States to enabling the Organization to contribute effectively in harmonizing the actions of Member States in international legal matters,

Concerned that Asian-African countries, faced with various security and socio-economic development challenges in a world of rapid change, are in dire need of collective action and closer cooperation in addressing the advocacy and representation deficit in international rule-making processes to meet these challenges and threats,

Recalling its resolution AALCO/RES/48/DEC, entitled *Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization*, adopted by the Forty-Eighth Session on 20 August 2009 at Putrajaya, Malaysia,

Recognizing the Organization's significant contribution towards strengthening Asian-African solidarity envisioned at Bandung Conference, particularly in the codification and progressive development of international law,

1. **Reaffirms** the Organization's commitment to the Spirit of Bandung, which continues to guide the Organization's work;

2. **Reiterates** the common conviction that the Ten Principles enshrined in the Final Communiqué of the Bandung Conferences, which incorporated the Five Principles of Peaceful Coexistence and has been widely accepted as reflecting basic principles of international law, remain as guidance in resolving global issues of common concern as well as developing inter-state relations among Asian-African countries;
3. **Emphasizes** the importance of multilateral approaches to international relations and the need to support and strengthen multilateralism, especially through upholding the central role of the United Nations in maintaining international peace and security and safeguarding economic and social stability and sustainable development, in order to address global issues and challenges in accordance with the purposes and principles of the Charter of the United Nations;
4. **Confirms** the Organization's role in facilitating Asian-African countries in developing and advocating common position on international legal issues and positions, with the aim to promote the rule of law which safeguards the inherent rights of and responds to the legitimate concerns of developing countries, including equitable sharing of the benefits of globalization;
5. **Calls upon** all Member States to strengthen their solidarity, cooperation and coordination among themselves in international legal matters, through reinvigorating the Ten Principles of Bandung Conference and strengthening the rule of law at the international level envisaging an international relations beneficial to all of them through cooperation and building a just, equitable and inclusive world order; and
6. **Expresses** its deep appreciation and gratitude to the Government of People's Republic of China for co-organizing this special commemorative event on the occasion of the 60th anniversary of Bandung Conference.

XIX. LIST OF PARTICIPANTS

XIX. List of Participants of the Fifty-Fourth Annual Session of AALCO held in Beijing, People's Republic of China from 13 – 17 April 2015.

1. Arab Republic of Egypt
 - H.E. Counsellor Mahfous Saber Abdelkader
Minister of Justice

 - Counsellor Gamal Ali Tawfik Sarhan
Assistant Minister of Justice

 - Counsellor Mamdouh Soliman Mohamed
Tabousha
Assistant Minister of Justice

 - Counsellor Hany Fathy Georgy
Appellate Judge & Senior Member of the
International Cooperation Department

 - H.E. Mr. Magdy Mahmoud Helmy Amer
Ambassador
Egyptian Ministry of Foreign Affairs

 - Mr. Moataz Anwar Mostafa
Counselor
Egyptian Ministry of Foreign Affairs

 - Mr. Mustafa Sobhy Abdelhady Ammar
First Secretary
Egyptian Embassy on behalf of the Egyptian
Ambassador

2. Kingdom of Bahrain
 - Mr. Fathi Jasim Alsabt
Counselor
Directorate of Legal Affairs
Ministry of Foreign Affairs
Kingdom of Bahrain

3. Republic of Botswana
 - Mr. Herold Caspar Luke
Counsellor
High Commission of Botswana, New Delhi

4. Brunei Darussalam
 - Ms. Alice Khan Ahmad Khan
Legal Draftsman
Attorney General Chambers

 - Ms. Zatil Aqilah Metassan

- Counsel
Attorney General Chambers
5. Republic of Cameroon
- Hon'ble Mr. Laurent Marie Eso
Minister of State
Minister of Justice
- Mr. Gaston Kenfack Douajni
Director of Legislation
Ministry of Justice
- Mr. Rosiaste Camille Deugeu Kouam
Technical Staff at the Ministry of Justice
- Mr. Bouba Dairou
Chief of Service
Ministry of Foreign Affairs
6. People's Republic of China
- His Excellency Mr. Liu Zhenmin
Deputy Foreign Minister
Ministry of Foreign Affairs of the People's
Republic of China
- Mr. Xu Hong
Director General
Department of Treaty and Law
Ministry of Foreign Affairs
- Mr. Yuen Kwok Keung
Secretary for Justice
Hong Kong Special Administrative Region
Department of Justice Hong Kong SAR
P.R.C.
- Mr. Ma Xinmin
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- Mr. Sun Ang
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Ministry of Foreign Affairs
- Mr. Qi Dahai
Director

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Mr. Wu Haiwen
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Mr. Liu Yang
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Mr. Ye Wei

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Mr. Zhang Jia

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Mr. Agis Loizou
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Mr. Vakis Zissimos
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8. Democratic People's Republic of Korea Mr. Jin Jong Hyop

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9. Republic of Ghana

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13. Republic of Iraq

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Member of Parliament

Hon. William Kamoti Mwamkale
Member of Parliament

Hon. David O. Ochieng
Member of Parliament

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- Mr. Suoud Abdullah Al Harbi
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- Mr. Omar Mohammed Tantush
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- H.E. Datuk Azailiza Mohd Ahad
Solicitor General
- Mr. Mohd Radzi Harun
Head of International Affairs Division

Attorney General's Chambers

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- Mr. Kyaw Kyaw Naing
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- Mr. Ngwe Zaw Aung
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and Assistant Director
Union of Attorney General's Office
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- Mr. Dilli Raj Ghimire
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Assembly and Parliamentary Affairs
- Mr. Koshal Chandra Subedi
Under Secretary
Ministry of Law, Justice, Constituent
Assembly and Parliamentary Affairs
- Mr. Koshal Chandra Subedi
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- Government of Nepal
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Consular Ahmed Bin Khalifa Bin Said Al-
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Director of Legislative Department
Ministry of Legal Affairs
Mr. Mubarak Bin Khalfan Bin Ali Al Hinai
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27. Republic of Korea
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- Ms. Ji Yeon Yeom
Third Secretary
Ministry of Foreign Affairs
- Mr. Ho-Shik Lee
Third Secretary
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28. Kingdom of Saudi Arabia
- Hon'ble Shaikh Yousef bin Abdul Aziz Al-Farraj
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Ministry of Justice
- Mr. Mansour bin Ibrahim Al-Mazrou'
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- Mr. Ahmed Ibrahim Al-Yousef

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Ministry of Justice

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Ms. Bousso Diao
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Ministry of Justice

Mr. Lassana Diabe Sitry
Procurer General C. Appel Dakar

- Ministry of Justice
- Mr. Alpha Ousseyni Diallo
Procurer General C. Appel Kaolack
Ministry of Justice
30. Singapore
- Mr. Wee Keong Ang
Deputy Chief of Mission
Singapore High Commission in Beijing
- Ms. Claire Jing Min Soon
Second Secretary
Singapore High Commission in Beijing
31. Republic of South Africa
- Ms. Yolande Melissa Dwarika
Principal State Law Adviser (IL)
Department of International Relations and
Cooperation
- Mr. Mangaliso Maseko
Deputy Director
DOJCD
- Mr. Steven Mathate
Deputy Director Department of Trade and
Industry
- Ms. Mogani Konar
Assistant Director
Department OF Trade and Industry
- Ms. Nicole Pillay
First Secretary
South African High Commission in New
Delhi
32. Democratic Socialist Republic of Sri Lanka
- Hon. Dr. Wijeyadasa Rajapakse
Minister of Justice
- Mr. Suhada Kalyana Gamalath
Solicitor General AG's Chambers
- Ms. Sandya Nelumnika Mayadunne
Deputy Legal Adviser

Ms. Kamalini De Silva
Secretary Ministry of Justice

33. State of Palestine

Hon'ble Mr. Saleem M.S. Elsaqqa
Minister
Ministry of Justice

Mr. Mohmmmed H.Y. Abdalla
Assistant Deputy
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Mr. Saleh Asad Mohammad
First Counsellor
Embassy of the State of Palestine in New
Delhi

34. Republic of the Sudan

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