

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



**REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

Prepared by

**The AALCO Secretariat
29 C, Rizal Marg,
Diplomatic Enclave, Chanakyapuri,
New Delhi – 110 021
(INDIA)**

REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

CONTENTS

	PAGES
I. INTRODUCTION	1-2
II. CONSIDERATION OF WORK PROGRAMME OF AALCO AT THE FIFTY-FIFTH ANNUAL SESSION OF AALCO	2-3
III. ACTIVITIES UNDERTAKEN SINCE THE FIFTY-FOURTH ANNUAL SESSION OF AALCO	4-12
<p>A. The Sixty-Seventh Session of the International Law Commission, Geneva, 13 May 2015</p>	
<p>B. China-AALCO Research and Exchange Program on International Law, Xiamen Academy of International Law, Xiamen University, People's Republic of China, 13 July 2015.</p>	
<p>C. Fourth Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law, Canberra, Australia, 20- 23 July 2015.</p>	
<p>D. AALCO Legal Experts Meeting on "Identification of Customary International Law", National University of Malaysia, 27 - 28 August 2015.</p>	
<p>E. UMT- AALCO "Legal Expert Meeting on the Law of the Sea", Malaysia, 24 - 25 August 2015</p>	
<p>F. Conference Commemorating the Tenth Anniversary of the Establishment of the Tehran Regional Arbitration Centre Tehran, Islamic Republic of Iran, 8 October 2015.</p>	
<p>G. In-house Training: "Rule of the Road for Cyberspace"- a Lecture on Cyberspace and International Law, by Mr. Arun Mohan Sukumar, Head, Cyber Initiative, Observer Research Foundation, 16 October 2015.</p>	
<p>H. The Fourth Forum of the African Union Commission on International Law, Cairo, Egypt, 19-20 October 2015.</p>	
<p>I. Legal Advisors Meetings, New York, 29 October and 2 November 2015.</p>	

J. Commemorative Conference of the 70th Anniversary of the United Nations, The Institute of International Law and Justice, New York University School of Law, 1 November 2015.

K. Commemorative Conference of the 70th Anniversary of the United Nations”, University of Aberdeen, United Kingdom, 4 November 2015.

L. AALCO-ICRC Seminar on International Humanitarian Law for Defense Attaches, AALCO Headquarters, 9 November 2015.

M. International Conference on Cyber Law, Cyber Crime & Cyber Security, New Delhi, 17 November, 2015.

N. AALCO Inter-Sessional Meeting of Legal Experts on Violent Extremism and its Manifestations, AALCO Headquarters, 28-29 January 2016.

O. Seminar on International Investment and WTO, AALCO Headquarters, 2 March, 2016.

P. Lecture on “The Role of the AALCO in the Development of International Law”, University of Delhi, 16 March 2016.

IV. OVERVIEW OF THE SECRETARIAT 12-14

- A. The Secretariat
- B. Permanent Observer Mission of AALCO at the United Nations Offices
- C. Centre for Research and Training

V. AALCO’S FINANCIAL SITUATION AND DRAFT BUDGET FOR THE YEAR 2017 14-15

- A. Financial Situation
- B. 2017 Proposed Budget
- C. Regulations for the Salary, Allowances and Entitlements of the Secretary-General

VI. STEPS TAKEN TO REVITALIZE AND STRENGTHEN THE ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION 15-18

- A. Strengthening the Human Resources in the AALCO Secretariat
- B. Membership
- C. Measures to Improve the Financial Situation of AALCO

VII. FUTURE PLAN OF ACTION

18-23

- A. Organizational and Substantive Projects for AALCO and its Financial Implications Commencing 2017
- B. Establishing Collaboration with Educational Institutions/Academics
- C. Expanding Internship Projects in AALCO
- D. Convening of Young Jurist Conference
- E. Improvising the Website of AALCO
- F. Preparation of the Studies on the Items on the Agenda of AALCO
- G. Preparation of Studies on Selected Items on the Agenda of the Seventieth Session of the United Nations General Assembly
- H. Participation in International Meetings
- I. Capacity Building Programmes
- J. Strengthening the Library
- K. Publications
- L. Streamlining of AALCO Statutory Rules and Administrative, Financial and Staff Regulations of AALCO

VIII. STRENGTHENING THE COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS IN PARTICULAR THE UNITED NATIONS, AND ITS SPECIALIZED AGENCIES

23-24

- A. Cooperation between the United Nations and the Asian-African Legal Consultative Organization
- B. Strengthening the Cooperation with Specialized Agencies and other International Organizations

IX. CONCLUDING REMARKS

25-26

ANNEX I. Projects Proposed to be Implemented in 2017

27-27

ANNEX II. Resolution

28-29

REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

I. INTRODUCTION

1. It is a matter of great privilege and honour for Prof. Dr. Rahmat Mohamad, the Secretary-General, to present his final report before the end of his tenure, to the Member States on the administrative, organizational and substantive matters in accordance with Rule 20 (7) of the Statutory Rules of the Asian-African Legal Consultative Organization (AALCO). This Report covers activities since the conclusion of the Fifty-Fourth Annual Session until the start of March 2016.

2. At the outset, the Secretary-General expresses his sincere gratitude to the current President of AALCO, His Excellency Mr. Liu Zhenmin, Vice Minister of Foreign Affairs, People's Republic of China, for his guidance and support to the AALCO Secretariat in all its activities. The Secretary-General also expresses profound thanks to the Vice-President, the Honourable Professor Githu Muigai, Attorney- General of Kenya. Especially, the Secretary-General takes this opportunity to inform Member States about the passing away of His Excellency Mr. Barry Sen, the first and founding Secretary-General of AALCO on 8 November 2015 at the age of 90. AALCO shall always remain indebted to him for the exemplary services he rendered in his capacity as the Secretary-General of the Organization.

3. The Secretary-General is immensely grateful to the Ambassadors/High Commissioners and the Liaison Officers, for their valuable inputs in dealing with the substantive and organizational matters and for the valuable support rendered to him, which helped him in discharging his duties and functions in a smooth and effective manner. Special thanks are also due to all the Member States for paying their annual contributions and to those Member States who have started partial payment of their arrears. He would like to reiterate that a robust fiscal situation would facilitate the Secretariat in better fulfilling the mandate entrusted to it by the Member States.

4. Last year the Organization witnessed yet another successful Annual Session at Beijing, People's Republic of China, with unprecedented participation from 40 Member States, 6 Non Member States and 10 International Organizations. The highlight of the Session was a special event to commemorate the 60th anniversary of the Bandung Conference. In addition, the outcome of the Eminent Persons Group meetings was placed for consideration of the Member States, which *inter alia* paved the ground rules and measures that the Organization would take for building upon its present acclaimed edifice, in the field of rendering valuable advisory services to its Member States, in the field of international law, and on some of the most important and pressing matters of common concern.

5. AALCO is long regarded as one of the most significant tangible outcomes of the 1955 Bandung Conference. The year 2016 marks the 60th anniversary of the establishment of AALCO. Given its historical significance, the Fifty-Fifth Annual Session is an important occasion to reflect upon the past achievements, for example the steering role that the

Organization played during the negotiation of the United Nations Convention on the Law of the Sea (UNCLOS) and also the present day challenges in international law. It would also provide an opportunity to examine the current work programme of AALCO on emerging challenges in International Law such as violent extremism and cyber security.

6. The current Secretary-General was elected for a four year term on 4 July 2008 and reappointed for a second and final term in 2012. As the tenure of the current Secretary-General is due to end mid-August this year, the election of next Secretary-General from Africa shall take place in this Annual Session.¹

7. The present Report is divided into seven sections; apart from a brief introduction and concluding remarks, it contains: (1) Consideration of Work Programme of AALCO at the Fifty-Fifth Annual Session of AALCO; (2) Activities undertaken since the Fifty-Fourth Annual Session of AALCO; (3) Overview of the Secretariat; (4) Financial situation of AALCO and 2017 Draft Budget; (5) Steps taken to Revitalize and Strengthen the AALCO; (6) Future Plan of Action; and (7) Strengthening the cooperation with the United Nations, its Specialized Agencies and other international organizations.

II. CONSIDERATION OF WORK PROGRAMME OF AALCO AT THE FIFTY-FIFTH ANNUAL SESSION OF AALCO

8. The Work Programme of AALCO comprises: (i) follow-up of the work of the International Law Commission; (ii) topics that have been placed on the agenda on reference by a Member State; and (iii) topics placed on the *suo moto* initiative of the Secretary-General. Currently, there are 16 items on the work programme of AALCO, namely:

- Report on Matters Relating to the Work of the International Law Commission
- Law of the Sea
- The Status and Treatment of Refugees
- Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine
- Legal Protection of Migrant Workers
- Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties
- Violent Extremism and Terrorism (Legal Aspects)²

¹ Article 3 of the Statutes of AALCO read along with Rule 20 of the Statutory Rules stipulates the terms of election of SG.

²The item entitled “International Terrorism” was placed on the agenda of the AALCO’s Fortieth Session held in New Delhi from 2001, upon a reference made by the Government of India. It was felt that consideration of this item at AALCO would be useful and relevant in the context of the ongoing negotiations in the Ad Hoc Committee of the United Nations on elaboration of the Comprehensive Convention on International Terrorism. 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 in 2014.

- Establishing Cooperation against Trafficking in Women and Children
- The International Criminal Court: Recent Developments
- Environment and Sustainable Development
- Challenges in Combating Corruption: The Role of United Nations Convention against Corruption
- Report on the Work of UNCITRAL and Other International Organizations in the Field of International Trade Law
- WTO as a Framework Agreement and Code of Conduct for World Trade
- Expressions of Folklore and its International Protection
- Managing Global Financial Crisis: Sharing of Experiences
- International Law in Cyberspace

9. It may be recalled that since the Forty-Second Annual Session (Seoul, Republic of Korea, 2003) the Organization, has adopted a policy of rationalization of agenda items. Adhering to this policy, from among the aforementioned 16 items, a few, depending upon the current relevance of the topic are placed on the agenda of the Annual Session. Topics thus shortlisted for the Fifty-Fifth Session are:

- The Law of the Sea
- Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine
- Violent Extremism and Terrorism (Legal Aspects)
- WTO as a Framework Agreement and Code of Conduct for World Trade
- International Law in Cyberspace

10. In addition, as per the long established practice, a half-day special meeting on agenda item pertaining to “Selected Items on the Agenda of the International Law Commission” is also being convened in conjunction with the Fifty-Fifth Annual Session.

11. As mentioned above this year marks the 60th anniversary of the establishment of AALCO, a publication commemorating this event shall be released during the Annual Session.

12. Since the Forty-Ninth Annual Session (Dar es Salaam, Tanzania, 2010), the non-deliberated agenda items were being published in a single volume and the same were also placed for consideration of the Member States. During the past several years, Member States have insisted upon austerity measures to be adopted by the Organization, including cutting down costs on its publications. In compliance with this observation, since the Fifty-Third Annual Session the Secretariat has not published the report on the non-deliberated agenda items. Consequently, draft resolutions on the non-deliberated agenda items would also not be discussed either. However, in the future, as and when an item is taken up as deliberated, the needful would be done.

III. ACTIVITIES UNDERTAKEN SINCE THE FIFTY-FOURTH ANNUAL SESSION OF AALCO

A. The Sixty-Seventh Session of the International Law Commission, Geneva, 13 May 2015

13. It is customary for the Secretary-General to participate in the Annual Session of the ILC where he presents the views of the Member States expressed during the Annual Session of AALCO on the items on the work programme of the Commission. His presentation focused on the following topics: (1) Identification of Customary International Law; (2) Expulsion of Aliens; (3) Protection of Atmosphere; and (4) Immunity of State Officials from Foreign Criminal Jurisdiction. The presentation was followed by a question and answer session. To begin with the Members of the ILC highly appreciated the work done by AALCO on matters relating to the ILC and called for closer cooperation between the two organizations. It was followed by a suggestion that during the Annual Sessions of AALCO Member States could endeavor to present a unified position on the ILC issues discussed; this in turn would be more useful to the Commission. Some Members suggested that it would be beneficial if the resolutions adopted at the Annual Sessions of AALCO could be substantively strengthened, this would enable the Member States and international lawyers to consider them as a valuable source of international law. One Member inquired as to what are the issues considered in AALCO that could be taken up by the ILC to be included on its agenda for the progressive development of international law. Yet another Member inquired about the role of AALCO in contributing to international law.

B. China-AALCO Research and Exchange Program on International Law, Xiamen Academy of International Law, Xiamen University, People's Republic of China, 13 July 2015.

14. The Secretary-General, upon invitation from the Government of People's Republic of China, attended the inauguration of the Programme and delivered the inaugural lecture on "the Contribution of Asian-African States to International Law and the Role of AALCO." His lecture was divided into four parts. In the first part, he discussed the genesis of Asian-African cooperation and the role of Bandung Conference in its promotion. The second part touched on the Afro-Asian efforts to reformulate the model and praxis of modern international law and how its dynamics changed after the Cold War. In the third part, he explained the role of AALCO in ensuring Asian-African cooperation in pursuance of equitable and progressive development of international law. The last part touched the issue of the non-traditional challenges that Asian and African States face and ways to improve cooperation between the two continents and the potential role of AALCO in this regard. Mr. Kiran Mohan, Legal Officer was invited to participate in the three week training programme held as a part of the initiative, with financial aid from the host.

C. Fourth Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law, Canberra, Australia, 20- 23 July 2015.

15. 'Strengthening protection for victims of armed conflict in a world of complex crises' was the central theme of a four-day conference which was held in Canberra from 20-23 July

2015, and was co-hosted by the Australian Government, Australian Red Cross and the International Committee of the Red Cross (ICRC). The Fourth Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law (IHL) saw participation from government officials and Red Cross and Red Crescent representatives from more than 35 Commonwealth nations. Also present were observers from the Commonwealth Secretariat, London and the Asian-African Legal Consultative Organization (AALCO), New Delhi, India. The representative from the AALCO, Mrs. Anuradha Bakshi, Principal Legal Officer, was one of the panelists on the theme “Sexual Violence and Armed Conflict: A Multi-faceted Response to the Humanitarian Needs of Victims”.

16. As humanity has been currently witnessing the devastating impact of armed conflicts around the world, this event served as an important opportunity for States to recall and reinforce the value of the laws of war, the importance and relevance of International Humanitarian Law (IHL) and principled humanitarian action. Sharing legal traditions of the Commonwealth nations, the conference also provided governments and their National Red Cross and Red Crescent Societies a platform to share their experiences on domestic implementation of IHL.

17. The participants had a chance to exchange perspectives on the current challenges facing IHL. Issues such as new means and methods of warfare, fighting in urban areas, the fragmentation of armed groups, suffering as a result of sexual violence, and attacks on health care workers were among the topics discussed. With violations of the rules of war continuing to take place globally, another critical issue on the agenda was compliance with IHL.

D. AALCO Legal Experts Meeting on “Identification of Customary International Law”, National University of Malaysia, 27 - 28 August 2015.

18. AALCO organized a two-day Legal Experts Meeting on “Identification of Customary International Law” at the National university of Malaysia where the Secretary-General gave his keynote address and presentation on the third report of Mr Michael Wood, the Special rapporteur on the topic “Identification of Customary International law”.

19. He began his keynote address by stating that customary international law continues to be significant particularly for developing countries. He then further stated the issues pertaining to customary international law that need clarification. These issues are: (1) what role can and should custom play in the making of international law? (2) What are the normative foundations of custom (i.e. what makes custom law)? (3) What are the evidential requirements for customary international law (e.g. constituent elements, context, and burden of proof)? (4) What is the role of national and international courts respectively in the creation of customary rules? (5) What is the role of non-State actors in the development of customary international law? (6) How do norms of local or special customary international law arise? (7) Are there variations in the ‘method’ of customary international law in different fields/regimes of international law? (8) What is the relevance of the persistent object theory to the formation of customary international law?

20. Further, the Secretary-General highlighted the cooperation between the International Law Commission and AALCO on the development of customary international law, particularly the establishment of the “Informal Expert Group on Customary International Law”. He then

explained that the Informal Expert Group on Customary International Law was envisaged to act as a technical expert group on the Identification of Customary International Law and formulate responses to the work of the ILC on the subject.

21. In the same event, the Secretary-General made a presentation on the Third Report of Mr Michael Wood, the Special Rapporteur of the International Law Commission on the Customary International Law. In this presentation, the Secretary-General of AALCO had critically analysed the report. Giving a brief overview of the following issues: (1) He mentioned the role of International Organisations and their contributions towards the development of customary international law (CIL). He stated that it is of paramount significance to determine whether or not the practice of *opinio juris* should contribute to the development of the rules and therefore bind these organisations. (2) The role of treaties and resolutions were also highlighted in his presentation. He explained how CIL is increasingly codified in form of treaties and conventions. (3) He also pointed out that the third report had overlooked the problematic elimination of the concept of “specially affected states”. (4) Lastly, he raised a few questions regarding the rule of “persistent objector” that still needed clarification.

E. UMT- AALCO “Legal Expert Meeting on the Law of the Sea”, Malaysia, 24 - 25 August 2015

22. The AALCO in association with the Universiti Malaysia Terengganu (UMT), had organized a Two-Day Legal Expert Meeting on the Law of the Sea on the theme “*Marine Biodiversity within and Beyond National Jurisdiction: Legal Issues and Challenges*” at the Strategic Communication Centre, Universiti Malaysia Terengganu, Putrajaya, Malaysia. The meeting which had been organized by AALCO in accordance with the mandate that it received at the Fifty-Fourth Annual Session of AALCO held at Beijing, China in April 2015, was attended by delegates from 7 Member States of AALCO and many students and scholars from UMT. The Secretariat of AALCO was represented by the Secretary-General Prof. Dr. Rahmat Mohamad, the Deputy Secretaries-General, Mr. Feng Qinghu and Mr. Mohsen Baharvand and S. Pandiaraj, the Senior Legal Officer.

23. The two-day meeting had been divided into five sessions. The Inaugural Session began with the Welcome Address delivered by *Prof. Dr. Wan Izatul Asma Wan Talaat, Deputy Director/Head of Law Research Programme, Institute of Oceanography and Environment (INOS) UMT* who had outlined the importance of this meeting. This was followed by the Opening Address delivered by *Dato’ Prof. Dr. Nor Aieni, Mokhtar, the Vice chancellor of UMT* who formally inaugurated the meeting. This was followed by the Key Note Address that was delivered by *Prof. Dr. Rahmat Mohamad, the Secretary- General of AALCO*. The Key Note address, which was comprehensive and enlightening, focused on a variety of aspects including the work of AALCO on the issue of Law of the Sea in general, importance of and the mandate for this particular meeting, provisions of UNCLOS on marine biodiversity, the work of the Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity, etc.

24. The *first Working Session* on the theme ‘Current Developments on the Law of the Sea’ was Chaired by *Mr. Feng Qinghu, the Deputy Secretary-General of AALCO* who briefly mentioned the salience of this topic for the developing countries in general. The main presentation was made by *Mr. H.P. Rajan, Former Deputy Director, Division for Ocean Affairs and the Law of Sea, United Nations and the Special Legal Advisor to AALCO on Law of the Sea issues*. In his presentation, Mr. Rajan touched on the issue of development of a new legally binding instrument under the UNCLOS 1982 as approved by the General Assembly of UN. While underscoring the fact that the new instrument would be under the UNCLOS, he went on to highlight the issues involved, the practical aspects the preparatory committee will have to deal with when it begins working in 2016 as well as the gaps in the existing legal framework. The presentation also touched upon some of the upcoming issues and the prospects of the ‘Blue Economy’ in the “future we want”. He also explained the work and role of International Sea Bed Authority and the possible way forward. This was followed by an interesting Q/A Session.

F. Conference Commemorating the Tenth Anniversary of the Establishment of the Tehran Regional Arbitration Centre Tehran, Islamic Republic of Iran, 8 October 2015.

25. In the event organized to commemorate the tenth anniversary of the establishment of Tehran Regional Arbitration Centre, the Deputy Secretary-General, Mr. Mohsen Baharvand delivered the keynote address wherein he talked about the pioneering role of AALCO in facilitating arbitration in Asia and Africa primarily by establishing several arbitral centres in Asian and African regions. He also mentioned the pressing challenges that the field of international arbitration faces today.

G. In-house training: “Rule of the Road for Cyberspace”- a lecture on cyberspace and international law, by Mr Arun Mohan Sukumar, Head, Cyber Initiative, Observer Research Foundation, 16 October 2015.

26. The AALCO Secretariat organized a lecture on the desirability of an international legal regime to govern the activities in cyberspace as part of its internal training initiatives on 6 October 2015 at its Headquarters. The lecture was delivered by Mr Arun Mohan Sukumar, Head, Cyber Initiative at Observer Research Foundation, a leading think tank on international relations and security studies based in New Delhi.

27. Mr Sukumar, after briefly detailing the history of the Internet, lucidly explained the existing “ multi-stakeholder” governance structure in place with a prominent role held by ICANN, a private body under the jurisdiction of the United States. He spoke about the efforts of developing nations like China and India to initiate revamping the existing structure with a UN centric model and opposition from developed nations to any substantial alternation of this structure. He opined that all deliberations on normativity in cyberspace fundamentally hinges on possibility and effectiveness of legal responses to rapid changes in technology.

28. The extension of the principle of territorial sovereignty to cyberspace *inter alia* to rein in domestic activities in cyberspace is a classic example of such responses from States. He also dealt with the formation and application of international law in the realm of cybersecurity and

spoke about the significance of Tallinn Manual in consolidating international law applicable to cyber warfare. He stressed on the importance of Mutual Legal Assistance Treaties to effectively address transnational cybercrimes. The lecture was followed by a question and answer session.

H. The Fourth Forum of the African Union Commission on International Law, Cairo, Egypt, 19-20 October 2015.

29. The Secretary-General attended the Fourth Forum of the African Union Commission on International Law in Cairo on 19 – 20 October 2015 and gave a presentation on the “Experience of other International Organizations on the Ratification of Treaties : AALCO”. In this presentation, the Secretary-General explained the establishment of AALCO as a tangible outcome of the Bandung Conference. He stated the contributions of AALCO in the progressive development of international law over the past six decades which *inter alia* included the stellar role it played during the negotiations of UNCLOS and contributions in the development of refugee law and diplomatic law. He concluded by alluding to the contemporary challenges that Asian-African nations face and the need to enhance international cooperation to adequately address them.

I. Legal Advisors Meetings in New York, 29 October and 2 November 2015.

30. Following the long established practice the Legal Advisers Meeting was held in New York on 29 October 2016, at the Trusteeship Council Chamber, United Nations, on the sidelines of the Seventieth Session of the United Nations General Assembly. The theme for the meeting was “Multilateral Diplomacy at 70”. The Secretary-General of AALCO, and the Deputy Secretary-General, Ms. Yukiko Harimoto, participated in the meeting. Dr. Roy Lee, the Permanent Observer of AALCO to the United Nations in New York chaired and coordinated the meetings.

31. Presentations were made by legal luminaries on the following topics namely: (i) “Peace and Conflict Resolution”, by Mr. Jan Eliasson, Deputy Secretary-General, United Nations; (ii) “The Making of International Law at the United Nations”, by H.E. Dr. Xu Hong, Director General of the Department of Treaty and Law, Ministry of Foreign Affairs, People’s Republic of China on behalf of H.E. Mr. Liu Zhenmin, the President of the Fifty-Fourth Annual Session of AALCO and Vice Minister of Foreign Affairs, China; (iii) “The Role of the Security Council in Maintaining Peace and Security”, by Amb. J. Nyamane Mamabolo, South Africa; (iv) “The Emerging Agreement on Climate Change”, by Amb. Francois Delattre, France; (v) “Terrorism and Rule of Law-Moving Ahead”, by Amb. Eden Charles, Chair of the Sixth Committee; and (vi) “Identification of Customary International Law: Issues and Implications”, by Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO.

32. Around a hundred Legal Advisers from Member States of AALCO and Non-Member States attended the meeting and found the discussions to be on very topical items and useful. Presentations made by the legal luminaries were followed by an open discussion.

33. On 2 November 2016, “A Dialogue with International Law Practitioners focused on Dispute Adjudication” was organized. High officials of the following adjudication bodies

presented their views on the functioning of their tribunals, namely: (i) Judge Vladimir Golitsyn, President, The International Tribunal of the Law of the Sea; (ii) Mr. Hugo Siblesz, Secretary-General, Permanent Court of Arbitration (video conferencing); Mr. Pang Khang Chau, Director-General, International Affairs Division, Attorney-General's Chambers, Singapore; and (iv) Professor Marcelo Kohen, Advocate/Counsel; Graduate Institute, Geneva. These presentations were also followed by an open discussion. Both meetings are focused and organized in a way to encourage participants to engage in the discussions in an active manner.

J. Commemorative Conference of the 70th Anniversary of the United Nations, The Institute of International Law and Justice, New York University School of Law, 1 November 2015.

34. Upon invitation the Secretary-General attended a panel discussion organized by the New York University, School of law on 1 November 2015. The panel consisted of representatives from the UN, UN Member States, ICJ, ICC jurists and eminent scholars. In his comments, the Secretary-General emphasized upon the need for international cooperation for overcoming contemporary global challenges such as the climate change and global financial crisis. He also acknowledged the Rule of Law as fundamental to the establishment of United Nations, and of paramount significance to the United Nations and its vision towards achieving a just, secure and peaceful world. He also emphasized the role which the regional organizations can play in this regard. He reiterated AALCO's continued commitment in supporting the activities of the United Nations in strengthening the Rule of Law as it would contribute to the maintenance of international justice and fairness as well as the promotion of peace and development.

K. Commemorative Conference of the 70th Anniversary of the United Nations", University of Aberdeen, United Kingdom, 4 November 2015.

35. Upon invitation the Secretary-General attended the Commemorative Conference of the 70th Anniversary of the United Nations, which was organized by the University of Aberdeen. He made a presentation on the topic "United Nations and Rule of Law: Some Concerns". In his presentation, Prof. Dr. Rahmat Mohamad welcomed the establishment of a Rule of Law assistance unit within the United Nations. He further stated that AALCO is of the firm view that strengthening the Rule of Law is central to achieving the vision of the United Nations for a just, secure and peaceful world. One of the pre-eminent areas where the UN and its Specialized Agencies have contributed a great deal is international law-making. The UN and its Specialized Agencies have adopted a great number of international treaties/agreements over the past seventy years, establishing minimum standards of behaviour with which States and other international actors must undertake to comply. These legal instruments cover just about every subject: trade, investment, air transport, oceans, boundaries, telecommunication, environment, human rights, armed conflict. In the advancement of rule of law, one of the major problems that the international community/United Nations has been facing relates to the hostile attitude of some powerful countries to ignore rule of law when the political stakes are high.

L. AALCO-ICRC Seminar for Defense Attaches, AALCO Headquarters, 9 November 2015.

36. AALCO and International Committee of the Red Cross (ICRC) jointly organized a seminar on International Humanitarian Law (IHL) for military attaches based in New Delhi on 9 November 2015 at AALCO Headquarters. The seminar was the first of its kind aimed at defense personnel. It was attended by military attaches of Member States and non-Member States, Liaison Officers, academics and students. Prof. Dr. Rahmat Mohamad, Secretary General of AALCO and Ms. Mary Wernitz, Head of Delegation, ICRC, New Delhi delivered the welcome addresses.

37. Their speeches emphasized on the priority accorded by both institutions on propagating the spirit of IHL and hoped that this seminar would serve to remind the participants of the significance of IHL in ensuring that wars, if unavoidable, are fought fairly with due respect to, humanitarian concerns, human rights and human dignity. The substantive part of the seminar began with a presentation by Mr Adebayo Olowo-Ake, Communication Coordinator at ICRC, New Delhi, on the role, mandate and functions of the ICRC. This was followed by two lectures delivered by Mr Richard Desgange, Regional Legal Adviser, ICRC, Beijing, on “IHL and the Conduct of Hostilities” and “Non-State Armed Groups and Violations of IHL” respectively.

38. The third lecture on “direct participation in hostilities” was delivered by Mr Can Akdogan, FAS Coordinator at ICRC New Delhi. His lecture referred to the changing nature of warfare and increased involvement of civilians in activities related to actual combat. Combatants do not always clearly distinguish themselves from civilians, preferring for example to operate as “farmers by day and fighters by night.”

39. The final lecture was delivered via *Skype* from ICRC Headquarters in Geneva. The lead discussant, Mr Thomas de Saint Maurice, Legal Adviser at ICRC Geneva spoke about the use of explosive weapons in populated areas and mentioned that explosive weapons meant for open battle fields with wide impact area are increasingly being used in urban environment. He discussed the international law applicable to “indiscriminate” and “disproportional” attacks using explosive weapons, viz. Additional Protocol I and Additional protocol II to Geneva Conventions. These lectures were followed by a question and answer session.

M. International Conference on Cyber Law, Cyber Crime & Cyber Security, New Delhi, 17 November, 2015.

40. Mr. Feng Qinghu, Deputy-Secretary General, on behalf of the Secretary-General, participated in a panel discussion held during the Conference and spoke on the views of the Member States of AALCO on the exercise of sovereign rights in cyberspace. He stated that the Member States of AALCO are assertive about extending their sovereign rights in cyberspace. This is evident from their interventions during the Annual Sessions held in 2014 and 2015. They also agree on the significance of corresponding duties and obligations to protect fundamental freedoms of communication and expression and right to privacy as enshrined in international human rights instruments. However, as he pointed out, the exercise of these rights by their citizens is not unfettered—they can be subjected to restrictions imposed by the State to ensure national security and public order.

N. AALCO Inter-Sessional Meeting of Legal Experts on Violent Extremism and its Manifestations, AALCO Headquarters, 28-29 January 2016.

41. This meeting was conducted by AALCO in pursuance of the mandate given during the Fifty-Fourth Annual Session in Beijing, China. The Session commenced with H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of the AALCO addressing the floor on the justifications crucial for drafting and adopting the guidelines as they will provide a basis in international law to eradicate violent extremism. The drafting of the Asian-African guidelines is needed as a basis in international law in order to effectively address the problems of violent extremism and its manifestations. He then invited the Attorney-General of Malaysia H.E. Tan Sri Dato Sri Hj Mohamed Apandi Bin Haji Ali to deliver the inaugural address. In his speech, the Attorney-General of Malaysia stressed that it is important to have a legal framework in order to combat violent extremism as well as terrorism. He ended his speech by stressing that it is the responsibility of the whole international community to curb any environment or climate that condones the act of extremism as extremism knows no religion, race or colour.

42. In this meeting, Member States negotiated the text prepared by the AALCO Secretariat and discussed crucial issues pertaining to violent extremism and its manifestations. Many delegates agreed that cooperation is key in combatting this phenomenon. A thorough discussion took place for two days and saw the participation of twenty-four Member States. The discussion highlighted and revolved around classification of Non-State Actors, the scope and definition of violent extremism, the duties and responsibilities of Member States in fighting the wave of extremism within their domestic jurisdiction through legal and executive framework as well as active cooperation between Member States in combating violent extremism and its manifestations at the international level.

43. Although the discussion witnessed several disagreements, Member States had unanimously agreed that it is vital to have the guidelines as a point of reference for other bodies such as the United Nations and for academic purposes.

44. The meeting ended with some parts of guidelines and principles wholly accepted by Member States present while other crucial aspects of the resolution such as the definition of 'violent extremism' itself to be further discussed at a later stage.

O. Seminar on International Investment and WTO, AALCO Headquarters, 2 March, 2016.

45. A seminar on "*International Investment and WTO*" was organized by the AALCO Secretariat at its Headquarters on 2 March 2016. The seminar was attended by Liaison Officers and other officers of AALCO Member States and several scholars and research students from Universities based in New Delhi. The speakers were Dr. Prabhash Ranjan, Assistant Professor, South Asian University, New Delhi and Professor Abhijit Das, Head of the Centre for WTO Indian Institute for Foreign Trade, New Delhi.

46. Dr. Prabhash Ranjan spoke on the topic "Investor-State Dispute Resolution: Current Challenges for Asian and African Countries". Professor Abhijit Das spoke on the topic "WTO:

Current Challenges for Asian and African Countries in Investment”. The presentations were followed by a question and answer session.

P. Lecture on “The Role of the AALCO in the development of International Law”, University of Delhi, 16 March 2016

47. On 16 March 2016, Mr Feng Qinghu, Deputy Secretary-General, delivered a presentation to law students and faculty at the University of Delhi’s Law Centre-II on “The Role of the Asian-African Legal Consultative Organization (AALCO) in the Development of International Law”. Over the course of his lecture, Mr Feng discussed the historical role and impact of intergovernmental organizations, in general, and AALCO in particular, on the development and codification of international law particularly relating to treaty law and customary international law. Mr Feng was also accompanied by Mr Parthan Vishvanathan, Legal Officer, who delivered a presentation to students on the demands of working with AALCO, the role of legal officers in the Organization, and on internship opportunities for law students.

IV. OVERVIEW OF THE SECRETARIAT

A. Secretariat

48. Apart from the Secretary-General (Malaysia), three Member Governments, namely, the People’s Republic of China, Islamic Republic of Iran, and Japan, have offered assistance to AALCO by deputing their senior officials to the Secretariat on secondment. 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 exemplary services to the Secretariat. The dedicated and diligent involvement of the Deputy Secretaries-General in and supervision of, the working of the organization has made them executive arms of the organization that ensure its continued success in the implementation of its programs and activities. The Secretary-General wishes to place on record his gratitude to the Deputy Secretaries-General for their tireless efforts as well as the Member Governments for rendering such valuable assistance.

49. The number of the locally recruited staff (regular staff) in the Secretariat as of 15 March 2016 is 16. The Legal Staff comprises of one Principal Legal Officer, Mrs Anuradha Bakshi; one Senior Legal Officer Mr S. Pandiaraj; and Legal Officers, Mr Parthan Vishvanathan (who re-joined the Organization after completing his LL.M in Geneva); and Mr. Kiran Mohan. Recently, Mr Ashutosh Kumar has been recruited as a Legal Officer on contractual basis. Mrs Manju Gupta, Private Secretary to the Secretary-General, lately retired after 40 years of dedicated service to the Organization. Instead, two secretaries, Mrs Sangeeta Dahal and Ms Geetika Sharma, have been recruited.

B. Permanent Observer Mission of AALCO at the United Nations Offices

50. It may be recalled that resolution AALCO/RES/48/ORG. 1, dated 20 August 2009, adopted at the Forty-Eighth Annual Session of AALCO had endorsed the Secretary-General’s

proposals pertaining to the “Strengthening of Permanent Observer Missions of AALCO at the United Nations Offices in New York, Geneva and Vienna”.

51. As an established practice, the annual AALCO Legal Advisers Meeting held in New York is a very important part of the AALCO activities. It gives the Legal Advisers, who are attending the Sixth Committee Meetings as well as ILC meetings a good opportunity to interact with the Secretary-General and each other and discuss important and contemporary legal matters of concern to the Member States. Exchange of views also takes place on the current and future work of AALCO. Besides this, the meetings also serve as a unique forum to introduce AALCO to a wider audience.

52. In this regard the Permanent Observer of AALCO to the UN plays a very significant role. Dr. Roy Lee, appointed in 2009 and stationed in New York is the one who makes all the arrangements for this meeting in consultation with the AALCO Secretariat and then invites important legal personalities to share their views with the Legal Advisers.

53. Concerning the Permanent Observer Mission of AALCO at Offices in Vienna and UNIDO and UNODC, Mrs Christine J. Nemoto has been continuing her work effectively. In future, the possibility of establishing a Permanent Observer Mission of AALCO at the United Nations Offices in Geneva and Nairobi can also be explored.

54. The Secretary-General has been striving to ensure a close working relationship between the AALCO Secretariat and these Permanent Observer Missions at various UN Offices. In this regard, subject to availability of financial resources, he also proposes deputing Legal Officers from the AALCO Secretariat to these Missions, particularly during the Annual Session of International Law Commission at Geneva to render assistance to Asian-African Members of the Commission, as well as during the Annual Session of UN General Assembly in New York.

C. Centre for Research and Training

55. The “Data Collection Unit”, which had been set up in the Secretariat in 1992, was renamed as the “Centre for Research and Training (CRT)” following a decision taken at AALCO’s Fortieth Annual Session in 2001. The Centre has been engaged in activities to strengthen its research programme and disseminate information on AALCO, *inter alia*, by organizing training programmes/seminars for Member States officials, bringing out special studies on the issues of international law of common concern, strengthening its website and electronic communication facilities. AALCO’s website is being constantly updated. Besides this the CRT conducts the various seminars and workshops, in collaboration with the other international organizations, universities or other relevant partners. In addition it also plays a proactive role in providing valuable training to law students from within and outside India, by way of its Internship programmes.

56. The activities of the CRT need to be further strengthened and in this regard, the Secretary-General requests that Member States may consider providing voluntary contributions, in

addition to their regular annual contribution for steering its activities. Such contributions would be earmarked in a separate fund and utilized only for the work of CRT.

V. AALCO'S FINANCIAL SITUATION AND DRAFT BUDGET FOR THE YEAR 2017

A. Financial Situation

57. In response to AALCO/RES/54/ORG 2, in the period between 1 January 2015 and 31 December 2015, 28 Member States have paid their annual contribution for the year 2015. The following 28 Member States paid the annual contributions for 2015: (i) Arab Republic of Egypt; (ii) Kingdom of Bahrain; (iii) Botswana; (iv) Brunei Darussalam; (v) People's Republic of China; (vi) Cyprus; (vii) India; (viii) Indonesia; (ix) Islamic Republic of Iran; (x) Republic of Iraq; (xi) Japan; (xii) Kingdom of Jordan; (xiii) Kenya; (xiv) State of Kuwait; (xv) Malaysia; (xvi) Mauritius; (xvii) Myanmar; (xviii) Nepal; (xix) Sultanate of Oman; (xx) State of Qatar; (xxi) Republic of Korea; (xxii) Kingdom of Saudi Arabia; (xxiii) Singapore; (xiv) South Africa; (xxv) Sri Lanka; (xxvi) Thailand; (xxvii) Turkey; and (xxviii) United Arab Emirates.

58. The following Member States paid their arrears during the same period: (i) Kingdom of Bahrain; (ii) Bangladesh; (iii) Cyprus; (iv) Ghana; (v) Islamic Republic of Iran; (vi) Republic of Iraq; (vii) State of Kuwait; and (viii) Nepal. The Kingdom of Bahrain, Cyprus and Nepal cleared all their arrears by the end of 2015. In addition the Republic of Iraq paid an instalment based on its MOU.

59. The Secretary-General expresses his profound gratitude to these Member States for complying with their financial obligations. It should be noted here again that the fulfilling of the financial obligations is key to the realization of AALCO's functions, and indeed to its very existence.

60. As regards the Member States which are yet to pay their annual contributions and/or arrears, the Secretariat, on a regular basis, informs them through their Diplomatic Missions and Liaison Officers in New Delhi the importance of fulfilling their statutory and financial obligations to the Organization. The Secretary-General hopes that these efforts would yield results and that by the end of this year, the annual contributions for the year 2016 from these States would also be received. The information note will be distributed at the Annual Session on the status of 2016 contributions received.

B. 2017 Proposed Budget

61. In accordance with Rule 24(4) of the AALCO Statutory Rules the budgetary papers setting out the estimated expenditure likely to be incurred under appropriate budget heads and sub-heads for the year 2017 were placed at the 332nd meeting of Liaison Officers held on 13 January 2016. Further, the Draft Budget was discussed and agreed at the 333rd Liaison Officers Meeting held on 2 March 2016.

62. It is noted that a robust financial situation is a prerequisite for any Organization to effectively fulfill its mandate, as well as its long term sustenance. It is envisaged that upon approval by the Member States and availability of requisite funds the AALCO Secretariat would, in the year 2017, undertake intersessional meetings, capacity building programmes and research projects including the following tentative topics: (i) Law of the Sea; (ii) International Law in Cyberspace and (iii) International Law Commission.

63. The approved budget for the year 2016 was US\$ 637,175, based on the expenses likely to be incurred during that year which are mainly owed to the departure and arrival of the current and the new Secretary-General respectively. The proposed budget for the year 2017 shows a decrease to US\$ 570,600.

64. Further, at the time of presenting this budget proposal in January 2016, the Indian Government's decision on the recommendation of 7th Pay Commission is still pending. After the outcome of the 7th Pay Commission is announced, the AALCO Secretariat will report to and consult with Member States on a possible new salary scale for the local staff at AALCO. The details of the financial situation in 2015 and the Budget for the year 2017 can be found in document AALCO/55/ HEADQUARTERS (NEW DELHI) /2016/ORG 2.

C. Regulations for the Salary, Allowances and Entitlements of the Secretary-General

65. The Sub-Committee of Liaison Officers on AALCO Secretariat's Human Resources and Financial Matters (Hereinafter Sub-Committee) as mandated by the Fifty-Fourth Annual Session, took up a task to formulate the draft rules and regulations for the salary and entitlements of the Secretary-General, taking into account the practice of similar Asian-African Organizations.³ After successive rounds of meetings the Draft Regulations on Secretary-General's Salary, Allowances and Other Emoluments had been approved by the Sub-Committee and later the same was reported and approved at the Liaison Officers meeting held in January 2016.

66. After consideration by the Fifty-Fifth Annual Session, these regulations would be inserted in the existing Administrative, Financial and Staff Regulations of AALCO and applied accordingly. For details please refer to document: AALCO/55/HEADQUARTERS (NEW DELHI)/2016/ORG 1A.

VI. STEPS TAKEN TO REVITALIZE AND STRENGTHEN THE ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

67. In partial fulfilment of the mandate given by Putrajaya Declaration in 2009, a range of programmes have been initiated on a regular basis, to make AALCO a centre for harmonizing the action of Asian-African States in international legal matters. These include: Capacity

³ AALCO/RES/54/ORG 2. Operative Para 2 reads as : “ **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”.

Building Programmes; initiation of AALCO Lecture Series, and AALCO-Eminent Persons Group (EPG).⁴

A. Strengthening the Human Resources in the AALCO Secretariat

68. The Secretariat plays a crucial role in strengthening the work of the Organization. Presently, the Secretariat functions under constraints of human and financial resources. Yet the final products bear no signs to these insufficiencies and measure up to the quality and quantity of any important international conference and their output held anywhere in the world. In view of the decrease in legal staff strength and the increasing activities being undertaken by the Organization, AALCO has recently recruited two legal officers, one regular and another, on contractual basis. However, to effectively fulfil its mandate and meaningfully expand its activities, AALCO needs to further strengthen the present infrastructure and other facilities offered to the Secretariat staff.

69. In the International Category, presently, all officials are from the Asian States. In order to ensure adequate representation of Africa, the Secretary-General requests the African States to second at least one senior official to the Secretariat as Deputy/Assistant Secretary-General. Likewise, he also requests the Arab Member States to consider deputing one senior official/Director to the Secretariat for managing the affairs of the Arabic Section.

70. Furthermore, to give an international character to the Professional Category of the Secretariat Staff, it is felt that there is a need to ensure that the Secretariat should be in a position to attract and retain the best talent from the two regions. This entails offering remuneration and other terms and conditions of services at par with the other intergovernmental organizations. Towards realizing this goal Member States are requested to nominate legal officers on deputation from their Legal Ministries to enhance the legal research undertaken at AALCO. However, the remuneration for these officials would be borne by the sponsoring State.

71. To encourage the assimilation of academic inputs into the work of AALCO, the Secretary-General proposes a Visiting Fellowship Programme for senior academics and a Research Assistantship Programme for postgraduate students from AALCO Member States.

B. Membership

72. As on 15 March 2016, 46 States from Asia and Africa are presently Members of AALCO. The Secretary-General would like to inform the Member States that Botswana withdrew its membership from AALCO with effect from 1st July 2016 in accordance with the Statutory Rules. As regards increasing the membership base of AALCO, the Secretary-General would like to express his gratitude to His Excellency Mr Liu Zhenmin, Vice Minister of Foreign Affairs, People's Republic of China and the President of the Fifty-Fourth Annual Session of AALCO for his efforts in requesting his counterparts in the Governments within the region for

⁴ An overview of these measures will be given in the subsequent part of this report. Some of the details were also provided in the Secretary-General's Report of 2011 (AALCO/50/COLOMBO/2011/ORG 1) and (AALCO/51/ABUJA/2012/ORG 1).

becoming Members of AALCO. Within the Secretariat the Secretary-General and the Deputy Secretaries-General 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.

C. Measures to Improve the Financial Situation of AALCO

73. It may be recalled that to improve the financial situation of AALCO, at the Forty-Eight Session held in Putrajaya, Malaysia in 2009, a proposal was placed for consideration of the Heads of Delegations, it was in the form of a comprehensive approach that included the following four measures: (i) Revision of Assessed Scale of Contributions; (ii) Action Plan to Collect Arrears; (iii) Voluntary Contributions; and (iv) Replenishment of Reserve Fund. An update is presented below.

(i) Collecting Arrears

74. As per the Action Plan⁵ approved, the Member States in arrears have been divided under two heads: first, Member States which are in arrears for less than ten years; second, Member States in arrears for more than ten years. The Secretary-General was requested to take necessary follow-up action with these States. It may be recalled that AALCO had urged those Member States in arrears to expeditiously clear their arrears. Furthermore, vide resolution AALCO/RES/48/ORG 1 adopted on 20 August 2009, the Secretary-General was requested to implement this Action Plan, the same was also reiterated during the Forty-Ninth Annual Session.

75. Accordingly, the Secretary-General placed this responsibility on the Deputy Secretary-General from Japan, who has been regularly meeting the Heads of Diplomatic Missions and Liaison Officers of these Member States in New Delhi, for materialising the action plan to collect arrears.

76. The Secretariat is pleased to inform the Member States that since the Fifty-Third Annual Session, Republic of Iraq has partially repaid its accumulated arrears.

77. Efforts are continuing with the following Member States in arrears for more than ten years: i.e., Sierra Leone, The Gambia, Mongolia, Palestine, Senegal, Sudan, Lebanon, Democratic People's Republic of Korea and Yemen. Pursuant to the request made by the State of Palestine to exempt it from payment of its arrears, the Member States at the Fifty-Fourth Annual Session approved the same.

⁵It may be recalled that the Extraordinary Session held at the Headquarters on 1 December 2008, to explore ways to tide over the precarious financial situation of AALCO had approved an "Action Plan, AALCO/ES (NEW DELHI)/2008/ORG. 1, from page numbers 7-9.

(ii) Voluntary Contributions

78. The Secretary-General gratefully recalls the voluntary contributions of the Governments of Member States of the Sultanate of Oman, Malaysia (before Forty-Ninth Annual Session) and Turkey (after Forty-Ninth Annual Session). Given the current budgetary constraints, the Secretary-General urges Member States, which are in a position to do so, to make voluntary contributions to the Organization.

(iii) Replenishment of Reserve Fund

79. Rule 27 (3) of the Statutory Rules of the Organization authorizes the Secretary-General to maintain a reserve fund. To strengthen and firmly place the Organization on a firm financial footing, it is essential that an adequate Reserve Fund is maintained by the Organization. The amount kept in Reserve Fund should at least be enough so that it could meet the expenses of the Organization for at least a period of six months.

(iv) Increasing the Membership of AALCO

80. As mentioned above, assuming the withdrawal of Botswana, 46 States will be Member States of AALCO. 32 of these are Asian States and 14 are African States. In the informal regional grouping system that exists in the United Nations, both Asia and Africa account for 53 countries each. Therefore, both within the Asian and African continent, immense scope for widening the membership base of the AALCO exist. Building upon the efforts of the distinguished predecessors, the current President of AALCO, as well as the Secretary-General and the Deputy Secretaries-General have approached the Heads of Diplomatic Missions of several of these countries in New Delhi. The Secretariat has received positive responses from some of these States and the matter of their joining AALCO is under the active consideration of their respective Governments. In case these States become Member States of AALCO their prospective contributions would strengthen the financial stability of AALCO.

81. Last but not the least, the Secretary-General would like to inform the Member States that continuous efforts are being made on optimizing the use of both the human and material resources available within the Secretariat. All efforts to minimize and curtail operational costs are also being exerted.

VII. FUTURE PLAN OF ACTION

82. The Secretary-General takes this opportunity to reiterate his gratitude to the Member States for the whole-hearted support and confidence that they have reposed in him. He would like to reassure the Member States that he would continue to do his best to keep alive the Bandung spirit of friendship, cooperation and solidarity amongst Asian-African States. As a strong votary for enhancing the participation of Asian-African countries in the progressive development and codification of international law, he would persistently work to increase the influence of Asian-African States in the international legislative process.

83. The task entrusted to the Secretary-General is a challenging one. It would be his constant endeavour to meet the growing expectations of the Member States and re-orient AALCO's activities in such a way so that it could provide more beneficial and useful services to them. Some of the steps proposed to be undertaken in the coming year include:

A. Organizational and Substantive Projects for AALCO and its Financial Implications Commencing 2017

84. The Organization was mandated to undertake many substantive projects. However, owing to severe budgetary constraints, the Secretariat is not in a position to effectively carry them out.⁶

85. It may be recalled that a Sub-Committee on the AALCO Secretariat's Human Resources and Financial Matters (Hereinafter Sub-Committee) to look into the Administrative and Financial matters of AALCO was established in 2010. Considering the fact that over ten Member States were not regularly paying their annual contributions and that the AALCO budget planned on the assumption that all Member States would pay their annual contributions in full had actually always been in shortfall, the Sub-Committee suggested that the administrative budget which would be covered by the actual regular income should be separated from the project budget which would be implemented only if the Secretariat would receive contributions over the administrative portion.

86. The Secretariat of AALCO proposes that projects would be classified into four categories; i.e., Capacity Building Programs for AALCO Member States, Research Intensification Projects on the Work of the International Law Commission (ILC) at AALCO, Research Intensification Projects on the Work of AALCO, and In House Training Program for AALCO Professional Staff.

87. First, under the Capacity Building Programs for AALCO, the Secretariat would implement projects providing practical and important knowledge and administrative skills related to international law to the officials of Member States. The Secretariat has been intermittently implementing WTO Training Program since 2010. The Secretariat is of the view, and also based on the resolution adopted at the 51st Annual Session meeting held in Abuja, Nigeria in 2012 as contained in the document RES/51/S1, that this project could provide up-to-date information relating to the fast changing trade rules and trends, and that it should continue for 2016– 2017. Other projects derived from the past mandates from Member States may also be implemented if the Secretariat could receive enough contribution from Member States.

88. Second, under Research Intensification Projects on the Work of the International Law Commission (ILC) at AALCO, the Secretariat would implement research projects on current

⁶ In this context, it is pertinent to reiterate that as mandated by the 2009 Putrajaya Declaration on Revitalization of AALCO, the Secretariat is required to present its blueprint on how to strengthen AALCO's organizational and substantive matters. It is recalled that the 2009 Putrajaya Declaration summoned all Member States to renew their commitment in ensuring the relevance and significance of AALCO as the only legal body embracing two continents. The Secretary General of AALCO presented the long, medium and short terms projects for AALCO in the Colombo Session in 2011.

ILC issues for the purpose of forming useful inputs to ILC, mostly by employing academicians and experts from Member States for the publication of a book on the issue. It should be noted that the professional staff of the Secretariat has substantial knowledge and skill and is regularly working on these issues; therefore, the proposed projects are planned to provide information and insights which would require expertise outside of AALCO. All proposed projects are based on the past mandates given from the Member States.

89. Third, under Research Intensification Projects on the Work of AALCO, the Secretariat would implement projects which AALCO Member States hold deep interests in engaging AALCO. A number of possible areas of researches have been identified at the past AALCO meetings which include, climate change, piracy, corruption, human trafficking, terrorism, ICC, UNCLOS, cyber space, etc. Some projects related to these issues are proposed to be implemented for 2017.

90. Fourth, under In House Training Program for AALCO Professional Staff, the Secretariat would implement capacity building projects for professional staff of AALCO. Professional staff of AALCO is crucially important doing day to day activities of AALCO, and the Secretariat needs to reinforce their capabilities relating to international law. Particularly, the Secretariat would like to train the staff for the better cooperation between AALCO Headquarters and our Regional Arbitration Centres. Relatively small amount of budget is planned under this category by mobilizing mostly the resources in India. The detailed breakdown of the envisaged projects in each category is submitted for the perusal of the Member States (**Annex I**).

B. Establishing Collaboration with Educational Institutions/Academics

91. With the aim of further expanding the research activities in AALCO, it is envisaged that collaboration with Educational Institutions/Universities within and outside India is further enhanced. In furtherance of this proposal, within India, four institutes with whom plans are currently underway on research projects are the South Asian University, New Delhi; Delhi University; the Jawaharlal Nehru University, New Delhi and Gujarat National Law University, Gandhinagar, Gujarat. Moreover, with the same objective Deans/Directors of various law schools in Malaysia have also been approached.

C. Expanding the Internship Programme in AALCO Headquarters

92. One of the main activities of the Centre for Research and Training (CRT) is to encourage the young students of law from the Member States of AALCO to become familiar with the working of an inter-governmental organization. Internship at AALCO are practical educational experience whereby interns principally assist the legal staff of the Organization in discharging their duties. Specifically, the interns are assigned a number of tasks which include: i) Compilation of legislation of Member States on a number of international legal issues with the objective of creating a database of national legislations; ii) Assisting the legal staff in the preparation of briefs and other documents; iii) Editing/proof-reading of various documents that are produced by the Secretariat; iv) visit to intergovernmental organizations such as International Committee of the Red Cross (ICRC) and the United Nations Office on Drugs and

Crime (UNODC) and institutions such as the Indian Society of International Law (ISIL) and assisting the legal staff of AALCO in preparing reports on the inter-sessional events that the Secretariat hosts.

93. As the internship programme is available throughout the year, the Member States are requested to make use of this opportunity and encourage the law students to undertake such internship programme with AALCO in New Delhi. In the course of the past 12 months, 28 students from various universities located in India and abroad (for example, Malaysia and Islamic Republic of Iran) worked as interns at the Secretariat.

D. Convening of Young Jurist Conference

94. It is also essential to encourage and develop young scholarship in international law in the Asian-African countries. To realize this objective, on earlier occasions the Secretary-General had proposed that a “Young Jurist Conference” may be convened on the sidelines of the Annual Session. This would render an opportunity to these scholars, particularly from that country and the region, in which the Annual Session takes place to interact with the legal luminaries attending the Session and benefit from their experience and scholarship. The Secretary-General would like to make this proposal operationally viable at the earliest opportunity.

E. Improving the Website of AALCO

95. AALCO’s website (www.aalco.int) is regularly updated and reviewed to match the standards of other international organizations. Towards this end, all the recent activities and programmes undertaken within AALCO and related documents are uploaded on the website. To facilitate the Arabic speaking Member States of AALCO, and utilising the Arabic Fund, an Arabic interpreter/translator has been appointed to update the website in Arabic language.

F. Preparation of the Studies on the Items on the Agenda of AALCO

96. As regards the preparation of the Studies on the items on the Agenda of AALCO, the preparation of these would be in accordance with the mandate received from the Fifty-Fifth Annual Session of AALCO.

G. Preparation of Studies on Selected Items on the Agenda of the Seventy-First Session of the United Nations General Assembly

97. Following the established practice, with a view to assisting Member States in their participation at the Seventy-First Session of the General Assembly (September 2016), in particular the Sixth Committee, the Secretariat would prepare studies on selected items on the agenda of the Seventieth Session of the General Assembly.

H. Participation in International Meetings

98. Representation of AALCO and ILC at each other's Annual Session has now become a customary practice. Following that the Secretary-General will be attending the Sixty-eighth Session of the International Law Commission and will present an overview of the discussions held at the Fifty-Fifth Annual Session of AALCO. In addition, he will also represent the Organization at the Seventy-First Session of the UN General Assembly. Another meeting, which would be convened in New York, is the AALCO's Legal Advisers' and AALCO-ILC joint meeting on the sidelines of the Seventy-First Session of the UN General Assembly in New York. Subject to availability of funds AALCO might be represented at one or two other international meetings where its participation would be useful.

I. Capacity Building Programmes

99. Over the years, AALCO has been organizing many capacity building programmes for the Member States in association with organizations like the WTO, ICRC. Member States may note that the Training Programme for Legal Officers from the Kingdom of Saudi Arabia has been institutionalized with support from Saudi Arabia and the most recent Programme was held in January 2015. Also, a seminar on Investment and WTO was organized at the AALCO Headquarters on 2 March 2016 in pursuance of the mandate received from Member States in the last Annual Session held in Beijing.

J. Strengthening the Library

100. The Library is the backbone of the research activities of any Organization. Fortunately, in the new Headquarters building one full floor has been devoted to the Library. It is equipped with adequate stacks and cupboards and work is in progress to scientifically organize, catalogue and place properly all the available resources. Subject to the availability of funds, online legal databases such as *Lexis Nexis*, *Westlaw* or *Hein Online* could be subscribed to. Plans are also afoot to make a digital library.

K. Publications

101. In order to ensure wider and periodic dissemination about the various activities of AALCO, the Organization has re-oriented its existing publications and made it more reader friendly, apart from enhancing the quality and content of the publication. In consonance with international practices, most of the Secretariat publications are brought out in electronic format. This has resulted in sending a smaller number of hard copies to the Member States, which in turn saves some financial resources of the Organization. This year apart from the regular publications including AALCO Journal of International Law and the Yearbook, AALCO will publish two special studies namely: (1) International Law in cyberspace; and (2) Marine Biodiversity Beyond National Jurisdiction: An Asian-African Perspective. The Secretary-General hopes to bring out more such publications in the future.

L. Streamlining of AALCO Statutory Rules and Administrative, Financial and Staff Regulations of AALCO

102. It may be recalled that the Statutes of AALCO were revised and adopted during the Forty-Third Annual Session of the Organization held in Bali, Manila (2004) by virtue of resolution RES/43/ORG 7, 25 June 2004. The same resolution had also mandated the Secretary-General to revise and present the Statutory Rules to the Member States. In partial fulfillment of that mandate the Secretariat is undertaking a task to streamline the Statutory Rules and Administrative, Financial and Staff Regulations of AALCO focusing on mainly technical aspects such as changing the “Committee” to “Organization” in the text, and it will soon place them on the website of AALCO www.aalco.int.

VIII. STRENGTHENING THE COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS, IN PARTICULAR THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES

A. Cooperation between the United Nations and the Asian-African Legal Consultative Organization

103. It may be recalled that, vide its Resolution 35/2 of 13 October 1980, the United Nations General Assembly had granted observer status to AALCO and requested the AALCO to participate in its sessions and work. Since then AALCO has been actively participating in the work of the UN General Assembly. Following the establishment of this new pattern by the General Assembly, the item pertaining to the Cooperation between the Asian-African Legal Consultative Organization and the United Nations is considered on a biennial basis. Dr. Roy S. Lee, Permanent Observer of AALCO to the United Nations Offices in New York has represented the Organization in many sessions of the United Nations and updated the sixty-seventh session of the United Nations General Assembly on AALCO’s activities and work progress.

104. It also decided to place the item for the consideration of its Seventy-First Session in 2016. Accordingly, the item would be considered at the forthcoming Annual Session of the UN General Assembly. The AALCO would be represented during the consideration of the item and Member States are urged to participate during the deliberations on this item in the UN General Assembly.

B. Strengthening Cooperation with Specialized Agencies and other International Organizations

105. Since its inception, it has been a privilege for AALCO to work in cooperation with the United Nations, its Specialized Agencies and other International Organizations. As envisaged in its Statutes, such co-operation began with the International Law Commission. Subsequently, on matters concerning Status and Treatment of Refugees, AALCO and UNHCR established close relations. With its involvement in International Trade Law matters, AALCO initiated its cooperative arrangements with UNCITRAL, UNCTAD, UNIDO and other Inter-governmental

Organizations, such as the UNIDROIT and the Hague Conference on Private International Law. However, a great impetus was given to such cooperative arrangements with the according of Permanent Observer Status to AALCO by the United Nations in 1980. As a follow-up, Agreements were concluded with the United Nations, IMO, IAEA, UNIDO, UNEP, and UNITAR. AALCO also concluded similar co-operation agreements with International Organizations, which include Council of Europe, Commonwealth Secretariat, League of Arab States and the African Union (formerly Organization of African Unity).

106. In August 2000, a Cooperation Agreement was signed between AALCO and WIPO. In 2001, Memorandums of Understanding (MoUs) were signed with the International Organization for Migration (IOM), Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations University (UNU). In 2002, similar MoUs were concluded with the UNHCR and ICRC. The Cooperation Agreement with the ICRC entered into force in July 2003. Since then, many special meetings, training programmes and workshops were jointly organized by AALCO and ICRC. The success of such joint efforts prompted both organizations to expand their areas of cooperation and hold similar deliberations on substantive aspects of areas of mutual interest in the future.

107. In September 2004, administrative arrangements for cooperation between the International Tribunal for the Law of the Sea and AALCO were formalized. At the Nairobi Session (2005), a revised and revitalized Memorandum of Understanding with the United Nations Environment Programme (UNEP) was signed. In February 2008, a Memorandum of Understanding between the AALCO and the International Criminal Court (ICC) was concluded.

108. In October 2009, a Memorandum of Understanding was concluded between the Secretariat of AALCO and the Institute of International Law of Wuhan University of the People's Republic of China. During the Forty-Ninth Annual Session of AALCO at Dar es Salaam, United Republic of Tanzania in 2010, a MoU was concluded with the International Council of Environmental Law (ICEL).

109. Other Organizations with whom process may be initiated include the World Trade Organization (WTO), Organization for Islamic Conference (OIC), Non-Aligned Movement (NAM), the Association of South East Asian Nations (ASEAN), the Asia Pacific Economic Cooperation (APEC), the African Union and other regional groupings of North and Latin American countries.

110. It needs to be emphasized that these cooperation agreements provide very useful basis for organizing joint meetings and seminars on topics of mutual interest with these Organizations. These Organizations provide funds for the participation of resource persons and experts, which enrich the deliberations in the AALCO meetings. AALCO's financial commitments are minimum. This is a very practical way to enhance AALCO's activities and broaden its base of research activities.

IX. CONCLUDING REMARKS

111. Prof. Dr. Rahmat Mohamad, since assuming the office of the Secretary-General in 2008, has been striving to fulfil the mandate entrusted to him by the Member States and enhancing the stature of the Organization among the international fraternity. The initiatives undertaken by him during his two terms as Secretary-General to further the common cause of Asian and African States in the international law arena were a product of the improved financial status of the Organization as well as the continual encouragement and support of the Member States.

112. The Secretary-General's tenure saw a number of substantive and administrative initiatives being undertaken to improve the organization both at an organizational and at a substantive level. The administrative initiatives undertaken by the Secretary-General included effective management systems to improve transparency and accountability within the organization such as introduction of auditor on regular basis, yearly performance appraisals and weekly staff meetings. Capacity building, through the organization of training seminars and other management policies, encouraged staff to self-actualize and adopt a multi-tasking approach. The introduction of strict fiscal measures and cost-benefit approach to improve the efficiency of the organization simultaneously reduced expenditure while enhancing the output of the organization. Under Prof. Dr. Rahmat Mohamad's stewardship, cooperation with other international and intergovernmental organizations, particularly the ICRC, as well as several academic institutions, was greatly improved, resulting in the signing of several memoranda of understanding and the co-hosting of various conferences and seminars.

113. While AALCO has had a very fruitful relationship with the International Law Commission since its inception, Prof. Dr. Rahmat Mohamad took concrete steps to further strengthen the relationship. He introduced the idea of holding a half-day special meeting on the matters related to the work of ILC at every Annual Session of AALCO aimed at thorough deliberations on selected topics on the agenda of ILC. Special Rapporteurs, and members of the ILC are regularly invited to participate in these discussions. The Secretary-General has also regularly attended and addressed the annual sessions of the ILC where he put forth the views of the Member States of AALCO on selected topics which are on the agenda of ILC. Another significant initiative undertaken by Prof. Dr. Mohamad was the establishment of the "Informal Expert Group on Customary International Law" at the 2014 Annual Session of AALCO. It was envisaged as a technical expert group on identification of Customary International Law to formulate responses to the work of the ILC on the Identification of Customary International Law. Finally, as part of his speaking engagements, the Secretary-General has spoken about the work of the ILC and its relation to the work of AALCO at various universities globally.

114. The Secretary-General also maintained a gruelling schedule of lectures and participation in seminars around the world which helped immeasurably in raising the visibility and profile of the organization. Simultaneously, the website has been improved as a platform for the dissemination of prompt and detailed analysis of current events relevant to international law and the interests of Asian and African States.

115. Substantive undertakings during the term of the Secretary-General included the encouragement of Member States to suggest new contemporary issues for inclusion in AALCO's agenda. These topics ranged from the management of the financial crisis to Violent Extremism, and under the Secretary-General's able guidance these projects were diligently and comprehensively dealt with. In addition to this, the publication of several Special Studies on topics as wide-ranging as "The Statehood of Palestine", "Unilateral and Secondary Sanctions", "Marine Biological Diversity", and "International Law in Cyberspace", have been a hallmark of the Secretary-General's tenure, enhancing the organization's reputation for crisp legal research and analysis, as well as improving the capacity of the organization's legal staff by encouraging and tasking them to produce these studies.

116. Through these measures Prof. Dr. Rahmat Mohamad has strived during his tenure to leave a robust legacy not only for himself but for the organization as well, endeavouring at every opportunity to increase the organization's engagement and participation, and by extension, the engagement and participation of Asian and African States, in the international arena, particularly in relation to the codification and progressive development of international law.

117. AALCO's contribution towards the progressive development and codification of international law and rule of law in international affairs till date has been very significant. Given that AALCO is one of the tangible outcomes of Bandung Conference, and this year is the 60th anniversary of which is celebrated, this provides the right occasion to revive the Bandung spirit of solidarity amongst the Asian-African States and work towards the betterment of peoples of the two regions and at larger level to contribute to the well-being of humanity and humankind.

118. 60 years of history of AALCO offers a rare opportunity to look back and to reflect on the future. Its journey has not been smooth, but due to the immense support by its Member States the Organization has had tremendous progress in its activities. This in itself is demonstrative of the continued ideological relevance of the Organization. The voice of the people of the Asian-African region which is host to the largest part of humanity needs to be heard and heeded in various international fora. To further this cause, the Secretary-General is convinced that Member States of AALCO would encourage and contribute towards its future activities, besides promising to place AALCO on a sound financial footing.

119. As this is the last report of the Secretary-General, Prof. Dr. Rahmat Mohamad, he would like to wholeheartedly thank the Member States for their support and encouragement in the discharge of his duties. He would also like to thank the staff of AALCO for their dedicated support towards fulfilling the mandate entrusted on him.

ANNEX I

Projects Proposed to be Implemented in 2017

It is expected that during the year 2017 three inter-sessional meetings, workshops, seminars would be held on the following topics namely: (i) Law of the Sea; (ii) International Law in Cyberspace and (iii) International Law Commission. The topics are tentative and subject to guidance from Member States.

The total estimated expenditure for holding these meetings would tentatively amount to the following:

(i)	Airfare for 5 experts invitees	Approx.\$	7,500
(ii)	Hotel accommodation & transportation for 5 experts	Approx.\$	2,500
(iii)	Lunch for 3 occasions	Approx.\$	4,500
(iv)	Printing material, photocopies, stationary, refreshments	Approx.\$	1,500
(v)	Dinner hosted by Secretary-General for experts invitees	Approx.\$	1,000
(vi)	Honorarium for experts	Approx. \$	1,000
Total			US\$ 18,000

In addition, some research activities are envisaged in 2017.

ANNEX II

SECRETARIAT'S DRAFT
AALCO/RES/DFT/55/ORG 1
20 May 2016

REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL, ADMINISTRATIVE AND FINANCIAL MATTERS

The Asian-African Legal Consultative Organization at its Fifty-Fifth 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/55/ HEADQUARTERS (NEW DELHI)/2016/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 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 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-Fourth Annual Session held in Beijing, People's Republic of China from 13 to 17 April 2015,

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. **Also requests** the Secretary General to inscribe an official record to express Member States' deepest condolences and pay heartfelt tribute to the family of the late Mr. B. Sen, the first Secretary-General of AALCO; and
5. **Further requests** the Secretary-General to report on the activities of the Organization at its Fifty-Sixth Annual Session.