

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



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

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

I. INTRODUCTION

1. It is a matter of privilege and honour for H.E. Prof. Dr. Kennedy Gastorn, the Secretary-General, to present his first report 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-Fifth Annual Session until the beginning of March 2017.

2. It may be recalled that the Fifty-Fifth Annual Session of the Organization was held at the Headquarters, New Delhi, India from 17 to 20 May 2016 and the election for the new Secretary-General was held therein. Prof. Dr. Gastorn is privileged to be elected unanimously as the sixth Secretary-General of AALCO for a four year tenure which began on 15 August 2016.

3. At the outset, the Secretary-General would like to thank the Member States for reposing confidence in his leadership and for giving him this opportunity to work towards strengthening Asian-African solidarity in international legal affairs. He also wishes to express his gratitude to His Excellency Dr. V.D. Sharma, the President of the Fifty-fifth Annual Session and Joint Secretary, Legal and Treaties Division, Ministry of External Affairs, Government of India and His Excellency Mr. Samuel Panyin Yalley, the Vice-President and High Commissioner of Ghana in India for their valuable guidance in fulfilling the mandate entrusted on the Organization.

4. Last year the Organization witnessed yet another successful Annual Session held at New Delhi, the Headquarters of the Organization, with the participation from 39 Member States, 3 Regional Arbitration Centres and 3 Non Member States and one international organization. AALCO was established in 1956 and the organization celebrated its sixtieth anniversary in 2016 by adopting New Delhi Declaration on the Commemoration of the Sixtieth Anniversary of AALCO. In addition, the outcome of the Eminent Persons Group meetings was placed for consideration of the Member States, which *inter alia* recommended the ground rules and measures that the Organization might take for building upon its present acclaimed edifice, in terms 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. 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-Sixth Annual Session of AALCO; (2) Activities undertaken since the Fifty-Fifth Annual Session of AALCO; (3) Overview of the Secretariat; (4) Financial situation of AALCO and 2018 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 THE WORK PROGRAMME OF AALCO AT THE FIFTY-SIXTH ANNUAL SESSION OF AALCO

6. 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)¹
- 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

7. 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-Sixth Session are:

¹The 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.

- 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
- Violent Extremism and Terrorism (Legal Aspects)
- International Law in Cyberspace

8. In addition, as per the long established practice, two half-day special meetings on the following two agenda items namely: – (i) “Selected Items on the Agenda of the International Law Commission” and (ii) “The International Criminal Court: Recent Developments (The Legality, under International Law, of the UNSC authority to refer cases and/or situations to the ICC under Article 13 (b) of the Rome Statute, 1998 and other relevant issues)” are also being convened in conjunction with the Fifty-Sixth Annual Session.

9. 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-FIFTH ANNUAL SESSION OF AALCO

A. The Sixty-Eighth Session of the International Law Commission, Geneva, 22 June 2016.

10. Although it is customary for the Secretary-General to participate in the Annual Session of the International Law Commission (ILC), owing to prior international engagements, Prof. Dr. Rahmat Mohamad, the then Secretary-General, could not attend the Sixty-Eighth Session of the ILC. However, his statement was duly submitted to the ILC and read out during the Session. The statement primarily focused on (1) Protection of the Atmosphere; (2) Crimes against Humanity and (3) *Jus Cogens*, and the views expressed by AALCO Member States on these topics.

B. Ceremonial Session and Release of the Coffee Table Book, 4 August 2016.

11. Before the completion of his tenure H.E. Prof. Dr. Rahmat Mohamad, the former Secretary-General held a ceremonial session at the AALCO Headquarters to present the “handover note”—consisting of the substantive and organizational documents of the Organization—to the Secretary-General elect H.E. Prof. Dr. Kennedy Gastorn. The Session was presided over by H.E. Dr. V.D. Sharma, Joint Secretary, Legal and Treaties Division, Ministry of External Affairs, India, and H.E. Mr. Samuel P. Yalley, High Commissioner of Ghana to India—the President and Vice-President of the Fifty-Fifth Annual Session of AALCO. It was attended by representatives of 28 AALCO Member States, including several Ambassadors, High Commissioners and Chargé d’affaires. A coffee table book was also released to commemorate the 60th anniversary of the Organization.

C. Second Session of the China-AALCO Exchange and Research Programme on International Law, China University of Political Science and Law, People’s Republic of China, 29 August 2016.

12. The Second Session of the China-AALCO Exchange and Research Program (CAERP) in International Law was held at the China University of Political Science and Law (CUPL) in Beijing, People’s Republic of China from 29 August to 16 September 2016. The three-week session saw participation by 37 trainees—comprising an assortment of diplomats and members of the respective governments’ foreign affairs and justice ministries—from 34 AALCO Member States and the AALCO Secretariat. Two members from the AALCO Secretariat— Principal Legal Officer, Mrs. Anuradha Bakshi, and Legal Officer, Mr. Parthan Shiv Vishvanathan—were among those invited to attend the training programme as participants.

13. H.E. Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO was invited by the Government of the People’s Republic of China to attend the inauguration ceremony of the Second Session of the China-AALCO Research and Exchange Programme (CAERP), where he delivered his address as the Secretary-General of AALCO. In his address, the Secretary-General spoke about the fruitful relationship between the People’s Republic of China and AALCO, as well as the importance of initiatives such as the CAERP for the development of international law within the Asian and African regions as well as the capacity-building in international law among the AALCO Member States. Addresses at the inauguration ceremony were also delivered by H.E. Mr. Gao Feng, Special Representative (Environment), of the Ministry of Foreign Affairs of the People’s Republic of China, and Prof. Huang Jin, Chancellor of CUPL. Additionally, addresses were given by two representatives of the participants in the program; Mrs. Anuradha Bakshi, Principal Legal Officer of AALCO, and Mr. Macaulay Edo Williams, Assistant Director for Legal Affairs, Ministry of Justice of Nigeria.

14. Over the course of an intensive three weeks, the trainees attended lectures by internationally renowned scholars and practitioners of international law on a wide range of topics in both public and private international law and spanning the theoretical and practical facets of a range of diverse and contemporary issues such as: “Rule of Law”, “The Role of Soft Law”, “International Commercial and Investment Arbitration”, “The Mechanism of Dispute Settlement under the Law of the Sea”, “International Civil Aviation Law”, “Return of Cultural Relics under International Law”, “Climate Change Governance”, and many others. In total, 18 different topics were covered by the distinguished lecturers, both international and from CUPL. Prof. Dr. Kennedy Gastorn, the Secretary-General of AALCO delivered his inaugural address on 29 August 2016, and offered a short course on the importance of the rule of law in international affairs.

15. The CAERP initiative—conceived and executed with great efficiency by the Ministry of Foreign Affairs of the People’s Republic of China, in conjunction with different universities in PR China and the AALCO Secretariat—was well received by all the participating trainees, who saw the Programme as a platform for enhanced cooperation between AALCO Member States on an academic, professional and intellectual level, and as a vital step towards improved capacity-building in the field of international law for countries in the Afro-Asian region.

D. Cooperation Agreement between AALCO and the Hague Conference on Private International Law, Beijing, People’s Republic of China, 1 September 2016.

16. On 1 September 2016, the Secretary-General H.E. Prof. Dr. Kennedy Gastorn, and H.E. Dr. Christophe Bernasconi, the Secretary General of the Hague Conference on Private International Law (HCCH), signed a Cooperation Agreement between their respective organizations in Beijing, People’s Republic of China. H.E. Prof. Gastorn and H.E. Dr. Bernasconi were both in Beijing to deliver lectures at the Second Training Session of the China-AALCO Exchange and Research Program on International Law (CAERP). According to the agreement, the two sides agreed to promote information sharing and exchange of views in accordance with respective rules, strengthen the cooperation to raise awareness of the Hague Conventions, facilitate access to training programmes, etc.

17. The HCCH is the intergovernmental organization, headquartered in The Hague, Netherlands, and currently comprises 80 Member States and one Member organization—the European Union. The HCCH serves as the administrative body of 38 multilateral treaties and conventions on private international law, including the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention), the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Hague Service Convention), and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention).

E. 16th Henry Dunant Memorial Moot Court Competition (India Round), Indian Society of International Law, New Delhi, India, 22 to 25 September 2016.

18. H.E. Prof. Dr. Kennedy Gastorn, upon invitation from the ICRC, and Indian Society of international law, judged the final rounds of the 16th edition of Henry Dunant Memorial Moot Court Competition. Panjab University, Chandigarh emerged as the winners of the completion, while National Law School of India University (NLSIU), Bangalore stood a close second. Speaking at the valedictory session, he commended both the teams for their efforts. It needs to be noted that with both these Organizations the AALCO enjoys close institutional ties and working relationship.

F. AALCO Legal Advisors Meetings, New York, 25 October and 2 November, 2016

19. Following the long-established practice the Legal Advisors Meetings were held in New York on 25 October and 2 November 2016, at the Trusteeship Council Chamber, United Nations, on the sidelines of the Seventy-First Session of the United Nations General Assembly. The theme for the meeting was “The UN Charter, We Care.” The Secretary-General of AALCO participated in the meetings, which were chaired and coordinated by Dr. Roy Lee, the Permanent Observer of AALCO to the United Nations in New York.

20. On Tuesday, 25 October 2016, the Secretary-General attended the '**Dialogue with Judges of the International Court of Justice**' held at the UN Headquarters. At this meeting, presentations were made by: i) H.E. Judge Ronny Abraham, President of the International Court of Justice on the topic "Provisional Measures Procedure before the ICJ"; ii) H.E. Judge Abdulqawi Ahmed Yusuf, Vice President of the International Court of Justice on the topic

"Consent to the Jurisdiction of the Court"; and iii) H.E. Judge Antônio Augusto Cançado Trinidad of the International Court of Justice on the topic "A Century of International Justice and Prospects for the Future." An open discussion followed the presentations."

21. At the Legal Advisers Meeting on 2nd November 2016, presentations were made by several legal luminaries, including: Judge Silvia Fernandez, President, International Criminal Court on "Strengthening the Rule of Law Through International Criminal Justice"; Prof. Lawrence Awosika, Chair, Commission on the Limits of the Continental Shelf on the "Work on the Limits of the Continental Shelf: Progress and Challenges"; Mr. Philip Spoerri, Permanent Observer and Head of Delegation, International Committee of the Red Cross on the "Protection of Civilians in Time of Armed Conflicts"; and, Mr. J. Ashley Roach, Visiting Principal Senior Research Fellow, Centre for International Law, National University of Singapore on "Baselines under the Law of the Sea: Benefits and Challenges".

22. The Secretary-General of AALCO delivered a presentation on the "Identification of Customary International Law: Legal and Policy Implications." In his presentation, H.E. Prof. Gastorn summarised and praised the work of Mr. Michael Wood, the International Law Commission's (ILC) Special Rapporteur on the Identification of Customary International Law, as well as the work of the AALCO Informal Expert's Group (IEG). He concluded by discussing the utility and possible hurdles faced by the ILC's Draft Conclusions on the Identification of Customary International Law.

23. The presentations made by the legal luminaries were followed by an open discussion. The meeting was attended by Legal Advisers from Member States of AALCO and Non-Member States.

G. Visit to the Cairo Regional Centre for International Commercial Arbitration, (CRCICA) in Cairo, Egypt, 14 November, 2016

24. During his official visit to Cairo, the Secretary-General paid a courtesy visit to Dr. Mohamed Abdel Raouf, Director of the Cairo Regional Centre for International Commercial Arbitration, (CRCICA) along with H.E. Dr. Nabil Elaraby, Chairman of the Board of Trustees, Former Foreign Minister of Arab Republic of Egypt and Former Secretary General of the League of Arab States and on 14 November, 2016. The Secretary-General also met H.E. Mr. Mohmoud Samy, the Assistant Foreign Minister for International Legal Affairs and Treaties and discussed matters of mutual cooperation with him. Prof. Dr. Gastorn also met Amb. Dr. Wafik Zaher Kamil, the former Secretary-General and exchanged views on various administrative and substantial matters pertaining to AALCO, as well as the future work plan.

H. Launch of 'The Nairobi Centre for International Arbitration' (NCIA), Nairobi, Kenya, 4 to 6 December, 2016.

25. H.E. Prof. Dr. Kennedy Gastorn attended the official launch of 'The Nairobi Centre for International Arbitration' (NCIA) in Nairobi, Republic of Kenya. The occasion for the launch was also associated with the Inauguration of the Nairobi International Arbitration Conference which was held at The Intercontinental Hotel, Nairobi from 4th to 6th December, 2016. The

NCIA is the fifth regional arbitration Centre and third in Africa after Cairo Regional Centre for International Commercial Arbitration (Arab Republic of Egypt) and Lagos Regional Centre for International Commercial Arbitration (Nigeria) to be established under the auspices of AALCO. The Secretary-General also had the opportunity to meet and exchange views with Mr. Lawrence Ngugi, CEO of the Nairobi Centre and Mr. John Ohaga, Director of the Centre. He also had an opportunity to meet Dr. Oveis Rezvani, Director of Tehran Regional Arbitration Centre, Datuk Prof. Sundra Rajoo, Director of Kuala Lumpur Regional Centre for Arbitration and Dr. Ismail Selim, Director of the Cairo Centre for International Commercial Cooperation.

I. AALCO's Constitution Day and its Sixtieth Anniversary, New Delhi, India, 9 December 2016

26. The Asian-African Legal Consultative Organization commemorated its Sixtieth Anniversary by holding its Constitution Day celebration in New Delhi. The celebration, which was made possible by a generous financial contribution from the Embassy of the Islamic Republic of Iran, was held at the Lé Meridien hotel in New Delhi and was attended by Ambassadors, High Commissioners and Liaison Officers from AALCO Member States as well as invitees from several non-Member States, international organizations and the staff of AALCO.

27. During the event, the Secretary-General of AALCO, Prof. Kennedy Gastorn, delivered an address welcoming all the attendees and outlined his vision and mission for AALCO in the coming years. The President of the Fifty-Fifth Session of AALCO, Dr. V.D. Sharma, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India, was the chief guest and delivered an address thanking the Secretary-General and Secretariat of AALCO for holding the Constitution Day celebration and underscoring the continued and future importance of AALCO's work.

J. Memorandum of Understanding between AALCO and China University of Political Science and Law (CUPL), New Delhi, India, 19 December 2016.

28. On Monday, 19th of December, 2016, Secretary-General of AALCO, Prof. Kennedy Gastorn signed a Memorandum of Understanding with the President of the China University of Political Science and Law (CUPL), Prof. Huang Jin, who along with his delegation from the CUPL was paying a work visit to the AALCO Secretariat, at the AALCO Headquarters, New Delhi. The Agreement provides for co-operation between the two Institutions broadly in the areas of holding joint seminars, workshops, conferences etc., developing research activities on legal fields of common interest, and an internship program wherein the students of CUPL will get an opportunity to undergo internship training at the Secretariat for a fixed duration.

29. The delegation from CUPL also Prof. Huang Jin, Dean of College of Comparative Law, Mr. Gao Xiang, Director of International Office, Ms. Xu Lan, Secretary General of Institute for State Governance, Mr. LI Zheng, and Director of Campus Development Office, Mr. JIN Longhe. After the signing ceremony, in a brief meeting between the delegations of CUPL and AALCO, the representatives of both the Institutions deliberated upon how the co-operation between the two Institutions can best be carried out.

K. Sixth Winter Course on Settlement of Disputes in International Law, Indian Society of International Law, New Delhi, India, 29 to 30 December 2016.

30. Mrs. Anuradha Bakshi, Principal Legal Officer, AALCO on behalf of the Secretary-General, delivered a speech on 30 December 2016, in a panel discussion on the topic: "The Significance of Modes of Settlement in Contemporary International Law".

31. Since the topic is of vast compass, in her presentation she dealt with one of the most important aspects of it, namely, the proliferation of international courts and tribunals in recent times. The proliferation of international courts and tribunals in the last two decades has been an important new development in international law. The judicial settlement of international disputes, previously confined to certain specified fields and limited only to a small subset of actors, has spread into virtually all areas of common concern. Indeed, the creation of multiple international judicial tribunals is a function of the ever - expanding nature of international law and that the creation of such tribunals is a sign of the growing maturity of international law.

32. Perhaps the most important consequence of this proliferation phenomenon is what has been called "fragmentation of international law". The diagnosis refers to the dynamic growth of new and specialized sub - fields of international law in the last two decades or so, to the rise of new actors besides States (IGOs, NGOs and MNCs) and to new types of international norms outside the recognized sources of international law.

33. Within this background, she explored two things. First, the reasons for the proliferation of international judicial courts and tribunals in recent decades; and Second, the problems posed by the proliferation phenomena to the field of international law by way of illustration. It was followed by a Q and A session.

L. H.E. Prof. Dr. Kennedy Gastorn's official visit to Japan, 31 January – 7 February 2017.

34. On invitation of the Government of Japan, Prof. Dr. Kennedy Gastorn, officially visited Japan from 31 January to 7 February 2017. During his stay in Japan, he met with the officials of the Ministry of Foreign Affairs, including the Minister for Foreign Affairs of Japan, H.E. Mr. Fumio Kishida, representative for Japan to AALCO and Ambassador for International Economic Affairs, H.E. Mr. Koji Haneda and Director-General of the International Legal Affairs Bureau, Ms. Naoko Saiki. During the meetings, Prof. Dr. Gastorn expressed his deep gratitude to the consistent support provided by the Government of Japan to AALCO since its establishment and discussed modalities of further strengthening the existing relationship between AALCO and Japan. Prof. Gastorn also met with the officials of Japan International Cooperation Agency (JICA) including the Executive Senior Vice-President, Mr. Kazuhiko Koshikawa and discussed the possibility of convening a capacity building programme for the Asian and African countries.

35. Prof. Gastorn participated in the 3rd International Symposium on the Law of the Sea, with the theme, "20 Years of Development of the Law of the Sea and Emerging Challenges" hosted by the Ministry of Foreign Affairs of Japan on 2 and 3 February. In Segment 3 of this symposium, Prof. Gastorn made a presentation on the theme "Transitional organized crime at the

sea: trafficking of migrants and drugs” and he reported the current legal regime and its challenges for tackling these issues.

36. Prof. Gastorn also visited the Center for Asia Legal Exchange (CALE) of Nagoya University and the United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders (UNAFEI) and exchanged views about AALCO and the possible collaboration with them.

M. Second Meeting of the Working Group on International Law in Cyberspace, AALCO Headquarters, New Delhi, India, 9 - 10 February 2017.

37. The Second Meeting of the Open-Ended Working Group on International Law in Cyberspace, which took place over two days, 9th and 10th February, 2017, at the AALCO Headquarters (AALCO Secretariat) in New Delhi, concluded successfully, with a number of States agreeing upon further co-operation in matters of international law in cyberspace. The Meeting took place over six sessions. The inaugural session comprised of insightful addresses by the Secretary General of AALCO, H.E. Prof. Dr. Kennedy Gastorn, the President of the Fifty-Fifth Annual Session of AALCO, Dr. V.D. Sharma, and the Chairman of the Working Group, Mr. Hossein Panahi Azar, on the present day importance of the topic, ‘International Law in Cyberspace’, and the continued relevance of the Working Group. This was followed by sessions on the four major areas within the topic of international law in cyberspace as flagged by the Member-States of AALCO: (i) State-sovereignty in cyberspace, (ii) law and governance of cyberspace, (iii) cyber warfare, and (iv) cybercrimes and international law; in the last session the Special Study in cyberspace was introduced by the Secretariat, and Member-States had the opportunity to discuss the future work of the Cyberspace Working Group. All the sessions saw eminent presentations by the key speakers on their specialized topics, as well as a zealous participation of the Member-States and other observers.

38. Mr. Arun Mohan Sukumar, Head, Cyber Initiative, Observer Research Foundation, was the keynote speaker of the first two sessions on State-sovereignty in cyberspace and law and governance of cyberspace, wherein he gave a technical as well a critical overview of both the domains, which received a keen response from the participants. In the following session on cyber warfare, Mr. Jeremy England, Head, ICRC, as the guest-speaker, spoke extensively on first, the idiosyncrasies of the applicability of International Humanitarian Law in cases of conflicts, and second, the challenges of applying it to inter-connected domain like cyberspace. Member-States discussed the topic extensively with the speaker.

39. In the fifth session on cybercrimes and international law, the main speaker Dr. Zhixiong Huang, Professor, Wuhan University Law School, and the Rapporteur of the Working Group, critically analyzed the existing International Conventions and Studies on tackling cybercrimes, and put forward suggestions on how a global convention to combat cybercrimes may develop. In the last session, the AALCO Secretariat introduced the Special Study on International Law in Cyberspace prepared by it, which is to be released at the 56th Annual Session of AALCO, in 2017. Also, the future work and course of action of the Working Group were discussed by the Member-States during this session. It was proposed that the Rapporteur of the Working Group, Dr. Zhixiong Huang, would prepare a special report on the topic, within which he would be exploring the future work priority and outcome of the Working Group, such as prospective

AALCO guidelines or model provisions on cyberspace. As per the applicable statutory rules of AALCO in this regard, the outcome of this Second Meeting of the Open-Ended Working Group would be reported during the Annual Session by the Chairman of the Working Group.

IV. OVERVIEW OF THE SECRETARIAT

A. The Secretariat

40. Apart from the Secretary-General (Tanzania), 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), Mr. Mohsen Baharvand (Islamic Republic of Iran) and Mr. Yukihiro Takeya (Japan) have been rendering exemplary services to the Secretariat. Mr. Takeya recently replaced Ms. Yukiko Harimoto who left for serving her government in The Hague. The Secretary-General wishes to place on record his sincere appreciation for the outstanding services she rendered to AALCO. The dedicated and diligent involvement of the Deputy Secretaries-General in and supervision of, the workings of the organization has made them the 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.

41. The number of the locally recruited staff (regular staff) in the Secretariat as on 27 February 2017 is 15. 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; Mr. Kiran Mohan and Ms. Amrita Chakravorty. The Secretary-General recognizes that the legal staff members are the core of the functioning of the AALCO Secretariat and he would endeavor to expand the number of staff to the sanctioned number of 10 Legal Officers and revamp their operational structure and designations aligning them with other intergovernmental organizations in order to optimally utilize their talents and capabilities and ensure their retention by promoting them with progression. Despite small strength and limited resources at their disposal, the work of the legal staff has been exemplary. 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. Additionally, employees in the administrative section also contribute towards the smooth day to day functioning of the Secretariat. The Secretary-General wishes to place on record his appreciation to all staff members at the Secretariat.

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

42. 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 then 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".

43. 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.

44. 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.

45. 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 could also be explored.

46. 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 and the Legal Advisors Meeting. He also proposes to enhance the presence of AALCO in terms of increasing its activities in Geneva and New York.

C. Centre for Research and Training

47. 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.

48. 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 2018

A. Financial Situation

49. In response to the resolution AALCO/RES/55/ORG 2 adopted at the Fifty-Fifth Annual Session, in the period between 1 January 2016 to 31 December 2016, 25 Member States have paid their annual contribution for the year 2016, namely: (i) Botswana; (ii) Brunei Darussalam; (iii) People's Republic of China; (iv) Cyprus; (v) Islamic Republic of Iran; (vi) Japan; (vii) Kingdom of Jordan; (viii) Republic of Kenya; (ix) State of Kuwait; (x) Malaysia; (xi) Mauritius; (xii) Myanmar; (xiii) Nepal; (xiv) Sultanate of Oman; (xv) State of Qatar; (xvi) Republic of Korea; (xvii) Saudi Arabia; (xviii) Sierra Leone; (xix) Singapore; (xx) South Africa; (xxi) Sri Lanka; (xxii) United Republic of Tanzania; (xxiii) Thailand; (xxiv) Turkey; and (xxv) United Arab Emirates.

50. The following Member States paid their arrears during the same period: (i) Pakistan; and (ii) United Republic of Tanzania.

51. The following Member States have made voluntary financial contributions: (i) India; and (ii) Islamic Republic of Iran.

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

53. 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 2017 from these States would also be received. The information note will be distributed at the Annual Session on the status of 2017 contributions received.

B. 2018 Proposed Budget

54. In accordance with Rule 24(4) of the AALCO Statutory Rules at the budgetary papers setting out the estimated expenditure likely to be incurred under appropriate heads and sub-heads for the year 2018 were placed at the 336th Meeting of Liaison Officers held on 28 February 2017. Further, they were discussed and agreed to be tabled at the 56th Annual Session to be held in Nairobi, Kenya (1-5 May 2017).

55. 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 2018, undertake intersessional meetings, capacity building programmes and research projects on some of the selected topics on the agenda of the Organization, which have been mandated at the previous and current Annual Sessions.

56. The budget approved by the Liaison Officers for the year 2018, for submission and consideration of the Heads of Delegations during the Fifty-Sixth Annual Session, is USD 615,900 which is an increase of USD 45,300 from the 2017 budget. It reflects the necessary adjustments made under certain heads and sub-heads based on the expenses likely to be incurred. It also took into consideration the discussions held in the Sub-Committee of Liaison Officers on the AALCO Secretariat's Human Resources and Financial Matters and reflected the Secretariat's efforts to minimize expenses such as electricity and water expenses which were reduced by USD 6,000.

57. Further, for consideration of budget proposal for the year 2018, it is important to note that the Government of India had already implemented the 7th Pay Commission recommendations with effect from 1st January 2016. In relation to that, the operative paragraph 2 of resolution on "AALCO's Budget for the year 2017" (AALCO/RE/55/ORG 2 dated 20 May 2016) adopted during the Fifty-fifth Annual Session of AALCO 'mandates the Secretariat to report to the Liaison Officers Meeting the outcome of the 7th Pay Commission of Government of India in the context of local employees of AALCO and decides to mandate the Liaison Officers to review and make recommendations relating to the salary and entitlements of the local employees and the same shall be placed at the Annual Session for its consideration and approval.'

58. Based on that mandate, the Secretariat reported to the 334th Liaison Officers Meeting held on 21 September 2016 the outlines of the revision of the pay scales of the Central Government Employees, based on the 7th Pay Commission recommendations and also to the 335th Liaison Officers Meeting held on 15 December 2016 on the budget implication in case of implementation of the 7th Pay Commission. In that meeting, the Secretariat reported that, according to the past practice, AALCO Secretariat has broadly followed Government of India pay Structure recommended by the Pay Commission in India for its regular staff, with the approval of Member States. Taking all these factors into consideration the Secretariat had prepared a budget proposal in case of implementation of recommendations of 7th Pay Commission on account of which the budgetary allocation had been increased by USD 35,000 for the local staff.

59. The other factor to be mentioned related to the "Education Allowance for the Secretary-General's dependent children". This matter had been deliberated five times in the Sub-committee and needs further consideration on capping the grant to USD 2,400 per child. In case this cap is approved, the budgetary allocation would be USD 4,800 for 2018. This had been duly reflected in the resolution on the budget to be adopted.

60. Furthermore, allocation under the head "Maintenance of the Headquarters including Secretary-General's residence" has been increased from USD 12,000 to USD 14,600 owing to increase in repair and maintenance costs. In addition, as there is no insurance cover with respect to furniture, equipment, library books, building as well as Secretary-General's residence, the Secretariat considers it very critical that the assets of AALCO should be insured at the earliest to cover any accidental damage and decided to purchase an insurance cover. The details of the financial situation in 2016 and the Budget for the year 2018 can be found in document AALCO/56/NAIROBI/2017/ORG 2.

61. 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. Financial auditing will be expanded to cover value for money audit and financial management system will be reinforced.

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

A. Strengthening the Human Resources in the AALCO Secretariat

62. The Secretariat plays a crucial role in strengthening the work of the Organization. Presently, the Secretariat functions under constraints of human and financial resources. In view of the decrease in legal staff strength and the increasing activities being undertaken by the Organization, AALCO has recently recruited a legal officer on contractual basis. However, to effectively fulfill its mandate and meaningfully expand its activities, AALCO needs to recruit more legal professionals and improve infrastructure and research facilities offered to the Secretariat staff.

63. Presently, all Deputy Secretaries-General are from Asian States i.e. from the People's Republic of China, Islamic Republic of Iran and Japan. In order to ensure adequate representation of Africa among the top management of the Secretariat, 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 as Assistant Secretary-General or Director to the Secretariat for primarily managing the affairs of the Arabic Section. He would also like to explore the possibility of recruiting a legal expert/translator; explore ways and means to improve the Arabic website of the Organization; and to discuss the possibility of hosting the next Annual Session of AALCO in one of the Arab Member States of AALCO.

64. Furthermore, to ensure equitable geographical representation in 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. The Member States may consider providing voluntary financial support to the Secretariat so that the substantive work can be augmented by recruiting international talent.

65. 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

66. As on 1 March 2017, 47 States from Asia and Africa are presently Members of AALCO. The Secretary-General is pleased to inform that the Socialist Republic of VietNam has joined the Organization on 24 February 2017. As regards increasing the membership base of AALCO, the Secretary-General would like to express his gratitude to His Excellency Dr. V.D. Sharma, the

President of the Fifty-Fifth Annual Session and Joint Secretary, Legal and Treaties Division, Ministry of External Affairs, India and His Excellency Mr. Samuel Panyin Yalley, the Vice-President and High Commissioner of Ghana for their efforts in requesting their counterparts in the Governments within the region to join 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 Africa, mainly from the Francophone States in Africa, Central Asian countries and Cambodia are ongoing. In this regard the Secretary-General also requests the Member States in their bilateral relationships to promote AALCO by inviting Non-Members to join the Organization.

C. Measures to Improve the Financial Situation of AALCO

67. 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) Action Plan to Collect Arrears; (ii) Voluntary Contributions; (iii) Replenishment of Reserve Fund; and (iv) Revision of Assessed Scale of Contributions. An update is presented below.

(i) Collecting Arrears

68. As per the Action Plan² 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.

69. Accordingly, the Secretary-General together with the Deputy Secretary-General from Japan, have been regularly meeting the Heads of Diplomatic Missions and Liaison Officers of these Member States in New Delhi, for materializing the action plan to collect arrears.

70. The Secretariat is pleased to inform the Member States that since the Fifty-Fifth Annual Session, Kingdom of Jordan has cleared all its arrears.

71. Efforts are continuing with the following Member States in arrears for more than ten years: i.e., Sierra Leone, The Gambia, Mongolia, Senegal, Sudan, Lebanon, Democratic People's Republic of Korea and Yemen.

(ii) Voluntary Contributions

72. The Secretary-General gratefully recalls the voluntary contributions of the Governments of India, and Islamic Republic of Iran in 2016-2017. Given the current budgetary constraints, the

²It 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.

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

73. 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) Revision of Assessed Scales of Contributions

74. The existing scale of contribution was last assessed at the Forty-Eighth Annual Session of AALCO held in Putrajaya, Malaysia in 2009. The revision of the current scale maybe considered also in the context of the strategy to clear the existing arrears. Additionally, the revision of scale would empower the Organization to undertake expanded activities, as well as a retention measure for the staff and its expansion.

D. Increasing the Membership of AALCO

75. As mentioned above, 47 countries are member States of AALCO. 33 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 continents, 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 in pursuance of this goal. 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. As and when States become Member States of AALCO their prospective contributions would strengthen the financial stability of AALCO.

VII. FUTURE PLAN OF ACTION

76. 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.

77. 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 2018

78. 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.

79. 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 Programme for AALCO Professional Staff.

80. First, under the Capacity Building Programs for AALCO, the Secretariat shall 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 Programme 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 2017– 2018. Other projects derived from the past mandates from Member States may also be implemented if the Secretariat could receive enough contribution from Member States.

81. Second, under Research Intensification Projects on the Work of the International Law Commission (ILC) at AALCO, the Secretariat would implement research projects on current ILC issues for the purpose of forming useful inputs to ILC, when possible supervised by 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 have substantial knowledge and skills and are regularly working on these issues. Further, the Secretariat has successfully completed several 'Special Studies' based on the mandates it received from Member States.

82. Third, under In House Training Programme for AALCO Professional Staff, the Secretariat would implement capacity building projects for the professional staff of AALCO. The role of professional staff of AALCO is crucial in performing the day to day activities of AALCO, and it is an imperative to provide them meaningful avenues to upgrade their skillset and update their knowledge. A small amount of budget is earmarked under this category for mobilizing mostly the resources within India. The details of the envisaged programmes are submitted for the perusal of the Member States (**Annex I**).

B. Establishing Collaboration with Educational Institutions/Academics

83. Aiming at further expanding the research activities in AALCO, it is envisaged that collaboration with national institutions, entities including, educational Institutions/Universities within and outside India is further enhanced. In December 2016, AALCO has entered in to a MoU with the Chinese University of Political Science and Law in furtherance of this proposal. Efforts are ongoing to collaborate with the South Asian University, New Delhi; Delhi University; the Jawaharlal Nehru University, New Delhi and Gujarat National Law University, Gandhinagar, Gujarat. Proposals for capacity building programmes with some national entities in AALCO Member States are underway.

C. Expanding Internship Projects in AALCO

84. 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 intergovernmental organization. Internship at AALCO is envisaged as a 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.

85. 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. Between April 2016 to February 2017, 18 students from various law colleges in India have interned at AALCO.

86. In this regard, it may be noted that the MoU AALCO entered into with CUPL envisages the latter bearing the relevant costs and sending their students to AALCO for a up to three-month internship programme every year.

D. Convening of Young Jurist Conference

87. 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 former 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

88. AALCO's website (www.aalco.int) is regularly updated and reviewed to keep Member States updated on the activities undertaken at AALCO. Towards this end, all the recent activities and programmes undertaken within AALCO and related documents are uploaded on the website. To facilitate the Arab Member States of AALCO, an Arabic interpreter/translator has been appointed to update the website in Arabic language.

F. Participation in International Meetings

89. Representation of AALCO and International Law Commission at each other's Annual Session has now become a customary practice. Following this practice, the Secretary-General will be attending the Sixty-ninth Session of the International Law Commission and will present an overview of the discussions held at the Fifty-Sixth Annual Session of AALCO. In addition, he will also represent the Organization at the Seventy-Second 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-Second Session of the UN General Assembly in New York. Subject to availability of funds AALCO might be represented at other international meetings where its participation would be useful.

G. Capacity Building Programmes

90. Customarily, AALCO has been organizing many capacity building programmes for the Member States in association with organizations like the WTO, UNHCR and ICRC. According to the mandate received during the fifty-Fifth Annual Session, AALCO Secretariat has proposed to conduct training programme for Palestinian government officials. Further, training programmes on WTO laws, refugee law and law of the sea are also being planned. In this aspect, the training sessions under China-AALCO Exchange and Research Programme (CAERP) could be better used by Member States. The Secretary-General is already negotiating with some Member States for projects on capacity building. As and when it materializes Member States will be informed.

H. Strengthening the Library

91. 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. To facilitate easy reference of reports and verbatim record of the Annual Sessions, their electronic copies are scanned and uploaded to the website.

I. Publications

92. In order to ensure wider and periodic dissemination about the various activities of AALCO, the Organization has revamped and re-oriented its existing publications and made them 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 reduces expenses in this regard. This year apart from the regular publications including AALCO Journal of International Law and the Yearbook, AALCO has

published two special studies namely: (1) International Law in cyberspace; and (2) “Legality of Prolonged Israeli Occupation of the Occupied Palestinian territory and its Colonial Practices under International Law and International Humanitarian Law”. The Secretary-General hopes to bring out more such publications in the future.

J. Streamlining of AALCO Statutory Rules and Administrative, Financial and Staff regulations of AALCO

93. 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. This resolution had also mandated the Secretary-General to revise and present the Statutory Rules to the Member States. In 2016, 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). Thereafter, on comprehensively reviewing and revising the two documents and upon their approval at the Liaison Officers Meeting they will be circulated to the Member States and placed on the website of AALCO.

K. Annual Sessions

94. Improving the working methodology of the Annual Session by focusing more on substantive matters through working group meetings in tandem with the plenary. This process will provide an informal atmosphere for an in-depth discussion of issues which is consistent with the primary function of a legal consultative organization. Accordingly, decisions on matters of a substantive character will be adopted in the plenary in the form of recommendations to be incorporated in the report. As per the Statutes and Statutory Rules of AALCO resolutions will be limited to financial and administrative matters alone.

L. Eminent Persons Group (EPG)

95. It may be recalled that the EPG was constituted in 2010 expected to serve as an informal guidance mechanism, “Advisory Body”, for the Secretary-General to steer the work of the Organization. The aim of this group should be to suggest to the Secretary-General the short, medium and long term measures needed for the substantive work and financial well-being of the Organization. H.E. Prof. Dr. Gastorn would like to continue to consult with the members of the EPG, and shall also endeavor to explore ways and means to optimally use technological innovation to minimize or avoid costs for convening these meetings.

M. Substantive agenda of AALCO

96. The Secretary-General is of the view that AALCO should continue prioritizing the agenda items if the International Law Commission (ILC), at the same time it will endeavor to monitor issues that have already been completed by the ILC and are being dealt with by the UN Sixth Committee until they are brought to their logical conclusion. At the same time the AALCO Secretary-General’s report to the ILC should focus more on substantive issues by highlighting

the key decisions taken at the Annual Session of AALCO, leaving sufficient time for procedural interaction with Members of the ILC.

N. Draft Model Laws and Guidelines

97. The Organization could revive the practice of drafting model or soft laws and guidelines on various issues of common concern for member States. This will require establishment of working groups to look into certain specific areas. This will be done pursuant to decisions to be adopted in the plenary in the form of recommendations or otherwise.

O. Project Based Funding

98. While maintaining the contribution from AALCO Member States as the primary source of income for AALCO, project based funding will be carefully solicited from national and international entities working on similar activities, and in areas of common concern to AALCO Member States. Before implementing any such project from Non Member –States or international entities, Member States of AALCO shall be appropriately consulted through the Liaison Officers.

P. Augmentation of the Arabic Unit

99. Given the number of existing Arab Member States the Organization shall work to promote Arabic language, as equivalent to English language, in the working of the Organization. This will be done through *inter alia* improving the Arabic website, translating all key documents into Arabic, hiring in house personnel for Arabic, requesting Member States for deputing senior official to primarily manage the Arabic section.

Q. Members

100. Among the practices of AALCO which have been, *de facto*, largely discontinued is the nomination of a legal expert by the government of a Member State as a “Member” of the Organization as stipulated in Article 5 of the Statutes of AALCO. The Secretary-General invites Member States to consider the revival of this practice.

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

101. 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-eighth session of the United Nations General Assembly on AALCO's activities and work progress.

102. It also decided to place the agenda item "Cooperation between the International Organizations and the United Nations" for the consideration of its Seventy-First Session in 2016. Accordingly, the item would be considered at the next Annual Session of the UN General Assembly in 2018. 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 the Cooperation with Specialized Agencies of the UN and other International Organizations

103. 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 and Hague Conference on Private International Law. 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).

IX. CONCLUDING REMARKS

104. Prof. Dr. Kennedy Gastorn assumed office in August 2016 as the sixth Secretary-General of AALCO. As the Secretary General, Prof. Gastorn's priority is to reinforce AALCO as the "hub" for collective dialogue and consultations on legal concerns of the Member States from Asia and Africa. He is committed to working towards getting AALCO heard and heeded in the international law-making process leading to its progressive and equitable development. He also aims to generate new momentum among the Member States to actively participate in AALCO activities and to encourage and welcome countries from Asia and Africa to join AALCO. In this regard we appreciate the Socialist Republic of VietNam for joining AALCO.

105. AALCO has long recognized the power of partnering as a specific element of its work. Partnerships should include not only Governments but also international organizations, research institutes and academia. Towards this end Prof. Gastorn envisions building a strong working relationship with the United Nations, the International Criminal Court (ICC), International Law Commission (ILC), the World Trade Organization (WTO) and regional organizations like the Association of Southeast Asian Nations (ASEAN), African Union, East African Community (ECA), Economic Cooperation Organization (ECO) and South Asian Association for Regional

Cooperation (SAARC). He also hopes to increase the scope of engagement with other IGOs and regional organizations as well as national institutions. Such partnerships can channel commitments and actions, and their success depends on assigning roles, and clear responsibilities. Towards realizing these goals, he has been actively engaged in bilateral and multilateral meetings with diplomatic missions of Member States, Non-Member States and international organizations.

106. Substantive undertakings since he assumed office include the completion of the “special studies” on “International Law in Cyberspace” and “Legality of Prolonged Israeli Occupation of the Occupied Palestinian territory and its Colonial Practices under International Law and International Humanitarian Law”, and the Second Meeting of the Open-ended Working Group on International Law in Cyberspace. The Secretariat, meanwhile, continued to modernize and improve conference services provided to Member States, including through the use of new technologies to improve the timeliness and quality of bilingual documentation and regular updating of its official website.

107. He aims to build on the initiatives of his illustrious predecessors thereby further strengthening AALCO to better serve its Member States. The Secretary-General also delivered lectures in international seminars and conferences which helped immeasurably in raising the visibility and profile of the Organization; this includes his lectures in India, People’s Republic of China and Japan. Further, he has initiated measures to streamline and rationalize the structure of working of the Secretariat and has initiated revision of titles, job descriptions to the existing administrative rules. The administrative initiatives undertaken include effective management systems to improve transparency and accountability within the Organization such as monthly work reports and performance appraisals of the staff members.

108. 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. AALCO, which is a tangible outcome of the Bandung Conference, celebrated its 60th anniversary in 2016. This provides a renewed opportunity 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 a larger level, to contribute to the well-being of humanity and humankind. In furtherance of this objective and the functions and purposes stated in the Statutes of the Organization, the Secretary-General would like to reiterate his commitment to serve Member States in their pursuit to ensuring equitable development of International Law.

ANNEX I

Tentative Events Plan for 2017-2018 based on the Mandates Received during Fifty-Fifth Annual Session, 2016

No.	Programme	Month/year
1.	Capacity building programme on International law for Palestinian civil servants ³	August-September 2017
2.	Training programme on WTO, Economic and Investment Law	October-November 2017
3.	Seminar on Refugee Law	December- January 2018
4.	Capacity building on on Law of the Sea (the exact area of focus will be decided later)	February-March 2018
5.	Training Programme on International Private Law	(TBD)
6.	Capacity Building Programme on The Law on International Organizations	(TBD)
7.	Seminar on Intellectual Property Law	(TBD)

- The exact dates, duration and specific themes/topics will be finalized in due course.
- Additional programmes may be added depending on the mandates received during the Fifty-Sixth Annual Session, 2017.

³ Upon request, the same programme can be extended to other Member States and accordingly arrangements will be made between AALCO and the concerned Member State.

ANNEX II

SECRETARIAT'S DRAFT
AALCO/RES/DFT/56/ORG 1
5 MAY 2017

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

The Asian-African Legal Consultative Organization at its Fifty-Sixth 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 the Statutory Rules as contained in Document No. AALCO/56/ NAIROBI/2017/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 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-Fifth Annual Session held in New Delhi (HQ), India from 17 to 20 May 2016,

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 Socialist Republic of VietNam as the forty-seventh Member State of the Organization,

Also welcoming the efforts by the Secretary-General for revitalizing and strengthening 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 plan 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 work plan;
2. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work plan of the Organization;
3. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in Asia - Africa, in particular, to increase the representation from the African States and Central Asian States;
4. **Also requests** the Secretary-General to discuss with African Member States to depute at least one senior official to the Secretariat as Assistant Secretary-General or Deputy Secretary-General;
5. **Also requests** the Secretary-General to discuss with Arab Member States to depute one senior official to the Secretariat as Assistant Secretary-General or Director to primarily oversee the Arabic Unit;
6. **Further requests** Member States, in their bilateral relations to encourage non-Member States to join AALCO;
7. **Mandates** the Secretariat to prepare a review of the existing assessed scale of contributions, and make recommendations based on such review to be considered by the Liaison Officers, and thereafter submit it to the Annual Session for its consideration and approval; and
8. **Further requests** the Secretary-General to report on the activities of the Organization at its Fifty-Seventh Annual Session.