

**VERBATIM RECORD OF THE  
SECOND GENERAL MEETING HELD  
ON TUESDAY, 3<sup>RD</sup> JULY 2007, AT 10.00  
A.M.**

**Her Excellency Mrs. Brigitte Sylvia Mabandla, President of the Forty-Sixth Session in the Chair.**

**A. General Statements (Contd.)**

**President:** Good Morning your Excellencies. We continue with our Agenda on 2<sup>nd</sup> General Meeting. We would take the general statements made by the delegations. The first speaker is from the delegation of Kuwait. Kuwait, you have the floor.

**The Leader of Delegation of the State of Kuwait:**<sup>1</sup> In the name of God, the Merciful and the Compassionate, Excellency, President of the Forty-Sixth Session of AALCO, Excellency, the Secretary-General of AALCO, Excellencies, Heads of Delegations and Distinguished participants, a very good salute to each is being sent to you on behalf of myself and on the accompanying Kuwaiti delegation. I would also like to extend thanks to your Excellency, the Minister of Justice and Constitutional Development, South Africa, for their kind invitation to take part in this Session which constitute cooperation among the Member States of AALCO to which we wish all success and hope that it would realize all its goals and objectives. The Draft Agenda before us in this Session is of interest to all of us and they are competing in their priorities and importance.

Excellencies, despite the fact of having no definition for terrorism on the international level until the present time, the common denominator in different Nations given about crime and in which much effort has been exerted does give way on how the international community can agree on having an acceptable definition worldwide

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<sup>1</sup> Statement delivered in Arabic. Unofficial translation from the interpreter's version.

about the crime of terrorism, that is why Kuwait urges for having a definition for the terrorist crime. We should always try to make a distinction between terrorism and legal armed struggle for self-determination and the liberation of land which has been provided by international law in a way that you cannot confuse them or mix them up.

Kuwait condemns state terrorism which is practiced by Israel vis-à-vis the Palestinian people, distinguished participants, in this connection it is noteworthy to refer to the fact that in the field of criminal law we should lay down the base that everything is innocent until proved otherwise and accordingly, we should expand the scope of acts of criminal behaviours and bring about a balance between the combating of terrorism and preservation of human rights. Furthermore distinguished participants, the combating of terrorism requires all forms of cooperation among our Countries. Terrorism is spreading in all nations like plague and befalls those who are victims of it. More and more efforts need to be exerted to combat it in order to save these Countries from its dangerous effects and which overcomes all good matters such as security and welfare. That is why we should relentlessly forge ahead in seeking all ways and means for a better, a more sublime cooperation among States for an universal agreement to combat terrorism.

Distinguished participants, Kuwait evaluates the great role carried out by AALCO in preparing a Model Law on Trafficking in Person particularly Women and Children and which drew most of the rules from the United Nation Agreement to Combat Transnational Organized Crime, particularly in Women and Children and the Protocol of Smuggling of Migrants by Land, Sea or by Air which are complementary to the United Nation Agreement on Combating Transboundary Organized Crime to which Kuwait is a signatory according to Law 5 for the year 2006. Their provisions are now sort of law which should be applied. That is why the Minister of Justice prepared a draft law

to implement the agreement and its two Protocols and it is on its way for its being agreed upon by the competent authorities. The government through the competent authorities carries out all investigations and trials in about trafficking in persons and takes actions in general, particularly for the countries which are linked with Kuwait in certain legal and political cooperation agreements.

Distinguished participants, combating of corruption is a very serious issue and has afflicted a lot of societies and it requires close cooperation for combating it and because corruption is not a local matter but a phenomena which inflicts all countries and combating of corruption is a responsibility set on the shoulders of all Countries and it should have agreements combating it in the forefront of which you have the United Nations agreement to Combat Convention and the United Nations Agreement on Combating Transboundary Organized Crime. Kuwait is harnessing all its potentials to combat corruption and to bring about sovereignty of law and transparency and enacting laws that are relevant to this matter. It is noteworthy to state that Kuwait has joined the United Nations Agreement on Combating Corruption according to law 47 for the year 2006 and now it is be applied by law. In conclusion, I would like to extend my cordial thanks to the Republic of South Africa which hosts this Session and for their excellent hospitality we have found and for the excellent organization of this Session and I thank you for your kind attention.

**President:** I thank the Distinguished Leader of the delegation of Kuwait for his statement and kind words. I now give the floor to the distinguished Representative of Sri Lanka.

**The Leader of Delegation of Sri Lanka:** Madam President, Secretary-General, Distinguished Delegates, Ladies and Gentleman, it is a matter of great pleasure for me and my delegation to be here today, to attend the Forty-Sixth Session of the Asian –African Legal Consultative

Organizations (AALCO) Meeting.

Madam President, let me first congratulate you on your election as the President of this important Session here in Cape Town, South Africa.

I take this opportunity to thank the AALCO Secretariat for the kind invitation extended to the Government of Sri Lanka to participate at this Meeting and also the Government of the Republic of South Africa for the warm and cordial reception, generous hospitality and excellent arrangements made for the Meeting. Sri Lanka being one of the founder members of AALCO has participated in almost all the Meetings since its inception and exchanged views on matters of common interest to the Member States, such as international terrorism, trafficking in women and children and law of the sea.

Sri Lanka is a nation which has been long confronted with the serious challenges posed by terrorism. Hence, Sri Lanka has been in the forefront of international and regional efforts to enhance cooperation in combating the scourge. The global reach of terrorist groups and the sustenance of their activities in countries of operation is supported by an equally sophisticated network of international financing, both direct and as well as indirect, through recourse to the front organizations. In the global experience, it has become increasingly evident that activities of armed groups throughout the world would not have assumed its present dimension if not for the existence of a comprehensive international network of fund raising which draws on contributions from the international diaspora, often through recourse to intimidation and threats. Thus, individual governments alone cannot deal effectively with these issues. These are transnational problems requiring transnational solutions through international treaty commitments and effective international cooperation.

Sri Lanka welcomes the efforts being made to reach a consensus on the Comprehensive Convention on Terrorism sponsored by the Government of India. It is our expectation that the Member States will demonstrate a constructive cooperation to reach early finality.

In that light, Sri Lanka's focus today, is particularly on effective measures to combat financing of terrorism through front organisations. Thus, Sri Lanka was one of the first States to sign and ratify the UN Convention on Terrorist Financing. Sri Lanka has moved to create a range of anti terrorism offences as set out in Resolution 1373 since its adoption to curb terrorist financing by enacting legislation on anti money laundering together with a Financial Transactions Reporting Act based on the IMF model and consistent with the recommendations of the Financial Task Force, in addition to a comprehensive law to give effect to the International Convention on the Suppression of Terrorist Financing.

Therefore, I would seize this opportunity to call upon all Member States of AALCO to engage in closer cooperation in combating international terrorism, more particularly, in the sphere of terrorist financing, which would certainly contribute to inhibit terrorism at domestic and international levels.

Trafficking in women and children is another fastest growing area of international criminal activity that is of increasing concern to the international community. This has become a problem that transcends national borders. No country acting in isolation can put an end to it.

Sri Lanka has always accorded its unstinted support regionally and internationally in this regard and willing to extend its fullest support to AALCO Member States for efficient judicial cooperation and law enforcement to fight this outrageous crime. The AALCO has also played a key role in the past in giving expression to the interests

of the developing counties of Asia and Africa during the negotiations of the 3<sup>rd</sup> United Nations Conference of the Law of the Sea.

For instance, the concept of Exclusive Economic Zone was fashioned through ideas which emerged from within the deliberations in the AALCO. The Organization has a continuous role to play in the context of current issues before the Meeting of the State Parties and also the on issues such as bio prospecting in the deep seabed and establishment of the outer limits of the Continental Shelf. AALCO should remain engaged of these issues to ensure that the interests of the States of Asia and Africa are safeguarded.

Madam President, may I reassure that Sri Lanka would continue its cooperation with AALCO's activities and Programmes.

**President:** I thank the Distinguished Leader of the Delegation of Sri Lanka for his statement and kind words. I now give the floor to distinguished Representative of the Arab Republic of Egypt.

**The Leader of Delegation of the Arab Republic of Egypt<sup>2</sup>:** In the Name of God, Madam Chair, would you please allow me at the outset to give few words before giving the statement of Egyptian delegation. It is true that I am the Egyptian Minister of Justice and the Head of Egyptian Delegation, but before and after, I am an African citizen with my roots in Asia. I have lived in my childhood and the seen the pains, dreams and aspirations of our people both in Africa and Asia. I have followed up with the struggles of our people in order to realize their dreams. I have been a judge working for justice. I have been the head of the higher Constitution Court and strived to achieve both Constitutional legitimacy and international legitimacy. With these opening words, would you please allow me Madam

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<sup>2</sup> Statement delivered in Arabic. Unofficial translation from the interpreter's version.

President to give my statement on behalf of Egyptian delegation.

Your honourable Minister, President of the Forty-Sixth Annual Session of AALCO, Hon'ble Ambassador Secretary-General of AALCO, Dear Heads of Delegations, Your Excellencies and Distinguished Participants, it is a source of pleasure for me to address you today in such an august group of men of law, from Asia and African Countries meeting today for AALCO's Forty-Sixth Session. A Session which is a new step in its 50 years of age, an age that is full of achievements and surpassing difficulties and confronting various challenges. It is always reflecting the people's aspirations to gain its freedom and entrenching its position to reach a better future and realize the aspiration of all people. This Organization has been established amidst numerous challenges at the time when a new world was changing following a fierce world war that swept the whole world and witnessing the retreat of imperialism that spread its hegemony over the world. There was this retreat of imperialism, a power that dominated the whole world at the time when people were looking for the freedom. Hence there was a new dawn that stemmed from among the two Continents that were old cradle of civilization and religion. No doubt, the Bandung Conference that took place in 1955 was the declaration for the start of a new world and the countries seeking to get rid of colonialism and to gain its independence through the blood and struggle of its sons has now a new position and a voice to listen to and to be respected after remaining the shackles binding it.

Our Organization has been established according to Bandung Principles to become the legal instrument for the political movement covering Asian and African Countries. AALCO during its long age dealt with just issues of both Continents in an attempt to realize its aspiration and supporting its ambitions. The forum has been an expression of the voice of the people of two Continents on various issues.

Also the meetings of AALCO has an effective role in entrenching and creating several legal rules that come to be part of the principles of the International Law. The Arab Republic of Egypt through participating in this Session of AALCO has adhered to all the issues, tackled during the Sessions of the AALCO. These are valuables that have been reflected in the Egyptian position towards the following most important topics that we are interested in.

First, that the Palestinian cause is the main issue that has occupied all Egyptians during the last several decades. Egypt has sought to reach a just and comprehensive solution for the Palestinian issue based on international legitimacy mainly the UN Resolutions No. 191 and 242 while confirming the right of self-determination of Palestinian people and establishing their independent State. Comprehensive and just peace depends upon solving the Palestinian cause. Hence, and accordingly, Egypt has declared its objection to the Israeli settlement policy and to all the unilateral procedures that would lead to changing the demography in the Occupied Territories either in Palestine or in Syria or in any other Arab land and in violation of international legitimacy particularly the Geneva Convention No. 4 of 1949.

Secondly, international and domestic terrorism is an epidemic that has been spread from the 1970's of the last Century. Terrorism has no race, no religion, no creed or nation. Hence, it should not be affiliated to certain religion or to a specific nation. Egypt was among the first Countries to anticipate the spread of terrorism and the President of Egypt spoke about its destructive impact and saying that there is no local terrorism or an international one. When it occurs, it will have its impact on all Countries. Egypt called upon all Countries of the world to exert all efforts in confronting it. It seeks to hold an International Conference just to coordinate effort in combating terrorism at a time when there were other Countries who opened its

doors and sheltered its terrorists. At this time I want to repeat that other countries have opened its doors and sheltered the terrorists and supported them and made their cities a veiled secured shelter for the terrorists, until they started affecting them. Hence, such countries started to condemn terrorist acts. Egypt condemns all terrorist acts, be it individual terrorism or group terrorism or terrorism of the State, taking into consideration the national liberation movement and the struggle of people to gain their freedom and the right for self-determination. And this should be approved by all Countries. This is a very important point.

Thirdly, Egypt accompanied all international efforts to fight corruption and supported for the adoption of a mechanism for entrenching international cooperation in this concern. In addition, its laws incorporated all regulations for fighting corruption while updating such laws to cope with new variables in fighting corruption. And until now Egypt is trying to change methods of combating corruption in order to cope with different modern systems in corruption.

Fourthly, Egypt effectively participated in the establishment of the International Criminal Court through efforts of its jurists and men of law at the theoretical or applied level. Also it supported the freedom of international trade and seeks to provide expression of all folklore and its international protection. Egypt has contributed to the forging of new concepts within the framework of the Law of the Sea Convention.

Fifthly, Egypt always confirmed and is confirming now that Islam is basically a religion of peace and justice. It is a mercy and guidance to the whole world, incorporating the principles of human rights irrespective of the religion or race. Such rights are not negotiable or subjected to be relinquished. Those rights are divine and not to be undermined or refused. Hence, it is not acceptable to indict Islam as being a religion

of violence or to describe the upright Shariat as anti-human rights. Always while not ignoring the cultural differences and social conditions of different societies while not placing those rights in rigid patterns. Each should respect its own religion and defend his own religion.

Sixthly, Egypt accords great importance to providing child care and giving attention to the young generations within the framework of a sound family while supporting women and empowering them and eliminating all kinds of discrimination. Those are two major objectives held by Egypt. Hence, Egypt has developed its labour laws banning and incriminating child labour. It should persevere child protection and the natural rights of the child and has issued for child law, which is also about to be amended to deal with any shortcomings in its application. It has been careful to provide a favourable climate to protect children from psychological difficulties in the case of separation of parents. And that was through the introduction of family tribunals. Culture and mental development are provided to children through the pioneer project initiated by Egypt's first family library. Egypt has taken giant steps in an ambitious plan to further empower women through Constitutional amendments providing women with a bigger share in the political life. Hence making use of half of the society to promote and develop the nation. Also 30 female judges were appointed crowning Egypt support for women's rights and their gains. Though this step has come quite late but yet women were able to occupy this high status that they duly deserves.

Hon'ble President, hon'ble participants this was a quick glimpse on Egypt's firm positions on different issues dealt with in this Conference, and included in the Agenda of successive Sessions. Those positions reflect and underline the Egyptian role that constantly support the just issues of the people and Countries of the two Continent. I am confident that this is not Egyptian position alone in relation to the issues

tackled by the Conference. We all seek one objective mainly that is peace for all human beings without discrimination and we, the men of law entrusted with laying down the rules that allow to reach this noble objective. The application of the law would realize the hopes of the people. Hence we call upon all politician and rulers to apply the law no more no less. The tasks entrusted to us is very difficult since we draw up the path for our people we seek peace in relation among States. And inside every State and for every human being we do not accept oppression of man or limiting men's freedom or the death of person out of poverty or hunger. Hence, in this Organization collectively and not individually, we will oppose any deviation from the course chosen by our peoples to realize their hopes in order to uphold peace and liberty.

I have the honour, in this statement I have dealt with different aspects of Egyptian situation and I am honoured to address you from the land of South Africa which witnessed the birth of a giant steps after long conflict and the result of a just struggle supported by the hearts and sons of the two Continents who looked upon these great people seeking freedom, peace and life.

In the heart of every Egyptian, you occupy a lot of appreciation and love and have become the symbol of peace of all peace loving people in the world. All of you, representatives of the peoples of Africa and Asia without exception, enjoy the love and admiration of the people of Egypt who watch you as you seek progress and development.

In conclusion, I take this opportunity to express my deep appreciation and gratitude to South Africa for their kind hospitality and the welcome we have received. I also wish to express my sincere gratitude to the Secretary-General of AALCO and Member of the Secretariat for the efforts exerted to prepare for this Conference and the preparation of the documents. I ask God Almighty to realize the hopes of our peoples

and help us secure our just issues and may be God's Peace and blessings be upon you. Thank you very much.

**President:** I thank the Distinguished Leader of the Delegation of the Arab Republic of Egypt for his statement and kind words. I now give the floor to distinguished Representative of the Sultanate of Oman.

**The Leader of Delegation of the Sultanate of Oman<sup>3</sup>:** In the Name of God, Your Excellency President of this Session, Your Excellency, the Secretary-General of AALCO, Your Excellencies Heads of Delegations, Distinguished Delegates and Observers and Distinguished Participants, at the outset I would like to extend my congratulations to Her Excellency, President for her being elected as the President of this Session and to steer the work of the Session. We are fully confident your Excellency that, with your wisdom and statesmanship, you will be steering the work of this Session in the best way and manner. I would also extend my congratulations to the Vice President who will be of great help in directing the deliberations of this Session and bring about very good and successful results. Myself and accompanying delegation during the Forty-Sixth Session of AALCO to direct our esteem salute and appreciation to all the participants who did not spare any effort in responding to the invitation of AALCO, to take part in the work of the Session. This participation is an ample evidence of the great importance they give to AALCO, and also to the results to be brought about during the Session. And also we would like to direct our thank to you and the Secretariat for giving us this opportunity to make my statement on the position of Oman on some subjects that form part of our Agenda.

Distinguished participants, terrorism causes severe effects and endangers the society and also it is in fatal contradiction to the human

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<sup>3</sup> Statement delivered in Arabic. Unofficial translation from the interpreter's version.

principles. Realizing the importance of combating it, the Sultanate of Oman gives great importance to this matter and its laws make terrorism as punitive acts.

We have in the Sultanate of Oman, many laws that incriminates all forms of trafficking in persons and our endeavour to join the regional and international agreements relevant to the same subject in order to apply the best ways and means to combat trafficking in persons. Ample evidence to that is the Sultanate Decree No: 37 for the year 2005 to approve the admission of Sultanate to the United Nations Agreement on Combating Transnational Organized Crime and the Annexed Protocols amongst which is the Protocol of Combating of Trafficking in Persons especially Women and Children. This agreement would be applied, after it has been ratified and considered as part of the Omani laws according to the Constitution of the Sultanate.

This is the position of the Sultanate in trafficking in persons since its very start and its laws comply with the international laws and agreements. In this connection, we would like to reaffirm the importance that Sultanate is carrying out now on its way to have a independent national legislation thus drawing from a number of international agreements and in this connection in addition to many other Draft laws and agreements which has been prepared by competent authorities in this field. And among which is the Model Legislation Draft on Trafficking in Person particularly in Women and Children, which has been prepared by AALCO.

As to what pertains to human rights, the Sultanate has endeavoured since its long birth to try to entrench human rights and accepted as one of the national priorities in the march of comprehensive development and to dedicate collective action to incorporate international and regional organizations in this connection and serious participation in having a claim in the

framework of active application. In this connection the Sultanate has carried out and has formed the Committee on Human Rights related to the Ministry of Foreign Affairs to deal with all matters related to human rights. The Committee has many specialties which are no less from the specialties of other mandates of any other similar Human Rights Committee. Among the mandate of this Committee is to follow up matters of human rights and to work to protecting them and to propose appropriate solution to them and to study the methods related to this human rights and to propose amendments which the Committee would see opportune in this field in order to provide the best ways and means to secure the practices of these rights. In addition to participating in all the Seminars and meetings related to human rights and enhance the relations with the competent organization. Accordingly, the Sultanate is on its way to establish a National Committee on Human International Law in which all the different governmental authorities would take part in order to secure the implementation of all the legal commitments of Sultanate in the field of applying human international law which is being provided in the relevant international agreements and to get to know the principles of human rights.

It is noteworthy to state here that the study conducted by Global Peace Index which has been issued in June 2007 that the Sultanate is considered to be the first Country which is more secure and peaceful in the Middle East and North Africa and by that it has occupied 22<sup>nd</sup> position on the universal level as the Sultanate has also occupied very good and high position in the field of respective human rights according to the study. This position is ample evidence of the Sultanate's keenness and attaching of importance to human rights. In this connection, we would like to express our great tribute to the International Experts Meeting on Human Rights in Islam, which was held in May 2006, and which has been called for by Malaysia in coordination with the Kingdom of Saudi Arabia and our Organization, AALCO. At the meeting, the participants

and the resource persons have elaborated in their statements and covered a lot of human rights principles in Islam. We hope that these researches which has been made in this conference would be generalized as well as the resolutions, recommendations which came out from this Conference be distributed to all the participants here and we believe that the reputation of such meeting in order to study one of the subjects which is of importance to international community to be studied there by an elite group of experts and specialized Professors in an independent conference and this would represent a new point of departure to the enhancement of our AALCO.

Moving on to the international Criminal Court, I would like to inform about the efforts exerted by the Sultanate in following up all the developments for the establishment of this Court since the adoption of the basic Rome Statute and all the relevant agreements and treaties and monitoring the effects of the international community in entrenching the mandate of this Court. The Sultanate seizes all opportunity available to it for enhancing the objectives of the International Criminal Court that takes place in international arena, the last one being the participation in the Conference on International Criminal Justice that took place at Turin, Italy during May 2007. It is undoubtedly that the empowerment of the International Criminal Court to carry out its role does not come except with full awareness of its mandate together with the national jurisdiction of every country, i.e., the principle of complementarity. Accordingly, the cooperation of the Countries will be the only way to render the Court its success provided that the mandate of this Court has been drawn according to the acceptance and harmony of its Statute, and according to the procedures which has been approved by the preparatory Committee to the establishment of the Court and has been accepted by the countries signatories to this treaty. The success of this Court also depends upon the adoption of an acceptable definition of the

crime of aggression in the Rome Statute. Despite the fact that this crime is the greatest of all crimes and surpasses a threat to all humanity crimes against humanity, crimes of hegemony and war and all these crimes is the result of aggression. Here comes out the importance of monitoring the developments of the International Criminal Court particularly in view of the nearness of the time for reviewing the statute of the Court which is to be held during 2009 and this reiterates the test that our AALCO should give all out importance to monitor the preparedness for this meeting.

Distinguished participants, AALCO has always incorporated one of the legal aspects which is of great importance to the whole world in its agenda in order to discuss it by an elite of experts in an Half-Day Meeting and this gives more effectiveness and intellectual enrichment by the Member States due to the fact that these subjects are appearing on the agenda during every Session, every meeting and that is why we hope that we consider not to have any general item on the agenda of AALCO for more than three successive Sessions. This is to give more vitality and diversification to the meetings of AALCO and in order to break repetitiveness from which people would be fed up and we can entrust the Secretariat of AALCO to carry out and follow up these matters and prepare the studies and reports on them and submit them to the Member Countries and submit all whatever is new about it before the Session of AALCO. That is why we call upon the AALCO to review the general items for further discussions and the follow-up of all the items on the other side.

Distinguished participants, the programme of agenda is full of vital matters and these items should be discussed by you and followed up by you through the dialogue which gives vitality to the Session and realize the objectives of our meetings and get to know new scopes for new items. Yet I would like to reiterate, yes I did that in previous Sessions, the fact that commitment



to the standards of taking time into consideration and repetitiveness should be taken into consideration and these are positive matter which we should all follow.

In conclusion, I would like on behalf of myself and my delegation, to express our great appreciation and salute to the great efforts exerted by the organizer of this Session whether in planning or preparedness or in implementation our special salute goes to the Secretary-General and his assistants and we express our high appreciation to the Government of Republic of South Africa for their cordiality and excellent hospitality, and Organization wishing you all success and let peace prevail in all parts of the world and I thank you for your kind attention.

**President:** I thank the Distinguished Leader of the Delegation of the Sultanate of Oman for his statement and kind words. I now give the floor to distinguished Representative of Nepal.

**The Leader of Delegation of Nepal:** Madam President, Your Excellencies, Ministers and Ambassadors, Mr. Secretary General, Distinguished Delegates, Participants and Observers, Ladies and Gentlemen, on behalf of the Nepalese delegation, and on my own, let me allow, Madam President, to congratulate you most warmly on your unanimous election to the high office of President of the Forty -Sixth Session of the Asian African Legal Consultative Organization. I am well confident that the inborn talent and wisdom you so well possess will ensure the full success of this Organization and that your guidance will leave an unforgettable imprint on the memory of delegations. I would also like to convey my warm felicitations and congratulations to Mr. Eddy Pratomo on his unanimous election as the Vice-President of this Session.

The opening of this Session by Her Excellency Mrs. Brigitte Sylvia Mabandla, Minister of Justice and Constitutional Development of the Republic of South

Africa, is an ample manifestation of paramount importance attached by the Government of Republic of South Africa to this Organization. We have felt really touched by Her Excellency's remarks and inspiring address. I would like to extend my sincere thanks to the Republic of South Africa for having hosted this Session in this beautiful city of Cape Town and warm hospitality accorded to us since our arrival here.

At this juncture, I would also like to bear in mind the significant efforts made by the outgoing President Mr. Narinder Singh for the success of this Organization.

I would like to recall that last year we had celebrated the Golden Jubilee of this Organization and inaugurated the Permanent Headquarters of the Organization in New Delhi.

The approved agenda of this Session are in fact timely and pertinent to address substantive matters of great interest and common concern for our regions as well as the world. The deliberations among the galaxy of talents and experts during this Session will, of course, be found to be highly productive in the progressive development and codification of international law. Moreover, the proposed special meeting on some issues will also significantly contribute to the Member States to address various pertinent issues.

Madam President, transnational organized crimes are assuming different dimensions and their nature of commissioning are also becoming more and more complicated. Corruption, terrorism, trafficking in human beings are serious threats to international peace, security and development. While our region is already confronted with a gamut of socio-economic problems, these crimes have emerged as a major barrier to good governance and development as a civil challenge for the human kind. This scourge has begun to negate whatever achievements have been made in strengthening

democracy, promoting respect for rule of law, promoting human rights and creating momentum for social change. Concrete and effective efforts should be carried out at national as well as regional and international level.

Madam President, I am quite confident that this Session will further contribute to the progressive development and codification of international law. Finally, reiterating Nepal's consistent support for this Organization for the attainment of its objectives, I would like to extend warm greetings and best wishes to all esteemed delegations present here and wish this Session a great success and fruitful conclusion. Thank you very much.

**President:** I thank the Distinguished Leader of the Delegation of Nepal for his statement and kind words. I now give the floor to distinguished Representative of Syrian Arab Republic.

**The Leader of Delegation of the Syrian Arab Republic<sup>4</sup>:** H.E. Minister of Justice and Constitutional Development in South Africa, President of the Forty-Sixth Session of the AALCO, H.E. Vice President of 46<sup>th</sup> Session of AALCO, H.E. Ambassador Dr. Wafik Zaher Kamil, Secretary -General of the AALCO, and his Deputies, Excellencies Ministers of Justice and Head of Delegations, Distinguished Delegates from Member States, Distinguished Observers, Representatives of the International Organizations, Ladies and Gentlemen, I would like, in the name of the Syrian delegation participating in the Forty-Sixth Session of AALCO, to congratulate the president of the Session and her Vice President for their election, wishing them success in their mission and for our Organization to always have a pioneering role in the field of law.

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<sup>4</sup> Statement delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of Syrian Arab Republic.

It is an annual occasion to recall with appreciation the Bandung Conference in 1955 and the States which thought of Non-Aligned Movement and we are proud that Syria was one of them. It is also an opportunity to be inspired by the spirit of that Conference to give us thoughts and activities for our Asian-African Organization following the principles that Bandung intended to dedicate.

Madam President, our Organization during the recent years tackled numerous legal fields and influenced the development of Public International Law and Private International Law. Our people and states are still expecting a lot of effective contributions from our Organization in the fields of law.

We highly appreciate the interest of our Organization towards Israeli violations of international law and international humanitarian law and human rights in the Occupied Palestinian territories, and we must recall the Syrian Golan heights which are still under Israeli occupation since 1967 despite the existence of a number of Resolutions of international legitimacy and we recall the Israeli practices to annex the Golan and to impose the Israeli identity upon its people; in addition to what the occupation resorts to inconsiderate practices violating and disregarding the international law and the international humanitarian law and the international agreements.

The rules of international law reject annexing the lands of others by force, and we find that the interest of our Organization in the Israel occupation to the Syrian Golan and its heinous practices against its people is due to the strong connection of these issues with the international law (public & private); since our Organization is a legal organization and the essence of its philosophy is to support right and defend the people's right within its contributions in international law. It is well known that non-alignment does not mean to stand and watch without doing anything regarding

international issues of right and justice especially that law is our Organization's main concern.

Madam President, you know that Syria suffered from terrorism and called for an International Conference to define and study the phenomenon of terrorism and to cooperate in combating it. Syria is still contributing in combating terrorism and calls for an International Conference and insists on the issue of defining "terrorism" and to differentiate it from the "resistance" in order not to mix between the acts of the "national resistance" against those who occupy the land of others and the acts of "terrorism" itself and to prevent using this intentionally mix to curb the national resistance for the sake of the occupier.

It is to be noted that the arrogance of some big states and its double standards in similar cases increases terrorism as well as politicizing the implementation of international law and the resolutions of international organizations.

Finally, we wish the Forty-Sixth Session all success and our Organization a pioneering role in the field of law and in taking legal positions that accord with the spirit of Bandung Conference and its founders. I thank in my name and in the name of the Syrian delegation the government of South Africa for its hospitality and for hosting this session and we wish that it would achieve the aspirations of the people of Asia and Africa for a better future.

Madam President, you have a lot of expertise that could push forward the work of the Asian- African Legal Consultative Organization.

**President:** I thank the Distinguished Minister of Justice, H.E. Mohammad Al Ghafri, Syrian Arab Republic for his statement and kind words. I now give the floor to distinguished Representative of Tanzania.

**The Leader of Delegation of Tanzania:**

Honourable Mrs. Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development of the Republic of South Africa, the President of the Forty-Sixth Session of AALCO, Honourable Eddy Pratomo, Vice President of the Forty-Sixth Session of the AALCO, Your Excellency Ambassador Dr. Wafik Z. Kamil, Secretary-General of AALCO, Honourable Ministers and Attorneys General present here, Honourable Leaders of the Delegations of Member States, Dear Delegates, invited Guests and Observers, Ladies and Gentlemen, let me join the previous speakers to express my profound appreciation and thanks to the people of South Africa under the able leadership of their Government and most specifically Minister Brigitte Sylvia Mabandla for making a reality this Forty-Sixth Session, which has been convened after a timely intervention by the Secretariat and the Government of South Africa. The excellent administrative arrangements which have been made at an extremely short call have demonstrated the will of members to sustain their Organization and cooperation. This Organization, which remains very symbolic of deep-rooted cooperation dating back from the days of the Liberation Struggles, has once again survived the challenges of time.

Honourable President, the customary African hospitality has once again manifested itself here in South Africa at the southern most tip of the continent. We have experienced a very pleasant welcome right from the time of our arrival at the airport. We have been treated to a comfortable personal arrangement in our hotels; we have witnessed excellent administrative arrangements at this meeting, and from that pleasant experience, and looking at the things that are happening, then it is possible to expect a lot more good things coming before we shall, I suppose, have to leave at the end of the Session. Let me avail myself of this opportunity to thank you Madam President and through you, the Government of the Republic of South Africa, all the

people who had their hands on these arrangements and to all the people of South Africa for their enormous kindness.

Honourable President, Ambassador Kamil is another huge factor that has formed the pivot of this success. He together with his strong team, deserves a special mention and recognition. I understand that he has been in the team of AALCO for a considerable length of time which also is a sign of his special abilities. This time on, he has demonstrated so well his leadership qualities and ability to make timely and useful interventions. Firstly, he has ensured that the unfavorable environment in one part of Africa do not deny this region its opportunity to host this august meeting. Secondly, he has continued to pursue all the agenda items so immaculately that the meeting has remained focused on the contemporary as well as emerging issues in our region and the world at large. Thirdly, he has marshaled his diplomatic abilities to ensure our continued unity in the Organization. Please, Honourable Secretary-General accept my personal compliments and from my Government, as has been echoed from other colleagues.

Honourable President, I will not be fair if I will not once again appreciate the role of gender in this meeting. When we met in Seoul in 2003, where my sister the Minister for Justice of the Republic of Uganda assumed the Vice Chair, she was well received by all members or delegations. This session has witnessed you Madam Mabandla rising to the Presidency of this AALCO Meeting. This is an Epic Occasion which I, myself as a woman, would wish to invite all women and men to commend and congratulate you for the deserving honour that you have been accorded. Knowing of your enormous abilities honourable Minister Mabandla, there is no doubt that you will steer this meeting to historic success. I am so proud of you honourable President.

Honourable Members of delegations, the agenda before us is of utmost importance in

the development of international Law. The topics which have been slated for discussion have a great relevance, for they all address important areas in the administration of Justice to our people. I trust that, in our usual spirit, we shall be able at the end, to come up with practical resolutions which will address the social and legal requirements of our respective societies and forge the strength of our region to a formidable power in negotiating international law.

We all recall that the immediate concern when this Organization was founded was the liberation of our peoples from colonialism. Today, when one looks around, the most daunting problem is the abject poverty of our peoples and their inability to participate equitably in the international economy and exploitation in all its forms. A quick scan on the work of this meeting amply reveals efforts to evolve the initial dreams of founders of the Organization five decades ago. Into these contemporary challenges, the dynamics of the current agenda from the initial endeavor which was to ensure that interests of the people of our regions are adequately and effectively addressed at the United Nations.

At the time of the founding of this Organization, the liberation of our people occupied the agenda. Today, those interests have evolved into emerging needs of poverty eradication, equitable participation in international trade and favourable share in a globalized relationship in all areas. With this background, the carefully selected topics both, on the substantive schedules as well as the special session address the compelling need of our people. The special session will address issues of the World Trade Organization, Investment and Trade in Legal Services, African NEPAD Strategy in investment and Trade, and the right to development. These issues, if are to be given adequate attention and time are of utmost importance to our region. These themes do evolve the dreams of our founding fathers of the organization into the

most pressing challenges. Furthermore, the topics in the Special Session on Combating Terrorism, address the question of peace in our region which is pivotal for the much needed tranquility, which is required for our economic development. These agenda items crystallize into acceptable principles which are when put together make the rule of law a culture which is implanted in our region.

Madam President, while I am still on this, let me commend and congratulate our neighbours the Republic of Kenya, for signing an agreement with AALCO for the establishment, in Nairobi, of an Arbitration Centre. On behalf of my government, let me assure this meeting that the Centre will not only enhance the arbitration needs of this Organization, but it is an important institution in the integration of our growing East African Community.

The special topics on the agenda, particularly Establishing Cooperation Against Trafficking on Women and Children which is meant to further protect their human rights, must be well articulated in order to ensure protection not only of the chastity of that most vulnerable section of our society, but also to put in place a solid basis of their rights in the economic and social development of this globalized society.

Honourable President, the topic on An Effective International Legal Instrument against Corruption is a critical intervention for ensuring that our region is a corruption free zone and will add to our other efforts of ensuring that our people are treated justly and the hard earned resources are deployed for the good and development of the people. It is expected that the instrument will be domesticated in our jurisdictions and at regional levels. We in Tanzania are determined to implement all the legal frameworks against and this year we have passed a very comprehensive legislation to combat and prevent corruption in our country.

The enhancement of our voice in the international law making organs, particularly the United Nations and the International Law Commission which was conceived as a primary objective of this Organization when it was founded has to increase. This time on, the membership from this region has grown considerably. This is yet another translation of the initial endeavour of enhancing our voice into such international bodies. Let me most sincerely congratulate the elected members of the organization to the International Law Commission. It is our hope that they will remain firm in ensuring that the positions of our region gain acceptance in all the legal instruments that evolve in the International Law Commission and in the decisions of the United Nations.

Madam President, the running of this Organization with all the effective results which have been achieved is a result of total commitment by the Member States. Let me take this opportunity to commend all Member States who have showed their total commitment to the Organization by making regular participation. Let me also thank those Member States that have made total support for making regular and sometimes extra contributions such as Japan, China, Saudi Arabia India and others. The combination of total commitment and complete contribution will see to the survival of this Organization for generations to come.

Madam President, after these remarks, let me wish the meeting all the best. I wish you are best suited to steer this meeting to success and thank all the participants for listening. Thank you very much.

**President:** I thank the Distinguished Leader of the Delegation of Tanzania for his statement and kind words. I now give the floor to distinguished Representative of the Republic of South Africa.

**The Leader of Delegation of the Republic of South Africa:** Distinguished President of

AALCO, Her Excellency Minister of Justice and Constitutional Development of the Republic of South Africa, Mrs. Bridgitte Mabandla, Distinguished Vice-President, H.E. Mr. Pratomo, Distinguished Secretary-General of AALCO, H.E. Wafik Kamil, Honourable Ministers, Deputy Ministers of all Member States, Excellencies, Distinguished delegates, Special Invitees, Ladies and Gentlemen,

On behalf of the Government and people of South Africa and as host country, allow me to extend a proud and warm South African welcome to our beautiful country South Africa, especially our mother city Cape Town which is also the legislative capital. Over a year has passed since we last met in New Delhi to celebrate the Golden Jubilee of this pivotal international organization of ours. It is therefore with great pleasure that my country South Africa is now hosting the Forty-Sixth Session of AALCO. We hope that the Member States have gained tremendously from the deliberations of the Golden Jubilee Session. We are certain that the Forty-Sixth Session would be a memorable and excellent one and call upon those who are gathered here to make this Session exceptional.

Excellencies, Ladies and Gentlemen, as Asians and Africans we have had a long tradition of working and living together. We recognise in each other a common humanity and common destiny, as we have suffered the same afflictions and humiliations imposed by colonialism and face similar challenges in dealing with the legacy of colonialism which include an unequal international world order, poverty and underdevelopment. As countries of the South, we have to continue championing the cause of ensuring a more balanced and equitable global order where the development and advancement of the peoples of both our continents are prioritised. We need to jointly fight the evils of disease that ravage our continents and ensure that HIV/AIDS, tuberculosis, malaria and other communicable diseases no longer

impact upon our national development agendas, and must ensure that we alleviate the tremendous suffering which accompany these diseases. Furthermore, we also need to ensure that active engagement with each other regarding human resource development, technical training, capacity building and knowledge sharing does take place.

I am certain that during this Session we shall, through the various international law topics under discussion, find enduring ways of jointly addressing the challenges that face our Continents and thus deepening Asian-African solidarity. South Africa would like to emphasise the importance of bringing our regions and continents closer together by using both our similarities and strengths to encourage development. The responsibility of making the Forty-Sixth Session successful and effective is shared by all of us collectively to ensure that we find innovative and concrete ways and means to strengthen co-operation between our two continents that have bequeathed to humanity such rich, ancient and enduring civilisations.

Excellencies, Ladies and Gentlemen, AALCO has always symbolized Asian-African solidarity with the view of promoting an Asian-African perspective when dealing with or engaging in international law issues. Therefore, the success of assuming our rightful place in the new world order is embodied in one of the primary objectives of AALCO, which is to exchange views, experiences and information on matters of common concern having legal implications for Asian and African nations. Adherence to this objective will ensure that the institutionalisation of democratic principles and the practice of legal, economic and corporate good governance are firmly entrenched within our societies. This in turn will ensure that co-ordinated approaches to international law are adopted so as to sustain international support for Asian and African developmental issues. Member States of AALCO need to work together to eradicate

poverty and under development, and undertake international law initiatives to better integrate ourselves into the new world order. International law is unquestionably on its firmest ground when nations of the world widely view it as being fair and just, in that the process of negotiating agreed legal commitments is open to all, and just, in that the resulting law does not confer permanent advantages or benefits on one class of country vis-à-vis another. It is strong also when states implement it transparently and demonstrate their readiness to hold themselves accountable for their behaviour. International law is weakest when these conditions do not apply – for example when countries view international law as discriminatory or unilaterally imposed by the powerful upon the weaker states, when states take the law into their own hands, when state actions or inactions are not subject to accountability, and when gross violations of global norms are met with inaction, impunity or even rewards. It is therefore our aim during the Forty-Sixth Session to ensure that international law is affirmed and upheld as the supreme law which governs the nations of the world.

Excellencies, Ladies and Gentlemen, given the enormous potential and the abundance of resources on both our Continents and the fact that Asia and Africa make up 72 percent of the world's population we should and must play a defining role in the re-shaping of the international world legal, political and economic world order. We must ensure that globalisation works to our advantage as well. For the countries of Asia and Africa to succeed in their quest to overcome the imbalance between developed and developing countries, we have to act in solidarity in all areas using our combined strength to make our voices heard.

We have come a long way since the Bandung Conference of 1955 and we have much work to do to ensure that the vision of leaders before us and the hopes of today's and future generations are brought to full fruition. Those visionary founders of

AALCO were able to free us from colonialism in its classical sense. Therefore, it is the responsibility of this generation to free Asia and Africa from poverty and underdevelopment and if we fail history may judge us rather harshly.

We must also be able to mobilise resources from amongst ourselves and not mainly rely on donor country aid. If our destinies are in our hands, our resources cannot be in the hands of others, we must find the resources to advance our progress and develop ourselves. I thank you for your kind attention.

**President:** I thank the Distinguished Leader of the Delegation of the Republic of South Africa for his statement and kind words. I now give the floor to distinguished Representative of Kenya.

**The Leader of Delegation of the Republic of Kenya:** Madam President, we want to congratulate you for your election as the President of the Forty-Sixth Session of AALCO. The Kenyan delegation also wishes to register its appreciation for the hospitality extended to us from the time we have landed here.

Madam President, Kenya holds AALCO in high regard not only as a forum for exchanging views, experiences and information but also as a forum for us to carry out the debates on contemporary themes of international law.

The importance Kenya attaches to the work of AALCO is demonstrated by the fact of Kenya hosting the Forty-Fourth Session in Nairobi and secondly, by setting up our Regional Arbitration Centre in Nairobi during the current Session among other things.

Madam President, we wish to join others in thanking the Government of India for the completion of the Headquarter building. We further wish to appreciate the Government of India for accepting to furnish the office

block of the Headquarters. The question of arrears remains important and has continued to be an issue repeated in various meetings. Kenya recognizes the Member States who have consistently participated in Annual Sessions have raised this issue and we wish to encourage Member States to take the necessary steps to tackle the issue of outstanding arrears.

Madam President, there are various emerging issues in the international arena such as the transnational organized crime, the trafficking of persons especially women and children, corruption and terrorism to mention just few. Kenya therefore welcomes the collaboration which AALCO has had with UN Agencies and other specialized bodies concerned with different subjects.

Particularly on the issue of maritime affairs, we wish to state here that the safety of marine vessels continues to be a problem among certain regions in Member States of AALCO. The Indian Ocean waters on the East Coast of Africa have been witnessing piracy activities that continue to disrupt both the humanitarian aid and commercial activities in the region.

Madam President, Kenya continues to participate in the matters concerning the Law of the Sea at every forum. In the just concluded Meeting of States Parties to the United Nations Convention on the Law of the Sea, Kenya appreciated the united front that Asian and African group took on issues that were under consideration including the election to the membership of the Commission on the Limits of the Continental Shelf and the Tribunal on the Law of the Sea. This was made possible because of the forum of AALCO which enabled the States in the Asian and African region to prepare adequately on the issues that were of common interest.

Madam President, during the Forty-Fifth Session of AALCO held in New Delhi, Kenya took the first step towards setting up the Fifth Regional Centre for Commercial

Arbitration in Nairobi by signing a Memorandum of Understanding with AALCO. Yesterday, here we witnessed an agreement signed between Kenya and AALCO for the setting up of the Centre to follow on the footsteps of others like Cairo, Kuala Lumpur, Tehran and Lagos. We encourage Member States to make provision in their commercial agreements refer matters to these regional centres of arbitration in all transaction involving their states. This will encourage these centres to be active and viable for the purpose which we have setup.

In conclusion Madam President, we assure you, Kenya's support during your tenure and look forward to the deliberations on the other issues this week. I thank you Madam President.

**President:** I thank the Distinguished Leader of the Delegation of the Kenya for his statement and kind words. I now give the floor to distinguished Representative of Republic of Korea.

**The Leader of Delegation of the Republic of Korea:** Madam President, I take the floor in this Session for the first time.

On behalf of my delegation, I would like to congratulate you on your election as the President of this Session. I wish to extend my full support to you and the other members of the Bureau. I have every confidence that this Forty-Sixth Session in Cape Town will prove to be a resounding success, not only in exchanging views on key issues in contemporary international law, but also in forging and nurturing friendship between the peoples of Asia and Africa.

I would like to express my sincere gratitude to the Government of the Republic of South Africa for hosting this Session in this lovely city of Cape Town. I would also like to extend my deepest appreciation to Ambassador Dr. Wafik Z. Kamil, the Secretary-General of AALCO, and his Secretariat for their hard work in making



this Session a memorable and successful event.

Madam President, Distinguished Delegates, we now have a broad array of agenda items before us, both organizational matters and substantive matters, ranging from Shared Natural Resources and the Law of the Sea, to Refugees and the International Criminal Court.

With respect to the organizational matters, I wish to recall the fact that the Forty-Second Session, which was held in Seoul in 2003, considered and adopted proposals concerning the rationalization of AALCO's Work Programme. I would like to emphasise that my delegation attaches a great importance to the continued implementation of such rationalization. In this regard, I am of the opinion that the number of items to be deliberated should not be unduly expanded.

Madam President, Distinguished Delegates, Now let me turn to a few substantive matters.

First, with respect to the Report on the work of the International Law Commission at its 55<sup>th</sup> Session, and, in particular, as regards the General Commentary of the Report on Shared Natural Resources, I would like to make few observations. I find it necessary to include provisions on the rights and obligations of non-aquifer States because the question of ground waters directly affects only some States. If there are no real incentives for non-aquifer States, it is likely that only aquifer States will become parties to such an instrument. I am also concerned that the present draft articles do not include a dispute settlement mechanism. With any instrument on the sharing of resources, disputes are always possible over the precise determination of who gets what. It should be noted that the 1997 Watercourse Convention has elaborate provisions on dispute settlement. It appears wise to formulate some similar mechanism for the current draft articles.

Second, the Law of the Sea, among others, is an area to which AALCO has contributed greatly. As you may be very well aware, with the number of States Parties to the Law of the Sea Convention reaching 155 countries and the US considering accession to it, its authority and near universality appears to have reached its apex. Nevertheless, there are a number of issues that are still waiting to be addressed by the international community. For example, fish stocks in many parts of the world are being over-fished as a result of, among other things, illegal, unreported and unregulated fishing, and inadequate flag State control and enforcement. The Government of the Republic of Korea is of the view that flag States must ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas. However, it is important to note that any regulation of fishing activities on the high seas should be based on the best scientific evidence available at the time. We also strongly support strengthened compliance and enforcement by the flag State of the Law of the Sea Convention, more adequate control of flags of convenience, the eradication of piracy, and the prevention, reduction and control of pollution of the marine environment from land-based sources.

Third, the Republic of Korea has been an active and enthusiastic supporter of the International Criminal Court since its inception. The number of States Parties to the Rome Statute has increased dramatically, to more than 100, which is a very encouraging development and demonstrates these States' resolve to wage a war against the world's most atrocious crimes. However, we should continue to make efforts to achieve the universality of the Statute. The Republic of Korea remains faithful to its commitment to, and support for, the work of the Court in all areas. It is my pleasure to draw your attention to the fact that our government ratified the Agreement on the Privileges and Immunities of the ICC in

November last year and the Agreement is now in force in Korea. I am also pleased to note that the Korean National Assembly is currently considering the domestic implementing legislation for the Rome Statute.

Madam President, Distinguished Delegates, in conclusion, I would like to reaffirm my Government's commitment to AALCO. The Republic of Korea has been an active and ardent supporter of AALCO since becoming a full member in 1974. The Korean Government was honoured to have hosted the annual Session twice in Seoul, in 1979 and, more recently, in 2003. The Korean Government took great pride in the accomplishments of the two previous Sessions it hosted, and is happy to see that the various initiatives, taken along with the AALCO Secretariat at that time, continue to contribute to more productive and efficient AALCO Sessions. Madam President, I thank you for your kind attention.

**President:** I thank the Distinguished Leader of the Delegation of the Republic of Korea for his statement and kind words. I now give the floor to distinguished Representative of the Islamic Republic of Iran.

**The Leader of Delegation of the Islamic Republic of Iran:** In the Name of God, the Compassionate, the Merciful, Madam President, Ministers, Amb. Dr. Kamil, Secretary-General of AALCO, Excellencies, and Distinguished colleagues.

At the outset, I would like to extend to you, Madam Minister, my warm congratulations on your election as President of the Forty-Sixth Session of the Asian-African Legal Consultative Organization. I am sure that under your able leadership and with such excellent arrangements made by the Secretariat of AALCO, this Session will achieve success. And I would like to appreciate the Government and People of South Africa to host this gathering and their hospitality.

Madam President, we have gathered here to consider the recent developments in international law and harmonize our point of views. As you know, international law is a unique discipline with a multi-disciplinary character, which requires appropriate inputs from specialists and experts from different fields. The main aim of international law is to establish an equitable and just world order, an order that is meant to serve the interests of all the peoples of the world without discrimination, on the basis of sovereign equality among all States and respect for their independence and territorial integrity.

In our view, AALCO can play a very significant role in enhancing exchanges and cooperation among Asian and African countries in the legal field, especially on the new dimensions of international law. Since its foundation, the Asian-African Legal Consultative Organization has undertaken various studies on international legal topics of common concern to both Asian and African countries and could continue to have fruitful contribution in harmonizing the positions of its Member States with regards to substantial international legal issues. It should focus on priority areas of direct and immediate concern to our Continents such as international terrorism, right to development of the developing countries including receiving equitable benefits from international trade, electronic commerce, etc. It should ensure greater interaction, through its forum, among the legal community of the Asian-African world.

Madam President, we are living in a world that is characterized by legalizing any human phenomenon. In this context, certainly the norms and principles of international law have a very important role in regulating interactions among States. Despite certain efforts in putting law first, regrettably, the lack of respect for rule of law at the international level by certain States is a real challenge for all members of the international community, particularly the developing countries. In this context, it is

warranted to review the action by the UN Security Council in issuing resolutions in relation to the Iranian peaceful Nuclear Program.

The Islamic Republic of Iran, as a member of the IAEA and a party to the NPT is committed to conduct transparent peaceful nuclear activities monitored by IAEA. Iran has never threatened to use force against any member of the United Nations and has categorically rejected development, stockpiling and use of nuclear weapons. Iran has always placed all its nuclear facilities under IAEA Safeguards. We signed the Additional Protocol in 2003 and voluntarily implemented it for over two years in order to leave no doubt about the peaceful nature of our program. We allowed over 2000 person days of IAEA scrutiny of all our related - and even unrelated - facilities, resulting in repeated statements by the Agency on the absence of any evidence of diversion of nuclear material to military use. Under such circumstances, we find the intervention of the UN Security Council in this issue to be unjust and devoid of any rational justifications.

Madam President, while according to Article 25 of the Charter, Member States have agreed to accept and carry out the decisions of the Security Council in accordance with the present Charter, the Security Council mandate is not to pressurize countries into negating the fundamental purposes and principles of the UN Charter. Likewise, the Security Council could not and should not require Member States to give up their basic rights emanating from treaties in contravention of the established principles of international treaty law.

It is absolutely imperative for the continuation and relevance of international treaties that the States parties, other than fulfilling their obligations, could benefit from them as well. Today, attempts undertaken by certain members of the Security Council are detrimental to the real interest of the Non-Proliferation Treaty.

The support for Iran's positions as recently as in September 2006 expressed by the heads of States and Governments of nearly two thirds of UN Members, who belong to the Non-Aligned Movement, and the support of all members of the Organization of Islamic Countries in their Ministerial Meeting just less than three months ago in May 2007, undoubtedly indicate that the Council's resolutions on Iran's peaceful nuclear program don't have the benefit of universal acceptance.

The Security Council should be held accountable for its repeated failures to act against the real threats to international peace and security, like those of the Zionist Regime against Palestinian and Lebanese people. As an organ of an international organization created by states, the Security Council is bound by law, and Member States have every right to insist that the Council keeps within the powers they have accorded to it under the Charter, and they should be exercised in conformity with the purposes and principles of international law.

Madam President, allow me to touch briefly upon "Human Rights in Islam". First, I would like to thank the Government of Malaysia and Secretariat of AALCO for convening the "Meeting of International Experts on Human Rights in Islam" in Kuala Lumpur in May 2006. Let me also commend the Secretariat for preparing the excellent report on this issue.

The issue of human rights, as an important issue, is vividly being discussed among the Muslim scholars and intellectuals, and a model in which human rights and Islamic teachings could be combined and observed altogether in Muslim societies is being sought. We believe that this issue should be rather considered in the context of cultural diversity. The debate as to whether human rights should be considered universal or culturally relative has come a long way. In 1993, with the adoption of the Vienna Declaration and Program of Action at the World Conference on Human Rights, the

need for integrating culture into the universality of human rights was put forward.

The draft resolution entitled "Human Rights and Cultural Diversity" was presented by Iran in 2000 and adopted by consensus ever since in regular intervals by the UN General Assembly. The said resolution effectively contributed to the elaboration and follow-up of the concept of cultural diversity. Given that the promotion of mutual understanding in cultural and social fields through exchange of views is a prerequisite for the cooperation in the area of genuinely promoting and protecting human rights, the Islamic Republic of Iran has presented the said resolution in order to help provide a conceptual framework within the United Nations system to serve as a basis for convergence of different ideas in the field of human rights at the international level.

Now, I am pleased to announce that on the basis of the proposal made by the Islamic Republic of Iran, a Ministerial Meeting of Non-Aligned Countries on the issue of Human Rights and Cultural Diversity will be convened in Tehran on 3-4 September 2007. I am sure that this Meeting will provide guidance for exploring ways and means to realize human rights in conjunction with observing cultural diversity.

Madam President, there is no doubt that international terrorism is a challenge to international peace and security. It threatens all nations and countries in the world, regardless of geography, status or power. Fighting terrorism requires concerted efforts and political resolve of all nations. However importance should be attached to avoiding double standards and selectivity. We welcome the adoption of a Global Counter-Terrorism Strategy by the United Nations General Assembly which also addresses the root causes and the conditions conducive to the spread of terrorism.

The appalling cruelty of terrorist acts should not divert our attention from the bitter fact

that terrorism could not be eradicated unless its root causes or the conditions conducive to its spread are identified and removed. It is now a proven fact that foreign occupation is a top root cause of the menace. Terrorism breeds in a lawless situation. How could the international community expect to win against terrorists while it is pushed toward anarchic condition through frequent use or threat of use by certain powers and in violation of all recognized principles of Charter based law?

The Islamic Republic of Iran condemns terrorism in all its forms and manifestations. Fighting terrorism has always been a top priority for the Islamic Republic of Iran, as it has been a victim of this menace for decades. I am glad to inform this august body that in cooperation with the Terrorism Prevention Branch of the UNODC we convened a Workshop on Prevention and Combating Terrorism on 17-18 January 2007 in Tehran. The two major questions that drew the attention of the participants were "the definition of terrorism" and "the international legal status of armed liberation movements."

I would like also to inform the Session that the Islamic Republic of Iran acceded to the International Convention against Taking of Hostages, in 2006; accessions to the remaining instruments are underway. The Iranian Judiciary is working on the best ways to incorporate the provisions of international anti-terrorism instruments into Iranian legal system.

Madam President, one of the AALCO topics which was placed first on the agenda of the Thirty-Sixth Session at Tehran, 1997, was "Extra territorial Application of National Legislation: Sanction Imposed Against Third Parties". Allow me to commend the Secretariat for its endeavor on preparing of Report on this issue.

Although the concept of rule of law, particularly in international interactions, constitutes a framework for peaceful

relations and source of rights and obligations for the States and other actors and as a source of inspiration for development and human rights, yet there is growing tendency among some powerful states to insist on unilateral measures. I believe that both extra territorial application of national legislation as well as the imposition of sanctions do not evolve around a consensus-building process, and can indeed create no legal norm or obligation for Members of the international community. They are illegal and violate several provisions of many international instruments and international law, and are detrimental to the establishment and promotion of good friendly relations between the members of the international community, as underlined by the principles of international law concerning friendly relations among peoples.

Madam President, the tragedy of Palestine, as a major source of anger and desperation that is felt throughout the Muslim world, lies at the heart of the Middle East conflict. The Israeli criminal acts against the Palestinians and other peoples in the region is the gravest threat currently posed to regional as well as international peace and security.

Indeed, the frequent resorts to all these practices by the Zionist regime are the violation of rights proclaimed in the various International Human Rights Instruments and the most fundamental rules of international humanitarian law.

Madam President, let me end by reaffirming, once again, my country's commitment to AALCO and its objectives. The Islamic Republic of Iran has been always an active and ardent supporter of AALCO since becoming a full member in 1970. Tehran was honored twice to have hosted the annual session of AALCO, in 1975 and 1997. And since 1980, the Islamic Republic of Iran has been designating its high qualified and experienced diplomats to serve in AALCO as Deputies Secretary-General.

We hope that such efforts will produce positive and fruitful outcome. My delegation appreciates and fully supports undertakings of the AALCO's Secretary-General and his team in their hard and tireless efforts and looks forward to more active and constructive initiatives of the Organization. Thank you for your patience.

**President:** I thank the Distinguished Minister H.E. Dr. Seyed Abbas Araghchi, Deputy Foreign Minister for Legal and International Affairs of the Islamic Republic of Iran for his statement and kind words. I now give the floor to distinguished Representative of Sudan.

**The Leader of Delegation of Sudan<sup>5</sup>:** Thank you Madam Chairperson. In the Name of God, the Merciful, the Compassionate, Excellency, President Mrs. Brigitte Sylvia, Excellency, the Secretary-General of AALCO, Ambassador Dr. Wafik Z. Kamil, Excellencies, the Ministers and Heads of Delegations, Distinguished Delegates and Observers, may God's peace and blessings be upon you all. Madam President, it gives me pleasure to extend to you my cordial congratulations for the confidence placed in you by AALCO Member States to be elected as the President of this Session in order to steer the work of this meeting and to bring about excellent results. I do thank very much the Republic of South Africa for their excellent organization and hospitality given to us in this beautiful city and my blessings go to the outgoing AALCO's President for the excellent efforts he exerted during the previous Session. We express our welcome towards the accession of the Republic of Cameroon into AALCO. We express our unreserved approval for the proposed budget of the Organization and which has been approved in this Session.

Madam President, this Forty-Sixth Session is being held under very important

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<sup>5</sup> Statement delivered in Arabic. Unofficial translation from the interpreter's version.

developments which are related to international law a matter that requires the formation of a unified vision for the Member States of AALCO vis-à-vis these matters, particularly this Organization does represent regional blocking, which comprises two huge Continents and has performed and is still performing a very distinguished role in entrenching and developing and applying the rules and provisions of international law on firm basis of justice and equality and with respect to sovereign equality of States. The situation in the international community cannot be proper and we cannot have peace and stability and development without justice and equality being practiced among all States of the world whatever their size, or they might be with regard to economic or political situation. In order to realize that it is imperative that the United Nations Machinery and its Specialized Agencies and the regional blockings and the Institutions of International Law should shoulder the responsibility in a very objective and neutral way without being subject to any imposition or pressures and double standards and special agendas of some big States. I think we need to bring about comprehensive reforms to the institution of international law in order to guarantee the proper application of its provisions and rules.

Madam President, my Country does respect its international commitments and is very much adhering to principles of international law, good neighbourliness and does not intervene in the internal affairs of other Countries and does endeavour to apply all the provision of international Conventions and Agreements inside and outside. Despite all this, we are still suffering a lot from targeting which we find being applied to our economy and our internal security and in our social structure through the unjust sanctions imposed on us by the international community which are in violation of principles of international law. We are facing diplomatic, political and military sanctions encouraged by States who have no respect for the Sovereignty of States.

We have been successfully, God willing, trying to bring about comprehensive peace in the southern parts of our country in a period from 1955 to 2005. We have applied the provisions of agreement in the security and military arrangements and the division of power and wealth and the war has ended with no return. We have signed an agreement in the Eastern part of the Sudan after which stability and security has come with the help of our African brothers. We were able to have the Abuja agreement for the peace of Darfur which has been signed by the greatest armed movements and we have formed the transitional authority in Darfur and our brothers there occupy the position and hence stability started to prevail in most parts of the region and a number of displaced peoples want back to the villages and in fact the process of development and reconstruction did start.

But despite of all that, we are forced with sanctions by some Countries and some Organizations based upon untrue reports of the deteriorating situation in Darfur. And I want to send four signals for those who carry arms and those hold the views to sign the Abuja Agreement not to enter into the process of peace and they are receiving them that the government of Sudan is about to collapse and that there is no need to hurry and to agree with the Sudanese government we are looking forward to the help and assistance of this Organization in our endeavour to normalize matters in Darfur, particularly that we have signed a final agreement with the United Nations related to the assistance being given by the African Union through logistic, technical financial and military assistance to be given to us under the leadership of the African Union and in spite of that we have been imposed sanction from the United States of America in the very same week in which we have signed this agreement with the United Nations. Here, I would like to recall the thanks and appreciation of the government of Sudan to the group of Non-Aligned States which had expressed its grave concerns vis-

à-vis the unilateral decision of United States of America and the sanction that it has imposed on Sudan considering them to be a violation of UN Charter and the principles of international law and do not help reaching any peace.

Madam President, all Members of this Organization are very keen that anyone who perpetrates any crime against humanity should be facing punitive action and they know that the International Criminal Court has been created with the approval of some Countries. This is not like the International Court of Justice because, before the ICJ, any Country can have access if it is a member of United Nations. As far as the ICC is concerned, it is being governed by the Rome Statute and this Court is not mandated to try any State unless that country has ratified the Rome Statute. We did not ratify the Rome Statute and here are many other Countries such as United States of America along with a number of Countries that have not ratified this Statue. But we do not hear that the ICC has requested any of these Countries, these super powers whose strength is known to all of you, which did not require or ask any of the person from these Countries to be tried before the Court.

Madam President, you know, and everybody knows that the International Criminal Law is not in line with the national legislation jurisdiction and is complementary to it and that the mandate of the ICC is not to apply its mandate except if a country is a party or has ratified the Rome Statute. Our Sudanese jurisdiction is known for its integrity, independence and the sense of justice. We have established many African and Arab systems of jurisdiction and our jurisdiction is independent from the legislative matters. Certain sentences by the courts in Darfur were imposed upon the perpetrators of crimes in that region. Yet, the ICC imposed upon us, the obligation that, we should hand over to it Ali Ahmed Harren and Ali Kurshayb who are affiliated to the Patriotic Defence Forces. This is in contravention of

international law because we have tried them according to our national law.

Madam President, we would like to ask this Organization to insist that the rules of international law should be applied in an appropriate manner. The ICC should not extend its mandate except to the Countries that have ratified the Rome Statute and that it should not be applied on those States that have not ratified the Rome Statute.

Madam President, the Islamic Religion does preserve the rights and liberties and sanctities of everyone without any exception and the concept of human rights in Islam does cover all rights that everyone is free to choose their religion and preserve their cultural civilizations and does respect their traditions and values and the rights in the ownerships and the movements and organizing expression and have equality between Muslims and others in all their duties and rights before the law. We, in our Constitution do provide for all these in clear cut manner and we do protect women and children and we have established a Committee in the Ministry of Justice to combat any Crimes against Women and Children and we have special force to combat such acts and take punitive action for the perpetration of such crimes.

Madam President, Sudan with its distinct geographical position and wide areas and its expanded boundaries with nine countries and with its water to the parts even in Asia since long time it became a safe haven for refugees for the internal disputes in neighbouring Countries and bilateral conflicts among our neighbour and horrors of drought and desertification which did disperse a lot of people and many of the refugee come to Sudan. So, in Sudan stability and security and brotherly feelings, shelter and proper treatment and tolerance which are part of the character of the Sudanese people and they prefer to stay there in Sudan and dividing our food and services and using all our utilities in all equality and justice with the Sudanese

people. We continue to adhere to the Geneva Agreement on Refugees of the year 1951 and its Protocol 1967. We harness our laws and potentials despite our meager recourses, in the service of refugees. We hear all requirements in this great assembly, to bring about a common vision on the subject matter of refugees and to take necessary arrangements in order to end this phenomenon of refugees.

Madam President, Sudan has previously announced and would like to reiterate it once again here, our full commitment to the total rejection of terrorism in all its forms and to stand against it and to take all measures to combat it. We do very much make a distinction and we hope everyone present here does the same thing to make a distinction between terrorism and the resistance to occupation and aggression, because defending the rights of the Countries and their sovereignty and safety of the lands is a right and it is the duty of every country. We have a law since 2003, which incriminates terrorism. We hope that we should always try to make a distinction between aggression and occupation on the one hand and combating terrorism on the other hand.

We stand with the international community in combating the crime of money laundering which is a terrible crime that hampers the process of development and does finance terrorism and encourages corruption and spread of drugs and disrupt communities and societies. That is why we are very much for the combating of money laundering and we hope that all the Countries will shoulder the responsibilities in this direction and do enact laws which will combat, because individual efforts alone taken by any country does not suffice. We hope that there should be common efforts to do so. We have announced that we are against corruption and that we have a law since 82 years and this Criminal Law of 1925 in Sudan does punish embezzlement and bribes and forgery and forging accounts.

All the Countries should take collective measures in a united manner to force such matters, instead of having just individualistic measure.

In conclusion, Madam President before leaving this forum, I would like to express our full condemnation for the inhuman practices of Israel in the Occupied Palestinian land such as sweeping assassination and demolition of houses and uprooting trees and dispersion and displacement of women and children. We have not heard for one day that the ICC has requested Israel to submit its tens and tens of criminals who are carrying out criminal acts everyday in Palestine. Please, we request you dear brothers from this Organization and during this Session to express your condemnation for this inhuman practices and unjust practices and to request Israeli to withhold promptly such acts and all of us would call for the establishment of the Palestinian State with Al Quds as its capital and the two States of Palestine and Israel would live in good neighbourliness and in which we have peace and security prevailing. Thank you for your kind attention.

**President:** I thank the distinguished Minister of Sudan for his statement and kind words. Senegal, you have the floor.

**The Leader of Delegation of Senegal:<sup>6</sup>** Madam President, Head of the Delegations, would you please allow me to give this statement on behalf of the Senegalese delegation and to express once again our congratulation for you being elected to chair the Forty-Sixth Session of AALCO. Delegation of Senegal greatly welcomes the effectiveness with which you are managing the works in the Session. You have sufficient experience in order to lead us to success and you have great knowledge of all matters under study in this Forty-Sixth Session of AALCO. This allows us to be

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<sup>6</sup> Statement delivered in French. Unofficial translation from the interpreter's version.



very optimistic that we are going to have full success. Would you please allow us to express my thanks to the Government of South Africa and the peoples of South Africa for the hospitality and generosity which have been bestowed on us. We would like to express our happiness for Mr. Eddy Pratomo being elected as Vice President of the Forty-Sixth Session of AALCO. Would you please allow me Madam President to express our congratulations for the Secretary-General, Amb. Dr. Wafik Z. Kamil who shoulders a very important responsibility and exerts great effort in our Organization.

Madam President, this Session is the suitable framework in order to strengthen and enhance the ties of cooperation between the Asian and African Countries and this Session is convened within an international framework that confronts different challenges and there are the organized crime, international terrorism and trafficking in weapon and corruption and trafficking in human beings as well. And hence Senegal would appreciate all efforts exerted by our Organization for codifying law and adopting international law in order to cope with realities of the conditions that exist. Senegal has played a very important role in our Organization and in other international institutions in order to have a legal system that is fair and just and I would like to confirm to you Madam, that my country Senegal exerted all efforts in order to guarantee effective participation at the highest level inside this Organization. I would like to remind you that for 27 years Senegal has been a member in the AALCO and has participated effectively and continuously in the codification of international law.

Madam President, Senegal has ratified the Palermo Convention that is related to Combating International Organized Crime and its different Protocols particularly the Convention pertaining to Trafficking in Individuals and Human Beings and particularly in Women and Children and

concerning the preventive measures in combating international terrorism. Senegal has got very important measures in this effect and had the mechanism that would entrench cooperation among different countries. Our country has ratified until today 313 international instruments if you compare it to the 16 instruments that exist for terrorism and that the rulings of these international instruments have been incorporated in the Senegalese laws concerning these activities relating to terrorism. We are fully aware that the success of combating terrorism depends upon the close cooperation among countries. Senegal is well aware of this and has organized in 2007 different meetings pertaining to combating of terrorism and the latest meeting that took place included countries from West Africa and the countries of some other region. During these meetings all participating countries have spoken about the different national mechanisms in order to combat terrorism. We have exchanged our views concerning the best practices in preventing and combating terrorism at the international level. Senegal our country has organized for those who are in charge of enforcing law very important meetings in order to enhance training in combating terrorism and cooperating with Countries with great experiences in this field.

As concerning combating of corruption, I do agree with the view that the Member States of our Organization has to give priority to the ratification of the United Nations Agreement for Combating Corruption. Senegal ratified this Convention and the Convention of the OAU in order to stand against corruption has taken very important measures exerted in supporting its legal mechanism in combating Corruption and money laundering to prepare the specialized services to establish preventive measures in order to preventive measures and to identify these corruptions. These would require from us from the Senegalese authorities in order to combat corruption and whatever is related to corruption. And hence we have

established the National Committee for Combating Non-Transparency and Corruption and the National Unit for Financial Transaction has been established within the law in order to stand against whatever is related to money laundering and in the some level the national unit for financial transaction which is parallel to the unit according to the Agreement on United Nations for Combating Corruption. This is a service that is provided by collecting whatever financial information making use of this has the administrative and legal authority to shoulder this fact. It can gather information and receive whatever administrative document or banking documents without being reflected through the confidentiality. The National Committee that stands against Non-Transparency and Corruption has the forces in order to investigate in different methods in financial dealings and is capable of doing the interrogation concerning Corruption and non-transparency that could take place concerning some commercial transactions and in combating crimes. I would like to remind you that Senegal was the first Country which ratified the Rome Statute for the ICC and this framework we have adopted different legislative texts in order to be incorporated in the national legislation and to be suitable to the Rome Statute.

In conclusion, Madam President, I would like to tell you that Senegal being the President of the Committee for Human Rights of the Palestinians about the participation in Middle East and are very troubled about this and we are exerting all efforts in order that there would be just and durable peace in Middle East with respect for the rights of the sisterly Countries, the Palestinians. I would like to remind you that they are struggling in order to receive their independence and I would like to seize full opportunity for in this Forty-Sixth Session of our AALCO in order to remind all Countries that Senegal is going to host the Summit for the OIC and this is a very important opportunity for the Islamic countries. We are the land of dialogue and I

hope that Senegal is going to receive all Countries who are peace loving and loving of peace and dialogue. In conclusion, Madam President, please allow me once again to confirm, once again and saying that the will of my Country and its commitment in order to cooperate with all Member States of AALCO in order to realize our objectives and aspirations of our Organization and also that we could cover and enrich the objectives of Bandung Conference. Thank you very much.

**President:** I thank the Distinguished Leader of the delegation of Senegal for his statement and kind words. Distinguished Delegates, according to Rule 18 and to the decisions of the heads of the delegations to admit observers, I give the floor to distinguished Observer Representative of Holy See.

**The Observer Delegate from the Holy See:** Thank you Madam Chair. Unfortunately the representative of the Holy See has to leave and we have submitted the full text of the statement to the AALCO Secretariat. We respectfully, read it in the floor.

Madam President, the Holy See is pleased to participate in the Forty-Sixth Session of the Asian-African Legal Consultative Organization (AALCO), and avails itself of this opportunity to renew its commitment to collaborating in the important work of this distinguished body.

This Session of the AALCO has considered several issues of critical importance to the human family, not the least of which are: (1) the Status and Treatment of Refugees; (2) the ongoing conflict in the Middle East; (3) International Terrorism; and (3) Establishing Cooperation Against Trafficking in Women and Children. These and other matters challenge the AALCO to engage in thoughtful and courageous dialogue, with a view toward ensuring a more just society founded on the core principles of the dignity of the human person, the common good, and

the rule of law. It is in this regard that the Holy See offers its perspective and a positive understanding and appreciation of the values that must necessarily be part of this dialogue.

Catholic social teaching has historically endeavored to read the signs of the times so that the Church can articulate its best hopes for humanity. The Second Vatican Council, for example, centres on a doctrine of individual rights that focuses on the person and validates the claims of the person over and against society. As the centre and crown of all things of earth, the person is the meaning and fulfillment of created reality. Individuals, though centers of freedom and individual responsibility, are not solitary beings. In their inmost nature human beings are social and can neither live nor attain their full potential by themselves. Thus the interdependent characteristic of our modern age is rooted in and finds fulfillment in the very nature of the person.

Human activity which betters the world is in accordance with God's mandate to human beings to subject themselves to the world and all that it contains and to govern the world with justice and holiness. The moral norm for individuals, therefore, is to harmonize with the genuine good of the human race and allow persons as individuals and members of society to pursue their total vocation and to fulfill it. To this end, it is part and parcel of the mission of society to help examine the values of life, to defend human dignity, to promote human rights, and to help build up the human family.

The AALCO has the opportunity to help shape the ways in which both governments and civil society pursue justice by seeking more humane and just conditions of life and by directing institutions to promote and protect human dignity. Efforts in the formation of laws and policies in this regard, however, should strive to play a more positive and effective role in the formation of consciences. Developing cultural identities which embrace more fully an

authentic conception of the human person and recognize the fundamental dignity of every person will serve the causes of justice and peace at the deepest levels of human existence. A new mindset among individuals and groups alike, where every person is enabled to see themselves and others as worthy, as dignified, as deserving to be treated like persons, and not as objects, will be the key to whether or not our efforts to curb "man's inhumanity to man" will ultimately be successful. Somehow engendering that level of self-respect, and then translating that self-respect into a respect for the dignity of the other person before us, is key to changing the tide of violence, exploitation, criminal activity, and terrorism that daily destroy the lives of countless men, women and children every day, and which threaten the future peace and security of us all.

The ever present call for political will, laws and legislation will be a stop-gap for violence and degradation against people if developed and implemented in transparent ways; but these will only truly serve the human family if they are based upon a rule of law that recognizes the fundamental dignity of the human person.

Madam President, Catholic Social Teaching has consistently taught that every person, believer or not, has been fashioned in the image and likeness of God and is called to be an artisan and co-creator of society and culture. This fundamental principle has led to the articulation of several other values that are constitutive to peace and security in the world, values such as the common good, subsidiarity, solidarity, and the preferential option for the poor. These values, communicated effectively through faith traditions, religious experience, as well through civil law and governmental and institutional policies and procedures, can serve to assist in the building of a new mindset, where it becomes possible to resist the temptation to reduce the human person to a mere object, a commodity or a consumer. If indeed social conditions of

poverty, violence, greed, corruption, addiction, fear, and insecurity are the inclinations that lead to human misery and suffering, an important antidote must be conscience free from fear, greed, corruption, and addiction, and the desperation that often accompanies the plight of the poor and those who find themselves caught up in the cycle of violence.

Despite the harsh realities of human suffering caused by injustices perpetrated in almost every sphere, there are signs of hope that must be acknowledged. A strong conviction of “faith in action” can be witnessed on the ground, as numerous voluntary Catholic organizations and Christian associations, for example, have made it their business to raise the awareness of the problems that exist, and to set up assistance and victim protection, in many cases long before State authorities have done so. It is often the members of faith communities who, committed to Gospel values, find themselves on the front lines of difficult and dangerous situations, taking care of victims and performing range of actions, from healthcare to spiritual assistance. In many cases, the service of people of faith in this regard is complemented by the action of other public institutions and government bodies; in other instances, they stand alone, often in silence and in very risky situations.

Such hopeful examples are manifold yet often go unnoticed. Movements for peace, human rights, and social justice among faith communities and other NGOs have the capacity to create a new consciousness, not only among the people engaged in them, but even within societies where the dark values that support a culture of violence and death seem to be dominant. Faith-based approaches to peace, human rights and justice, inspire people to be conscious of their power to act as social agents against the forces that view people as mere objects of manual labor or sexual pleasure, keeping them in the bondage of terrors; against forces that would seduce young people into

the false and empty promise of drug addiction, impoverishing every community where drug abuse exists, diminishing human strength and moral fiber, undermining esteemed values, destroying the will to live; against forces that would perpetuate the cycle of violence, civil strife, conflict, and war, often through the illicit trade in weapons, for example. The instrument of change that is necessary to turn the nightmare of injustice and violence into the dream of peace and authentic human flourishing, free from bondage, greed, and corruption, is people – people with converted hearts and minds; who embrace the truth about God, and the truth about themselves and others; and who, with the help of God, can muster up the courage to witness in word and in deed to a better way. Thank you, Madam President.

**President:** I thank the Distinguished Observer Delegate from the Holy See for his statement and kind words. I now give the floor to distinguished Observer Representative of Lesotho.

**The Observer Delegate from the Lesotho:** Thank you Madam President. Let me pay my respect to the Secretary-General of AALCO, the President, the Vice President, Member States, Observers, the representatives of United Nations Organizations and Ladies and Gentlemen, allow me from the onset to join previous speakers who have congratulated the Honourable Minister of the Department of Justice and Constitutional Development of South Africa, Mrs. Mabandla on her election as the first woman President of AALCO. This appointment clearly manifests the confidence that the Member States have in her and her country. This is the first time that my country Lesotho participates in AALCO Session. And I am taking this opportunity because I am away from home, so I am going to bend the rule that we have at home, while freshers are always advised to sit down and learn. I sincerely thank the President of the Forty-Sixth Session of

AALCO for extending an invitation to Lesotho.

Distinguished delegates, Lesotho sees the Asian-African Legal Consultative Organization as a viable framework where the Member States could benefit from research and training in the field of international law.

Lesotho espouses the rule of law, democracy, respect for human rights, and good governance as the pillars for peace, stability, and development, be that as it may we are not immune from the factors which contribute to international insecurity and instability, such as: Women and child trafficking, Corruption and Terrorism to mention but a few.

As a country we are fully aware that peace and stability are the foundations of economic growth, both at national and at international level, small as we are, we are part of the global world, and we acknowledge that we have to take positive measures to combat the practices that affect stability of the international community.

In an endeavour to enhance peace and security, Lesotho has taken steps to Establish an Anti-corruption Unit; enact an Anti-Money Laundering Legislation as we have noticed a direct nexus between terrorism, corrupt practices and money laundering; a Commission has been set up to look into the issue of children's foreign adoption; as we are now suspicious that the issue of child trafficking might hide behind the shield of legal adoption which are taking place in our country. We are in the process of domesticating the International Criminal Court; and we are mobilizing for the ratification/accession of the Hague Convention on the Prohibition of Child Abduction, and other related instruments to this issue.

Madam President, Distinguished delegates, with these few remarks Lesotho just wanted to register its presence as observer at this

Forty-Sixth Session of AALCO. Allow me to end my statement by thanking the host country for the hospitality extended to us and further wish you success for deliberations. I thank you for your kind attention.

**President:** I thank the Distinguished Observer Delegate from the Lesotho for his statement and kind words. Before the break for the lunch I invite the Secretary-General for some announcements.

**Secretary-General:** Thank you Madam President. In fact, I have been given this announcement by the host Committee. On Friday, 6<sup>th</sup> of July, the host government has arranged for a visit to the Mosque. So all those delegates who would like to visit the Mosque on Friday might not be going for the sight seeing. But if they wish to go to the Mosque only, please announce today, your names to the Organizing Committee of the host government so that arrangements for the visit to the Mosque could be made along with all the security arrangements necessary, especially for the Ministers who would like to go there. Please register the names of all those who wish to visit the Mosque on Friday during the prayer hours to give the names to the Secretariat, so that I can give it to host government and host government can arrange the visits.

**President:** Break for Lunch. We will take comments from Observer Delegates after Lunch.

**President:** Now I will give the floor to the Representative of the Commonwealth Secretariat.

**The Observer Delegate from the Commonwealth Secretariat:** Thank you very much. Excellency, Madam President of the Forty-Sixth Session of AALCO, congratulations on your well-deserved and historic election – you are indeed providing a formidable role model for African women.

Excellency, the Vice President, please also accept our congratulations. Excellency Secretary-General Wafik Kamil of AALCO, allow me to commend you for the excellent leadership you have provided for AALCO over the past years. I have worked with you before and am as usual struck by your remarkable organizational and diplomatic skills which have enabled, I believe the successful organization of this meeting and indeed of AALCO itself.

Excellencies, Ministers, Delegates, Observers & distinguished invited guests I bring you greetings from H.E. the Rt. Hon. Don McKinnon, the Secretary General of the Common Wealth Secretariat based in London.

The Work of the Commonwealth Secretariat reaffirms the 53 member Commonwealth's commitment to democracy, the rule of law, good governance, freedom of expression and the protection of human rights as stated in the Harare Declaration of 1990.

Madam President, we believe that the work of our two organisations, the Commonwealth and AALCO as expressed through the Bandung Declaration mirror each other closely.

The sustained work of the Secretariat in maintaining Rule of Law in member states is actualised by the Secretariat's work in Democracy activities and good offices; Building Capacity and Institutions to sustain democracy; Delivering the legal framework and implementing international legal obligations.

I will address just a couple of the areas of our work which are reflected in the thematic issues to be addressed by delegates over the next few days.

The first is that Anti-Corruption. We have at the Secretariat developed an extensive and holistic programme to encourage and assist member countries to adopt an anti-corruption legislation, looking at ways to

implement the United Nations Convention against Corruption (UNCAC). This came out direct mandate from Commonwealth heads of governments in 2004 that enjoined us to examine the modalities of co-operation among Commonwealth countries in respect of the repatriation of illicit or illegally obtained wealth in Common Wealth Member States. The report of this extra working groups was adopted by Heads of Government in 2005 and its 10 priority recommendations are being taken forward by CLS of our work on anti-corruption. We have held several conferences and working groups but we had an extremely successful anti corruption conference in London last year arisen out of that we had an extra working group to develop legislative provisions assisting the member states to implement UNCAC. I have copies of the EWG Report and the Anti Corruption Conference for interested member states.

In respect of International Criminal Court we have also had extra working groups convened which have resulted in the elaboration of model legislative provisions to implement the Rome Statute. We have also Madam President had a manual developed for police and prosecutors as you know as delegates here are well aware that building of capacity for the prosecution under the Rome Statute is important. And in this context we have collaborated with UNODC, the African Union and the Council of Europe, in looking at how to enhance the effectiveness of the tools of international cooperation in transnational organised crimes, in particular extradition, mutual legal assistance cross border restraint and forfeiture of proceeds of crime.

Madam President, the Counter-Terrorism Project is one of the works of the legal division and in this context we have the wide range of initiatives. I don't want to take up your time today in enunciating some of them. We have developed implementation kits for the existing 12 UN Counter Terrorism Conventions. We carry out wide range of regional experts working group, we

also carry out wide range of Training to drafters, prosecutors and in the fight against terrorism now we are looking at Anti money laundering initiatives and legal responses to the financing of Terrorism.

Madam President, you would agree with me the access to justice has become one of the tool switch, Ministers have been trying to look at in order to ensure effective administration of justice in developing Member Countries. And we have assisted member countries in enhancing the capacity of the judiciary, legal profession and also in development of principle of access to justice, best practice guidelines in member countries.

We note the session on Trade & WTO. Our Organization has developed by way of trade regulation, several appropriate regulatory instruments for multilateral trading regime involving issues of WTO accession and Intellectual Property Law Issues indeed the last Commonwealth Law Ministers meeting in 2005 asked to develop in response to fighting, counterfeiting and privacy within commonwealth member governments. We are prepared a study which I would be happy to share with you after our ministers meeting in October to look at the developments of those responses.

The Secretariat has also assisted countries by providing legal experts in the operation of their legal system in facilitating good governance by drafting, revising constitution and guides the constitutional reforms, managing & designing electoral reforms and processes.

We also note the subject of Trafficking in women which comes under our umbrella of gender and law we are very collaboratively involved in evolving appropriate responses at global, commonwealth, and regional, national level to end this scourge of trafficking in women and children.

In conclusion, Madam President, I'm sure that the brief overview given will member states and delegates here will agree that it is

in the best interests of both our organisations to cooperate more closely in the development of international legal initiatives.

Madam President, allow me to wish this Forty-Sixth Session every success. Thank you for your kind patience.

**President:** I thank the Distinguished Observer Delegate from the Commonwealth Secretariat for her statement and kind words. I now give the floor to distinguished Observer Representative of UNEP.

**The Observer Delegate from the United Nations Environment Programme**

**(UNEP):** Thank you Madam President. Permit me to first and foremost congratulate you for your election as the President of this August body. Your Government's hospitality and organization of this Session is well appreciated since you are making our stay in this beautiful country a memorable experience. My congratulations are equally extended to Indonesia for its appointment as the Vice-President for this Session. Of course, I cannot forget and acknowledge with thanks all preparations made for this meeting by the AALCO Secretariat under the leadership of its Secretary-General, Amb. Wafik Z.Kamil.

Distinguished Honourable Ministers and Delegates, It gives me great pleasure to be here representing UNEP in this important occasion which is taking stork of its deliverables and the results achieved in the last one year and agree on action plan to serve its members even in the years to come. Permit me to bring special greetings and best wishes from my Executive Director, Mr. Achim Steiner and his Deputy, Mr. Shafqat Kakakhel, who at least one of them whole day wished to be here with you but exigencies of work did not permit them, hence my presence here. The bosses sends their greetings and wishes this meeting as a successful deliberation.

Madam President, Member States of AALCO will recall that the Republic of Kenya, which also hosts the world body responsible for environment, i.e., UNEP, hosted the Forty-Fourth Session of AALCO in Nairobi in 2005. During that occasion, Member States would remember a MOU between UNEP and AALCO was signed. This MOU established a renewed framework for cooperation and collaboration between the two Organizations, in particular, in the area of promoting the development and implementation of environmental law, as a branch of international law. Specific areas of cooperation were agreed and these include encouraging wider acceptance of international environmental instruments; increasing awareness of international environmental legal instruments as well as compilation of compendia of national jurisprudence of the Member States in the field of environment and sustainable development. Other identified areas were preparation and dissemination of booklets and guidance materials to assist Member States to better and effectively implement environmental agreements; undertake joint training programs; and build the capacity of the Member States to better implement environmental agreements as well as carry out joint studies on identified priority themes on environmental law. To operationalize the MOU, a Steering Committee consisting of officials of the two organizations (UNEP and AALCO) is established to define, monitor and execute all activities to be carried out.

Distinguished Honourable Ministers and Delegates, UNEP appreciates this invitation to attend the Annual Session since it was also envisaged under this MOU to extend invitation to each other's meetings and events of mutual interest. On the same token, it is our hope that AALCO will in future be able to accept UNEP's invitations extended to it for events it organizes. In particular, capacity building including training programmes which UNEP organizes since these will enable AALCO to learn and

assess how such programmes could be of benefit to its Member States and use them as appropriate. Furthermore, it is judicious that both our Organizations practically operationalize the other agreed areas of cooperation as summarized earlier on/above and effectively implement and enforce the MOU for the benefit of Member States.

Distinguished Honourable Ministers and Delegates, UNEP continues to collaborate with and provide, within available and meager resources, advisory services, technical support and assistance to the AALCO Member States in all the areas of cooperation specified in the said MOU. UNEP has, in the past over 30 years concentrated its attention on the development of international environmental law most of which are unfortunately inadequately complied with and/or implemented or enforced. Consequently, it has in the recent years focused its attention to developing and/or strengthening the capacity needed by the Parties to these environmental treaties including AALCO Member States for the development and effective implementation of environmental law which include compliance with and enforcement of MEAs. To this end, UNEP has developed several environmental legal materials and tools for this purpose. Some of these materials available both in hard copies and CD Rom will be handed over to the AALCO Secretariat for its Centre for Research and Training (CRT) after they have been displayed, if such an arrangement has been made, for you to see and request, if needed, for your use.

Distinguished Honourable Ministers and Delegates, Report of the activities of the AALCO-CRT has been given in this Session. UNEP sees this Centre as an important institution to build and/or strengthen the capacity of enforcement officials of the Member States for both the development and implementation of international law, which we consider to also include environmental law. Under the MOU between our two Organizations, CRT could



also very well be used by UNEP for its capacity building and training programmes on environmental law benefiting AALCO Member States based on modalities which could be discussed and agreed. CRT may wish to explore such opportunities and achieve more as a result of its presence in the region where UNEP also has a regional office based in Bangkok, Thailand but do not have a regional training institute of its own except partner institutes or centres of excellence for which CRT could be one, if Members so desires and AALCO follows up with UNEP administration.

Distinguished Honourable Ministers and Delegates, Permit me also to congratulate both AALCO Secretariat and our UNEP's host, the Government of Kenya for the momentous signing of an agreement to establish an AALCO Arbitration Centre in Nairobi, Kenya. This is a positive step to be applauded and we look forward to work with the Government of Kenya as it establishes this institute to be used by and for the benefit of Member States. We hope Member States will accord the Centre the importance it deserves by making it a mechanism of choice for settlement of disputes in the agreements to be concluded between and among the Member States of AALCO. Such a move will practically contribute to south-south cooperation which we continue to nurture and promote in our activities in the developing world.

Distinguished Honourable Ministers and Delegates, Today protection and conservation of the environment for sustainable development is the cornerstone of all countries and communities socially, economically and politically. Any decision taken at national or regional level may have an impact on the environment today and as a result in the future. It has already become clear that Climate Change is impacting and affecting our entire ecosystem in terms of water scarcity, poor agricultural crop, causing land degradation, deforestation and desertification, to mention but a few. Accordingly, climate change already

threatens to frustrate Governments' efforts to eradicate or alleviate poverty consequently, making prospects for achieving MDGs less certain. We cannot, therefore, avoid or postpone taking action and the time to do so is now. In this regard, UNEP urges AALCO and its Member States to consider to coherently mainstream environmental management considerations in its work so that together we play a positive role in protecting the environment we live in and make it sustainable for the future generation.

Distinguished Honourable Ministers and Delegates, UNEP is delighted to see a specific document prepared by the Secretariat for this Session entitled "Environment and Sustainable Development". The document takes stock in a summarized form developments and international events which have taken place in the last one year or so, on this subject matter as well as proposing some of the key issues for a focused discussion during this Session. However, it is not clear from the Agenda items adopted for this meeting where and when these issues will be debated upon in detail so as to ensure that the Member States play the role expected in the same issues in upcoming future negotiations. This Forty-Sixth Session could have formed a good basis for the Member States to discuss before hand and prepare negotiated regional positions on several environmental law issues, such as, on climate change including CDM projects to be discussed later this year in Bali, Indonesia or legal regime on access to genetic resources and benefit sharing coming up in Montreal, Canada also later this year, or deserts and desertification coming up in Spain also later this year or biological diversity issues to be discussed early next year, to mention but a few.

UNEP keenly follows the work of AALCO especially in the context of the renewed framework MOU. We look forward to continue working with AALCO to support its Member States to effectively develop,

implement and enforce environmental laws both at national as well as regional level including fulfilling their obligations and commitment made under different international environmental treaties.

Together, we can save and serve the environment and leave behind a better future for our societies and communities. I wish you all the success in the deliberations of the agenda items and look forward to the positive outcomes at the end of the Meeting.

Thank you for the opportunity to share these few thoughts.

**President:** I thank the Distinguished Observer Delegate from the UNEP Ms. Elizabeth Maruma Mrema, Senior Legal Officer & Chief, UNEP-Division of Environmental Law and Conventions-Biodiversity and Land Law and Governance Unit for her statement and kind words.

**The Meeting was thereafter adjourned.**