

# **Asian-African Legal Consultative Organization**



## **Verbatim Record of Discussions**

**Sixty-Second Annual Session**

9-13 September 2024

Bangkok, the Kingdom of Thailand

**AALCO Secretariat  
29-C, Rizal Marg  
Diplomatic Enclave, Chanakyapuri  
New Delhi – 110021  
INDIA**



## CONTENTS

	Pages
<b>Preface</b>	<b>v</b>
<b>I. Agenda of the Session</b>	<b>ix</b>
<b>II. Bureau of the Session</b>	<b>xiii</b>
<b>III. Inaugural Session</b> of the Sixty-Second Annual Session held on Monday, 9 September 2024, at 10:00 AM	<b>1</b>
<b>IV. First Meeting of Delegations of the AALCO Member States</b> held on Monday, 9 September 2024, at 11:30 AM	<b>15</b>
– Adoption of the Provisional Agenda and Tentative Schedule of Meetings and Events	
– Admission of New Member States	
– Admission of Observers	
– Election of the President and Vice-President of the Sixty-Second Annual Session	
– Opening Statement by the President of the Sixty-Second Annual Session	
<b>V. Second Meeting of the Delegations of the AALCO Member States</b> held on Monday, 9 September 2024, at 12:30 PM	<b>23</b>
Report of the Secretary-General on the Work of the Organization and Financial Matters of AALCO	
– AALCO’s Budget for the Year 2025	
<b>VI. First General Meeting</b> held on Monday, 9 September 2024, at 2:30 PM	<b>35</b>
– Release of AALCO Publications	
– General Statements	
<b>VII. Second General Meeting</b> held on Monday, 9 September 2024, at 04:30 PM	<b>59</b>
– General Statements	
<b>VIII. Second General Meeting (contd.)</b> held on Tuesday, 10 September 2024, at 09:00 AM	<b>81</b>
– General Statements	
<b>IX. Third General Meeting</b> held on Tuesday, 10 September 2024, at 01:30 PM	<b>117</b>
– Select Items on the Agenda of the International Law Commission (ILC)	
<b>X. Fourth General Meeting</b> held on Wednesday, 11 September 2024, at 09:00 AM	<b>155</b>
– Legal Issues in Outer Space	
<b>XI. Fourth General Meeting (contd.)</b> held on Wednesday, 11 September 2024, at 10:45 AM	<b>175</b>
– The Law of the Sea	
<b>XII. Fourth General Meeting (contd.)</b> held on Wednesday, 11 September 2024, at 01:30 PM	<b>197</b>
– Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine	

<b>XIII. Fourth General Meeting (contd.)</b> held on Wednesday, 11 September 2024, at 03:30 PM	<b>219</b>
– Asset Recovery Expert Forum	
<b>XIV. Fifth General Meeting</b> held on Thursday, 12 September 2024, at 09:00 AM	<b>235</b>
– Environment and Sustainable Development	
<b>XV. Fifth General Meeting (contd.)</b> held on Thursday, 12 September 2024, at 10:30 AM	<b>261</b>
– International Trade and Investment Law	
<b>XVI. Fifth General Meeting (contd.)</b> held on Thursday, 12 September 2024, at 1:30 PM	<b>281</b>
– Violent Extremism and Terrorism (Legal Aspects)	
<b>XVII. Fifth General Meeting (contd.)</b> held on Thursday, 12 September 2024, at 3:30 PM	<b>299</b>
– International Law in Cyberspace	
<b>XVIII. Third Meeting of Delegations of the AALCO Member States</b> held on Friday, 13 September 2024, at 09:00 AM	<b>315</b>
– Sixth Open-Ended Working Group (OEWG) on International Law in Cyberspace	
– Report of the Work of the AALCO’s Regional Arbitration Centres	
– Report of the Sub-Committee on Revision of Statutory Rules	
– Report of the Sub-Committee on Revision of Scale of Assessed Contribution	
– Report of the Chair of the Sixth Open-Ended Working Group (OEWG) on International Law in Cyberspace	
<b>XIX. Sixth General Meeting and Concluding Session</b> held on Friday, 13 September 2024, at 01:30 PM	<b>341</b>
– Adoption of Message of Thanks to the Host Government	
– Report of the Chairperson of the Drafting Committee	
– Adoption of Resolutions (Organizational, Administrative and Financial Matters)	
– Vote of Thanks by Asian Member States	
– Vote of Thanks by African Member States	
– Vote of Thanks by Observer States	
– Vote of Thanks by Observer International Organizations	
– Closing Remarks by the President of the Sixty-Second Annual Session of AALCO	
– Adoption of Summary Report of the Session	
<b>XX. Text of the documents adopted at the Sixty-Second Annual Session</b>	<b>355</b>
A. Text of the resolutions adopted at the Sixty-Second Annual Session	
– Krungthep Declaration;	
– Report of the Secretary-General on the Work of the Organization and Financial Matters of AALCO;	
– AALCO’s Budget for the year 2025;	
– Report on AALCO’s Regional Arbitration Centres;	
– Review of AALCO’s Statutory Rules	
B. Summary Report	
<b>XXI. List of Participants</b>	<b>389</b>



## PREFACE

The Afro-Asian community has played a significant role in international relations since time immemorial. Following the establishment of the United Nations and the wave of decolonization in the mid-twentieth century, the nations of Asia and Africa re-emerged as influential actors on the global stage. A landmark moment in this resurgence was the historic Bandung Conference, which brought together the political leadership of these two regions under the banner of solidarity, friendship and cooperation. The Bandung Conference sought to give practical expression to value-driven principles such as harmony and peaceful coexistence. Drawing on the language of justice and fairness, it aimed to promote the welfare of the vast majority of the world's population-many of whom resided in Asia and Africa.

It was against this backdrop that the Asian-African Legal Consultative Organization (AALCO) was established in 1956. Conceived as an advisory body and a platform for cooperation in the development of international law, AALCO was envisioned as an institutional mechanism to shape, construct, and lead the normative evolution of international legal thought and practice in the newly independent states of Asia and Africa. Its foundation was rooted in the shared ethos of justice, equality, and fairness.

The Organization's Annual Session serves as its highest decision-making body. Convened once a year, it brings together the Member States of AALCO in a plenary setting, providing a vital forum for dialogue, collaboration, and the articulation of diverse perspectives on contemporary issues in international law relevant to the Asian and African contexts.

This year, 39 Member States and 12 Observer Delegations actively participated in the deliberations and delivered statements on nine substantive topics, in addition to organizational and procedural matters. I take this opportunity to express my sincere gratitude to all our Member States for their unwavering support to the AALCO Secretariat, which greatly contributed to the successful convening of the Annual Session. I would like to extend my special appreciation to the Government of the Kingdom of Thailand for their warm hospitality and impeccable arrangements extended to all of us.

In my capacity as the Secretary-General of AALCO, I am immensely pleased and honoured to present to you the Verbatim Record of the Sixty-Second Annual Session of the Organization, held in Bangkok from 9 to 13 September 2024. This record is primarily based on the transcripts submitted for simultaneous interpretation by the Delegations participating in the Session. It has been carefully verified against the official audio-video recordings of the meetings to ensure accuracy and fidelity to the original statements delivered. The Verbatim Record stands as one of the foremost compilations of State practice within the Afro-Asian community on matters of international law, as directly articulated by its most important stakeholders - our Member States. The presentation of this document to our Member States and the broader international community marks a moment of considerable significance for the Organization.

The Verbatim Record of Discussions contains the full texts of statements delivered during the Inaugural Session, the three meetings of the Delegations of Member States, six general meetings, and the Concluding Session. Annexed to the Record are: the Summary Report of the Sixty-Second

Annual Session of AALCO, deemed adopted on 16 October 2024; the resolutions on organizational matters adopted during the Annual Session on 13 September 2024; a Message of Thanks on behalf of the AALCO Secretariat and participants; and the official list of participants in the Sixty-Second Annual Session of AALCO. In addition, and of particular significance, the Verbatim Record includes the Krungthep Declaration - a key outcome of the Sixty-Second Annual Session. This pivotal document reaffirms the collective commitment of Member States to the principles and objectives of AALCO, while highlighting the Organization's vital role as a forum for dialogue, cooperation, and joint action. Notably, the Declaration also underscores the importance of empowering young legal professionals to actively engage with emerging and pressing issues in international law, reflecting a forward-looking vision for inclusive and dynamic legal development.

I would like to place on record my deepest appreciation for Mr. Jun Yamada, Mr. Yong Zhu, and Dr. Ali Hasankhani, Deputy Secretaries-General of AALCO, for their invaluable support in making the Sixty-Second Annual Session of AALCO a memorable and successful event. I also wish to express my sincere gratitude to Dr. Shikhar Ranjan, Director; Mr. Kiran Mohan, Senior Legal Officer; Mr. Abraham Joseph, Legal Officer; Mr. Shujoy Mazumdar, Legal Officer; Dr. Sumi Pant, Legal Officer; Ms. Nuzhat Nasreen Islam, Legal Officer; Mr. Nihal Chand, Administrative Officer; Ms. Geetika Sharma, Head of Policy, Planning and Communication and Senior Private Secretary to the Secretary-General; Dr. Azizur Rahman, Arabic Translator; and the other dedicated staff members of the Secretariat. Their sincere efforts in the planning, organization, and execution of this Annual Session are deeply appreciated and commendable.

I sincerely hope that this document will serve as a valuable reference for the views and perspectives of Member States in the codification and progressive development of international law, particularly on important and emerging international legal issues.

With the continued guidance of the esteemed Presidency, I sincerely believe that our collaboration will continue to blossom and gently progress toward new milestones in 2025.

May the spirit of Bandung continue to nurture our unity and shared aspirations!

H.E. Dr. Kamalinne Pinitpuvadol  
Secretary-General, AALCO

## **I. AGENDA OF THE SESSION**



## **I. AGENDA OF THE SESSION**

### **I. Organizational Matters**

1. Consideration and Adoption of the Agenda and Tentative Schedule of Meetings
2. Election of the President and the Vice-President
3. Admission of New Members
4. Admission of Observers
5. Opening Speech of the President of AALCO
6. Report of the Secretary-General on the Work of AALCO
7. Release of AALCO Publications
8. Presentation of Draft Budget for the Year 2025
9. Report on the Work of the AALCO's Regional Arbitration Centres
10. Report of the Sub-Committee on Revision of Statutory Rules
11. Draft Report of the Sub-Committee on Revision of Scale of Assessed Contribution
12. Venue of the Sixty-Third Annual Session

### **II. Substantive Matters**

1. Select Items on the Agenda of the International Law Commission (ILC)
2. Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine
3. Environment and Sustainable Development
  - a. Recent Developments in International Law on Climate Change
4. International Trade and Investment Law
5. Asset Recovery Expert Forum
6. Legal Issues in Outer Space
7. The Law of the Sea
8. Violent Extremism and Terrorism (Legal Aspects)
9. International law in Cyberspace

### **III. Any Other Matter**

Sixth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace

### **IV. Side Events**

1. The Appeal of Private International Law through the Lens of the Apostille Convention
2. ISDS Reform from the Perspective of Developing Countries
3. Protecting Civilians against Digital Threats
4. Beyond the Adoption: Practical Ways Towards the Implementation of BBNJ Agreement



## **II. BUREAU OF THE SESSION**





## **II. BUREAU OF THE SESSION**

### **PRESIDENT**

**Her Excellency Mrs. Suphanvasa Chotikajan Tang**, Director-General of the Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand

### **VICE-PRESIDENT**

**His Excellency Mr. Kiryowa Kiwanuka**, Attorney-General, Ministry of Justice and Constitutional Affairs, the Republic of Uganda

### **SECRETARY-GENERAL**

**His Excellency Dr. Kamalinne Pinitpuvadol**

### **DEPUTY SECRETARIES-GENERAL**

**Mr. Yong Zhu**  
**Dr. Ali Hasankhani**

### **CHAIRPERSON OF THE DRAFTING COMMITTEE**

**Mr. Songchai Chaipatituyut**,  
Deputy Director-General,  
Department of Treaties and Legal Affairs,  
Ministry of Foreign Affairs,  
the Kingdom of Thailand



### **III. VERBATIM RECORD OF THE INAUGURAL SESSION**



### **III. VERBATIM RECORD OF THE INAUGURAL SESSION OF THE SIXTY-SECOND ANNUAL SESSION, HELD ON MONDAY 9 SEPTEMBER 2024 AT 10:00 AM**

**Master of Ceremonies:** Excellencies, ladies and gentlemen, we will begin our meeting shortly. We will start with the inaugural session and then followed by the first and second meeting of delegations of the AALCO Member States. Lunch break will be served between 1 to 2:30 PM and we will continue with the first and second general meeting in the afternoon.

Today's program will conclude with a dinner reception hosted by the Government of Thailand and we will begin our inaugural session this morning shortly. May I kindly invite every delegation to please be seated. Once again, our translation devices have already been placed on the table of your delegation. Kindly be reminded that channel D is for Arabic and channel E is for English. Kindly be seated please. Our meeting will begin very shortly. Thank you. Excellencies, ladies and gentlemen, our inaugural session will begin very shortly. Kindly be seated please.

Excellencies, distinguished delegates, ladies and gentlemen, a very good morning and warm welcome to the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization (AALCO) hosted by the Government of the Kingdom of Thailand. It is our privilege and it's such an honour to host an august gathering here today and we warmly welcome all of you to Bangkok. Ladies and gentlemen, at the very outset, please allow me to take this opportunity to extend our warmest welcome to all our guests of honour.

His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO. His Excellency Mr. Cahyo Muzhar, Deputy Minister of the Ministry of Law and Human Rights of the Republic of Indonesia, representing the President of the Sixty-First Annual Session of AALCO. Dr. Kumar Abhijeet, Legal Officer, Ministry of External Affairs of the Republic of India representing Her Excellency Mrs. Uma Sekhar, Additional Secretary, Legal and Treaties Division, Ministry of External Affairs of the Republic of India, and the President of the Sixtieth Annual Session of AALCO and Her Excellency Mrs. Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand. Ladies and gentlemen, since 1956 AALCO has played a vital role as a unique and major platform for Asian and African States to exchange views and consolidate their position in various fields of international law. And this year, under the theme of advancing the development of international law through Asian and African leadership, the Sixty-Second Annual Session of AALCO is hoped to set the agenda on the pressing legal matters of common concern. And we hope that this forum will ensure that the united voice of Asian and African countries will help advancing the progressive development and codification of international law.

Now without further ado, Excellencies, ladies and gentlemen, I have the honour to invite His Excellency Dr. Kamalinne Pinitpuvadol, our first Thai national serving as the Secretary-General of AALCO, to deliver his opening remarks. Your Excellency, the floor is yours.

**H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO:** Honourable Mrs. Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand and the Chief Guest of the Inaugural Session of the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization.

Excellency, Mr. Cahyo Muzhar, Deputy Minister, Ministry of Law and Human Rights of the Republic of Indonesia, in the capacity of the President of the Sixty-First Annual Session of AALCO. Advocate Shireen Said, Deputy Director-General, Department of Justice and Constitutional Development, Republic of South Africa on behalf of the Vice-President of the Sixty-First Annual Session of AALCO. Dr. Kumar Abhijeet, Legal Officer, Ministry of External Affairs of the Republic of India as President of the Sixtieth Annual Session of AALCO.

Excellencies, Distinguished Delegates, Ladies and Gentlemen A very good morning! *Swa Di Khap!* It is my privilege and honour to welcome this distinguished gathering to the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization (AALCO), held in Bangkok, the Kingdom of Thailand. I am mostly delighted to be here in my beloved mother country, Thailand at the occasion of the Annual Session of AALCO. I take this opportunity to join with Thai people to warmly welcome all of you.

I would like to express on behalf of the Organization and its Member States our profound gratitude to the Government of the Kingdom of Thailand for kindly hosting the Sixty-Second Annual Session of the AALCO in Bangkok. I am quite confident that our Sixty-Second Annual Session is going to be a great success and will remain in the memories of all of us as a historic one. I am also very hopeful that the Bangkok Session provides an opportunity to reflect on the role, functions and the great potential of AALCO in the years to come.

Excellencies, distinguished delegates, ladies and gentlemen, this is the third time that the Kingdom of Thailand is hosting the Annual Session of AALCO. The first session was held in 1966, the Eighth Annual Session and second in 1987 the Twenty-Sixth Session.

Since joining the Organization in 1961, Thailand has made tremendous contributions to the AALCO, both in substantive and administrative matters. In 1966 at the Eighth AALCO's Session held in Bangkok, AALCO had adopted a set of principles known as "the Bangkok Principles on the Status and Treatment of Refugees" which represent an exercise in progressive development of international law and is still regarded as one of the authoritative formulations in the field of international refugee law.

Prominent international law experts from Thailand also contributed to the work of AALCO on codification and progressive development of international. It is with great honour to mention the following. Honourable Professor Sompong Sucharitkul, a well-known Thai international lawyer at the United Nations in the 60's, 70's and 80's was appointed in 1966 by the Organization as Special Rapporteur to prepare the report on the specific points arising out of the International Law Commission's draft articles on the Law of Treaty.

His Excellency, Judge Kriangsak Kittichaisaree, Judge at the International Tribunal for the Law of the Sea serves as honourable member of the Eminent Persons Group (EPG) of the AALCO since 2012. Her Excellency, Ambassador Vilawan Mangklatanakul, Ambassador and Permanent Representative of Thailand to the United Nations Offices in Vienna and ILC Member served in capacity of the Vice-President of the Fifty-Sixth Annual Session of AALCO, 2017 in Nairobi, Republic of Kenya. Professor Vitit Muntarbhorn, international human rights expert and Professor of Law at Chulalongkorn University, has been a panellist for the AALCO's events on several occasions. I take this opportunity to convey my sincere gratitude and deepest thanks to all of them.

In terms of administrative matters, Thailand has kindly supported me for my candidature for the position of Secretary-General of AALCO to manage and lead this Organization and provided me full support during my tenure, I would like to take this opportunity to convey once again my profound gratitude to Thailand for giving me this great opportunity and also to all Member States for the trust that has been bestowed upon me with this esteemed position.

Excellencies, distinguished delegates, ladies and gentlemen over the past 68 years, our Organization has grown from 7 founding Member States to 48 Member States, with Burkina Faso joining us as our newest Member in March of this year. I take this opportunity to warmly welcome Burkina Faso to the Organization. *Vous êtes les bienvenus pour rejoindre l'AALCO.*

The progressive development of international law and its codification is the *raison d'être* of AALCO. The Organization has, in over sixty-eight years of service to the Asian-African States, played a critical role towards the emergence and concretization of a number of alternative ideas and practices in the field of international law reflecting the concerns of the countries of the Global South. Since its inception, AALCO has played a crucial role in upholding the rule of law in international law-making process through the codification and development of international law across the Afro-Asian region. AALCO has also been extremely productive in generating the rule of law on new international norms. In particular, it has made a great contribution to development of new regimes of international law, such as Diplomatic Law, Law of treaties, Law of the sea, Human Rights and treatment of refugees.

AALCO has been evolving as an innovative institution with duality of functions: as a platform for legal consultations and a framework to collaborate with the United Nations International Law Commission and legal advisers of Member States mainly working with the Sixth Committee of the United Nations, on issues of international law of common concern to Member States. There are some challenges facing AALCO and its future vision that I would like to point out the following issues:

Firstly, Enhancing Outreach and Visibility of AALCO: Since its inception, AALCO has played a pivotal role in facilitating the codification and progressive development of international law. As the only Organization of its kind seeking to bring together the diversity of Asia and Africa for the global development of international law. AALCO could have a more influential role in the codification and the progressive development of international law by promoting global governance based on principles of the United Nations Charter that underpins peace and prosperity in the changing times we live in. There is a need for AALCO to be more actively involved in global law-making processes.

In addition, the Organization also needs to involve the younger generation of legal professionals deepening their knowledge about the Organization, its role and significance in the international law arena. This will help them to understand international legal framework and build on AALCO's legacy for the future.

Secondly, interactions with United Nations and other International Organizations: Strengthening interactions with the United Nations and other international bodies is crucial for enhancing AALCO's role and collaborative efforts. AALCO has entered into Cooperation Agreements with more than 30 Organizations and continuously strives to collaborate with them by way of joint activities, capacity building programmes, training sessions, seminars to promote knowledge sharing for the Member States and improve upon the existing work of the Organization. It is also pertinent to enhance interactions with the International Law

Commission (ILC) and the legal advisors of AALCO's Member States, particularly those involved with the Sixth Committee of the United Nations. The Organization has also enhanced efforts to strengthen cooperation with the United Nations' specialized agencies and other international organizations such as UNCITRAL, UNIDROIT, the HCCH, ICRC as well as including sister organizations such as African Union Commission on International Law (AUCIL) and Committee of Legal Advisers on Public International Law the *Comité ad hoc des Conseillers juridiques sur le droit international public du Conseil de l'Europe*, or CAHDI.

Thirdly, Increasing Member States Engagement: AALCO aims to enhance cooperation and active participation among its Member States. It is important that AALCO engages with them actively through their participation in AALCO's activities and encourages meaningful contributions from them. This could be by way of exchange of views, experiences and information on legal matters of common concern. AALCO has 20 topics of international law on its work programme and is committed to work towards engaging Member States by preparing documentations to update them on the current issues in International law, convene workshops, seminar, discussions and lectures by international experts for the benefit of the Member States.

Fourthly, AALCO as a Legal Forum and a Legal Advisory Body: The Organization is mandated to assist the Member States on any legal problems on which they may refer to AALCO, by compiling and furnishing to them the relevant data and information in the form of special studies, research papers etc. The Secretariat can also provide appropriate advice and recommendations on specific legal issues facing the States. Therefore, the Member States are encouraged to leverage on these AALCO roles to address specific legal challenges and contribute to international legal framework within the Asian and African region.

Fifthly, Harmonization of International Legal Matters: It should be recalled that the Member States had adopted in the Forty-Eighth Annual Session held in Malaysia in 2009, the historic Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization. The Declaration reaffirmed that AALCO remains the main centre for harmonizing the action of the Asian-African States in international legal matters. Harmonization of international legal matters is an objective which could be achieved in the form of common legal instruments such as model laws, model treaties etc. The Secretariat has developed a model investment agreement in 1985 to assist the Member States in the negotiations of Bilateral Investment Treaties (BITs). The Secretariat has also been directed in 1997 to study the utility of drafting a model legislation on the legal protection of Migrant Workers within the framework of the 1990 United Nations Convention on the Protection of the Rights of the All Migrant Workers and Members of their Families. AALCO also works closely with other international Organizations that specialize on the harmonization of law, especially with the HCCH, UNCITRAL and UNIDROIT. The Organization should develop a greater role in this matter.

Lastly, Financial Resources: A sound financial system is essential for the Organization's operation. The Secretariat makes continuous efforts to encourage the Member States in arrears to fulfil their financial obligations. Additionally, the Member States have also provided Voluntary Contribution in order to facilitate joint activities with AALCO in line with the Work Programme of the Organization.

Excellencies, distinguished delegates, ladies and gentlemen, the Annual Session is the plenary organ of the Organization. It provides a unique platform for the Member States to deliberate



upon international law issues, which are of particular relevance for the two regions and to also come with concrete proposals and suggestions.

Over the course of the upcoming five-days, the Session will be deliberating upon various topics of contemporary relevance in international law, which reflect the concern of our Member States and will form part of our substantive agenda. Besides the organizational matters, we are expected to go through a comprehensive agenda covering a range of significant topics namely:

“Report on the Matters relating to the Work of the International Law Commission” , “Violations of International Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine”, “The Law of the Sea”, “Environment and Sustainable Development with focus on Recent Development in International Law on Climate Change”, “International Trade and Investment Law”, “Asset Recovery Expert Forum”, “Legal Issues in Outer Space”, “Violent Extremism and Terrorism (Legal Aspects)”, and “International Law in Cyberspace”.

On the topic of Matters relating to the Work of the International Law Commission, I have pleasure to inform that there are ILC Members who have accepted to deliver keynote remarks on the work of the ILC, which will set the tone for our deliberations. I take this opportunity to convey my sincere thanks to Ambassador Nguyen Hong Thao, Professor Masahiko Asada, Her Excellency Ambassador Vilawan Mangklatanakul and Professor Pheobe Okowa for kindly attending this Session in person and to Professor Bimal Patel, Professor Alioune Sall and Professor Martins Paparinskis for joining us through their recorded video.

In addition, it is a pleasure to have His Excellency, Judge Kriangsak Kittichaisaree, Judge at the International Tribunal for the Law of the Sea to whom I convey my sincere gratitude for delivering keynote remarks on the topic of the Law of the Sea via a recorded video.

During the course of the Annual Session, we will also host a number of side events in which I greatly encourage all delegates to participate.

Excellencies, distinguished delegates, ladies and gentlemen as we engage in discussions over the coming days, let us remain mindful of the Bandung Spirit of solidarity, friendship and cooperation as our commitment which continues to guide the Organization’s work.

In conclusion, I extend my heartfelt gratitude to each one of you for your presence here today, all Honourable Ministers, their Excellencies, the Ambassadors and the Delegates, the ILC Members, the Directors of AALCO Arbitration Centres and Observers, who have come to this Annual Session from far and near. I am confident that we would have fruitful exchange of views and experiences during the course of the Annual Session. Once again, I would like to express my heartfelt thanks to the Ministry of Foreign Affairs of the Kingdom of Thailand for its unwavering support and for hosting this year’s session. I convey my special appreciation to the Department of Treaties and Legal Affairs and the Organizing Committee for the excellent arrangements, the efficient functioning of our session and the warm hospitality.

A special thanks is also due to my team, the AALCO Secretariat for the hard work and meticulous preparation carried out by the entire team to make this Annual Session as perfect as possible. I sincerely hope for a successful and productive Annual Session and unforgettable one for us as has always been the case in the past. Thank you!

**Master of Ceremonies:** Thank you very much Your Excellency. Excellencies, ladies and gentlemen, I now have the honour to invite His Excellency Mr. Cahyo Muzhar, Deputy Minister of the Ministry of Law and Human Rights of the Republic of Indonesia, to deliver his opening statement on behalf of the President of the Sixty-First Annual Session of AALCO.

**Mr. Cahyo Muzhar, Deputy Minister of the Ministry of Law and Human Rights of the Republic of Indonesia on behalf of the President of the Sixty-First Annual Session of AALCO:** A very good morning to all of us. *Assalamualaikum warahmatullahi wabarakatuh*. Her Excellency, Ms. Teresa Cheng of the People's Republic of China, President of the Fifty-Ninth Annual Session of AALCO, Dr. Kumar Abhijeet, on the behalf of the Republic of India, President of the Sixtieth Annual Session of AALCO, Secretary-General of AALCO, a very close and best friend, His Excellency Kamalinne Pinitpuvadol, Her Excellency Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand.

Excellencies, distinguished delegates, observers, ladies, and gentlemen, I am honoured and privileged to stand before you today as President of the Sixty-First Session of the Asian-African Legal Consultative Organization (AALCO). Let me begin by extending my heartfelt gratitude to the Government and the people of the Kingdom of Thailand for their warm hospitality and excellent arrangement.

Let me express also my profound gratitude to the Secretary-General of AALCO and his team for the support and tireless contribution made to ensure the successful convening of the Indonesian Presidency. Of course, we have seen the commitment and the full support rendered to the Government of Indonesia during Indonesia's Presidency. And also, we have achieved quite a successful event, the side event that we organized in New Delhi together with the Secretariat of AALCO in Asset Recovery. That was a very successful event and I hope that agenda could have a continuous discussion and garner support from all AALCO Member States.

Excellencies, ladies and gentlemen, as a one-of-a-kind organization representing our two continents, AALCO's role in the development and codification of international law cannot be overstated.

As an Organization that brings together the voices of Asian and African nations, AALCO has consistently demonstrated its commitment to promoting the rule of law, fostering international cooperation, and addressing the unique challenges faced by our regions.

As the Secretary-General rightly mentioned in his opening statement, I think it is high time for us Asian-African Member States to play an important and significant role in shaping international law and setting down precedents and also ensuring that we play an important role, that we contribute in the setting of international law and international precedents I think that's why we are here for.

We would like to, of course, hear ideas and also strategies from Member States of AALCO in order for us to be able to play a more important role in shaping the international law and also all of the legal products that in the past have been established or preceded by practices of the West.

Indonesia also attaches great significance to AALCO as a platform for Asian and African nations to deliberate on legal issues of mutual interest. We were deeply honoured to host the

Sixty-First Annual Session, marking the third occasion for Indonesia to have this very privilege.

The presence of His Excellency Mr. Ma'ruf Amin, the Vice President of the Republic of Indonesia, who delivered special remarks during the Sixty-First session, underlines the significance that Indonesia places on AALCO and its role in fostering legal cooperation and understanding among its Member States.

Excellencies, ladies and gentlemen, let me use this opportunity to highlight that during the Sixty-First Session, new agenda items were added to the AALCO agenda, namely, Asset Recovery Expert Forum proposed by Indonesia and Legal Issues in Outer Space proposed by India. This reflects AALCO's agility to a changing world, changes in which Asian and African nations have to navigate and steer, than the other way around.

In this regard, I would like to highlight the Inter-Sessional Meeting on Asset Recovery Expert Forum, titled "Best Practices of Recovering Stolen Assets from Asian and African Countries," which was jointly organized by the AALCO Secretariat and the Government of the Republic of Indonesia, in New Delhi in June this year.

The meeting was a crucial follow-up to the discussions held during the Sixty-First Annual Session, where Indonesia proposed the establishment of an Asset Recovery Expert Forum. This meeting discussed the modalities of the Forum to be established and highlighted the importance of international cooperation in combating corruption and ensuring the recovery of stolen assets.

I think Asset Recovery has always been the concern of Asian and African States. If I may go a little back with the reasoning or the aim why we decided to propose the Asset Recovery Expert Forum, it's because that, to the best of Indonesia's knowledge, asset recovery forums or bodies or communities are mostly, or if I may say, all of them are established by Non-Asian African countries.

And the regional forums that exist now are in Europe and the continent of America whereby their intention or their aim are actually to assist countries in recovering proceeds of crime, proceeds of corruption and money laundering. We, Asian-African countries, where most asset recovery cases are faced by Asian-African countries, should have an asset recovery forum. That asset recovery forum will serve as meeting, platforms for Asian-African countries to discuss strategies, share experience based on the successes of Asian-African countries in recovering stolen assets.

So is this for the purpose of getting back, recovering stolen assets from Asia and Africa? Probably later on it would extend to more just recovering assets from corruption, from money laundering or from drugs trade. Probably later on we would be able to establish forums that are aimed at getting back stolen assets that are taken out from our countries during the colonial period. I think that is very important.

Indonesia is one country that is still fighting and struggling to get our cultural heritage from our former colonials. So this is a forum that I think would also be worth considering to establish in the future. I also would like to highlight the initiation of the Agenda of Legal Issues in Outer Space by the Republic of India at the Sixty-First Annual Session in Bali.

While not all AALCO Member States are space-faring nations yet, the agenda is of utmost importance to share perspectives of Asian-African countries, especially considering that outer space is a common heritage of mankind. We have exchanged our views on the agenda and I can confidently say that our interest, while diverse, is a common one. That is that the utilization of outer space should be based on best interests, not of a nation or a group of nations, but of all mankind.

I personally look forward to our continued deliberation on this agenda. We should not always be overtaken by the West. If you may recall times where developed countries extracted their natural resources, burned down, cut down their forests. Nobody complained. We Asian-African countries never complained. When they reached a certain economic convenience, then they started to look at Asian-African countries and say, look, you should preserve your forest, you should preserve your environment, and we are always overtaken by them.

This is also with regard to the use of outer space. We have to anticipate that all of Asian-African nations will be in the future, at one point, be needing the slot in outer space. Let's look into the issue. Let's discuss this seriously, because this is the future of Asia and Africa as well. We don't want them to say one day, look, you have to pay for the slot. So I think Asian-African countries would have to look into this seriously and to fight for our right in outer space.

I am confident that the Sixty-Second Session of the Organization will be a resounding success, as we have a comprehensive agenda of substantive topics to deliberate upon, including newly introduced subjects such as legal issues in outer space and the establishment of an asset recovery forum, as I mentioned before. The expertise and insights of the distinguished delegates gathered here today will undoubtedly contribute to meaningful discussions and outcomes that will shape the future of international law and cooperation.

Finally, let me reiterate my gratitude to the Kingdom of Thailand and its government for their warm hospitality, and to all the distinguished delegates for their participation and contributions.

I am confident that under the able leadership of the incoming president of AALCO, this very important Organization will continue to thrive and make significant contributions to the field of international law and to the welfare of Asian-African nations. Thank you, and I wish you all a successful and productive session. *Wassalamu 'alaikum warahmatullahi wabarakatuh*.

**Master of Ceremonies:** Thank you very much, Your Excellency, ladies and gentlemen, I have the honour now to invite Dr. Kumar Abhijeet, Legal Officer of the Ministry of External Affairs of India, on behalf of the President of the Sixtieth Annual Session of AALCO, to deliver the welcoming address.

**Dr. Kumar Abhijeet, Legal Officer, Legal & Treaties Division, Ministry of External Affairs, Republic of India on behalf of the President of the Sixtieth Annual Session of AALCO:** Her Excellency Mrs. Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand.

His Excellency the President of the Sixty-First Annual Session of AALCO, Republic of Indonesia, represented by Mr. Cahyo Muzhar, Deputy Minister of Law and Human Rights. Her Excellency Shireen Said, Deputy Director-General, Constitutional Development Branch, representing the Vice-President of the Sixty-First Session and His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO.

Honourable Ministers, Attorney-Generals, distinguished delegates, ladies and gentlemen. I think the welcome address has already been given by our Secretary-General, and I will be here to just speak the vote of thanks on behalf of my President. It is indeed a privilege and honour on behalf of the Republic of India, the President of the Sixtieth Annual Session of AALCO, to deliver the vote of thanks.

Over the 67 years, the Annual Session of AALCO has stood out as an opportunity for Asian and African States to exchange views on matters of international law of common interest in a free and open manner. Today, AALCO occupies an eminent position in the international legal community, not only as an international organization engaged in study of contemporary international law issues, but also as an advisory body to its Member States. In this process, AALCO has emerged as the only intergovernmental organization that voices on matters of international law, with the aim to ensure the reflection of Asian and African States' views in the codification and progressive development of international law.

Excellencies and distinguished delegates, India, not only as a founding member, but also as a host country of the headquarters of AALCO, was honoured to serve as its Sixtieth President, holding the presidency for the year 2022-2023. I express my gratitude to the Member States and AALCO Secretariat for rendering their support in successfully completing the Presidency of the Sixtieth Annual Session of AALCO.

Excellencies and distinguished delegates, I express my sincere thanks to Her Excellency Mrs. Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand, for sparing her precious time and being with us in this inaugural session. I also wish to take this opportunity to express my appreciation to the President of the Sixty-First Annual Session of AALCO for the work done over the past year. I thank you for highlighting the role of the Asset Recovery Forum and also the topic introduced by India. I agree with you that yes, when almost nothing is left for digging down, we are looking up, and it's time we should think about what should be the rules for exploiting these resources.

I would also like to take this opportunity to express my immense appreciation to the exceptional role played by His Excellency Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO. His diligent management and effective conduct of the AALCO Secretariat's affairs have been pivotal. We thank him for highlighting the challenges of AALCO in his inaugural address today there, and we look forward to the Member States' effective contribution to address those challenges.

I extend my appreciation to the Secretary-General, the Deputy Secretaries-General, and all the officials of the Secretariat for their dedicated and effective service. On behalf of the Member States of AALCO, I extend my heartfelt gratitude to the Government of the Kingdom of Thailand for graciously hosting the Sixty-Second Annual Session of AALCO here at Bangkok. I thank them for all their untiring efforts and for the excellent arrangement made for this significant event.

Let me conclude by profusely thanking the Honourable Ministers, Attorney-Generals, Heads of Delegations, Distinguished Delegates, and Observers for gracing this occasion with their benign presence, and I foresee their active participation in all our deliberations. Thank you very much. Thank you all.

**Master of Ceremonies:** Thank you very much, Dr. Abhijeet, for the heartfelt vote of thanks to begin our session today. Excellencies, ladies and gentlemen, I have the honour now to invite Her Excellency Mrs. Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand, to deliver the inaugural address for the Sixty-Second Annual Session of AALCO.

**Her Excellency Mrs. Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand and Chief Guest:** Excellencies, Dr. Kamalinne Pinipuvadol, Secretary-General of AALCO, Mr. Cahyo Muzhar, Deputy Minister of Law and Human Rights of the Republic of Indonesia, on behalf of the President of the Sixty-First Annual Session of AALCO. Dr. Kumar Abhijeet, Legal Officer, Ministry of External Affairs of the Republic of India, on behalf of the President of the Sixtieth Annual Session of AALCO. Honourable Ministers, distinguished delegates, ladies and gentlemen, good morning to you all and *sawatdee ka*. It is my honour and pleasure to welcome you all on behalf of the Minister of Foreign Affairs of Thailand to this Sixty-Second Annual Session of the Asian-African Legal Consultative Organization in Bangkok.

Since AALCO's inception in 1956, the international community has navigated critical junctures in history, overcoming disputes and division through reconciliations, diplomacy and dialogue. And through times of adversities, one can say that international laws have been our first and final lines of defence. Then and now, we believe that AALCO and its Member States have always remained resolute in our conviction and commitment to the principles of solidarities, friendships and cooperation.

And today, Asian and African voices are key to shaping the norms and principles that govern the international communities, such as equities and non-intervention. And from our interactions with agendas of the International Law Commissions to our active participation in the United Nations General Assembly, as has been mentioned earlier by our Secretary-General, we have championed the same principles that have endured since the Bandung Conference through AALCO and other platforms. Our contributions have been especially important in ensuring that international laws reflect the realities and aspirations of all nations, not just the most powerful.

And in each Annual Session, we have discussed and deliberated ways to make the international system more inclusive, more just, and more responsive to the needs of the developing world. Despite our diverse history, backgrounds, perspectives, and legal systems, we are nations united by our collective contemplations and commitments to the path of peace. That is, after all, the bedrock upon which the Bandung spirit is built, without which international law would be shifting sands.

It is with these principles in mind that Thailand is proud to have hosted the AALCO Annual Session twice before, in 1966 and 1987, and to be hosting the Sixty-Second Annual Session of AALCO for the third time this year, with the underlying concept of advancing the development of international law through Asian and African leadership. Through AALCO, we have been able to engage and exchange views with our Asian and African partners on the most timely and pressing legal issues of our times. Together, we can come up with innovative solutions for various security and socio-economic challenges, such as cyber-security, armed conflicts, trade protectionism, and climate change, not just to mention organizational challenges as mentioned earlier by our Secretary-General as well.

Indeed, we are in dire need of collective actions, even closer cooperation to meet these challenges and threats. This Annual Session provides a timely opportunity for AALCO and its Member States to advance the normative development of international law to meet these contemporary challenges. The Bangkok Principles on Refugee Protection, developed during the Eighth Annual Session of AALCO in 1966, are a seminal contribution to international law in the field of refugee protection.

Now as then, AALCO can drive common consensus towards the formation of such robust and inclusive deliverables, be it on integrations of environmental protections and sustainable development into global governance or fostering rule-based trading systems. It is my sincere hope that this Annual Session will produce an outcome that is as equally tangible and meaningful. The privilege to host this session is a symbol of our unwavering support not just for AALCO, but also for international organizations and international law at large.

As a founding member of ASEAN, Thailand is a staunch proponent for international organization as a platform for cooperation. We are an active member of the United Nations Commission on International Trade Law, advocating for, among other things, the establishment of an Advisory Centre on International Investment Dispute Resolution to meet the urgent needs of developing states in obtaining assistance with regard to investment disputes. Furthermore, our continued commitment to upholding the rule of law is demonstrated by our esteemed Thai nationals serving in the International Tribunal for the Law of the Sea and the International Law Commission. And of course, we are proud to also have a distinguished Thai lawyer serving as AALCO Secretary-General.

As we begin the Sixty-Second Annual Session, I am confident that the next few days will be filled with fruitful dialogue. It is my hope that the deliberations will be useful for AALCO and its Member States to build a strong and united voice for our regions to face the emerging challenges that confront us in the international legal landscape.

So let us renew our commitment to AALCO and carry onwards with shared hope in the strength of multilateralism and rule of law and trust that the work we do here will have a lasting impact on the future of international law and well-being of our nations. Finally, I would like to express my appreciation to the AALCO Secretariat and all the participants for your commitment to the work of AALCO. And I wish you all a productive session and enjoyable stay in Thailand. Thank you very much. *Sawasdee ka.*

**The Inaugural Address of the Chief Guest was followed by a group photo and a cultural performance by the Suanplu Choir of the Kingdom of Thailand. The Inaugural Session concluded thereafter.**





**IV. VERBATIM RECORD OF THE FIRST  
MEETING OF DELEGATIONS OF THE AALCO  
MEMBER STATES**



#### **IV. VERBATIM RECORD OF THE FIRST MEETING OF THE DELEGATIONS OF THE AALCO MEMBER STATES HELD ON MONDAY, 9 SEPTEMBER 2024 AT 11:30 PM**

**Master of Ceremonies:** Excellencies, distinguished guests, ladies and gentlemen, welcome back. I hope that you all have enjoyed the coffee break and also have taken the opportunity to visit our exhibitions which are located outside. We will now continue our agenda with the first meeting of delegations of the AALCO Member States.

I have the honour to hand over the floor for this agenda item to His Excellency Mr. Cahyo Muzhar, Deputy Minister of the Ministry of Law and Human Rights of the Republic of Indonesia on behalf of the President of the Sixty-First Annual Session of AALCO to further conduct the meeting. Excellency, the floor is yours.

**Mr. Cahyo Muzhar, Deputy Minister of Law and Human Rights of the Republic of Indonesia on behalf of the President of the Sixty-First Annual Session of AALCO:** A very good morning to all of us, Excellencies, ladies and gentlemen.

It is wonderful to welcome all the delegations of the Member States and Observers to AALCO's Sixty-Second Annual Session. I would like to call the first meeting of delegations of AALCO Member States to order. We will be going through some Organizational, Administrative, and Financial matters.

The first item is the adoption of the provisional agenda and tentative schedule of meetings and events. These documents were circulated earlier by the Secretariat. I hope everyone, each of the delegations, each of you has already received the provisional agenda and tentative schedule of meetings and events.

The provisional agenda is placed before all the Heads of Delegations for adoption. It needs to be mentioned that the provisional agenda has been finalized in consultation with the Member States. We also have nine substantive topics, namely: "Report on matters related to the work of the International Law Commission, or ILC, at its seventy-fifth session."

The next one, "Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine". Third, "Environment and Sustainable Development: Recent development in International Law on Climate Change as proposed by the Kingdom of Thailand"

Four, "International Trade and Investment Law". Five, "Establishment of Asset Recovery Expert Forum". Six, "Legal Issues in Outer Space".

Seven, "the Law of the Sea" as proposed by the Kingdom of Thailand. Eight, "International Terrorism" proposed by the Islamic Republic of Iran. Nine, "International Law in Cyberspace" proposed by the Islamic Republic of Iran.

I understand that the Secretary-General has discussed and reached consensus on the provisional agenda with the Heads of Delegation of the Member States yesterday at the informal meeting of Head of Delegations. If there are no further comments, then we shall consider as adopted the agenda and schedule of meetings and events. Thank you.

If everyone agrees, if all Member States agree to the proposed agenda items as I have just elaborated before, then we consider that it is adopted. The next agenda item is admission of new Member States. I would like to invite the Secretary-General, Excellency Dr. Pinitpuvadol, to brief us about this issue. Please, Excellency.

**Secretary-General:** Regarding the new Member State, the Burkina Faso joined the Organization since March this year. So we greatly welcome the Burkina Faso to the Organization as the forty-eighth Member State of the Organization.

**Chair:** Thank you. Thank you, Secretary-General. May I now request the distinguished Head of Delegation of Burkina Faso to say a few words on this momentous occasion, if they so wish. The delegation of Burkina Faso may have the floor.

**The Head of the Delegation of Burkina Faso:** Yeah. Can I say it in French? Is it possible or not?

**Chair:** Well, of course, you can say in French, but unfortunately, it could only be understood by the Francophone because we don't have any interpretation at present.

**The Head of the Delegation of Burkina Faso:** Oh, okay. Thank you so much. Thank you. Mr. President, Mr. Secretary-General of AALCO, first of all, I have to thank a lot to the Kingdom of Thailand, and it is an honour for me to be here. Last year at the Sixty-First Session, AALCO session in Indonesia, in Bali, Burkina Faso was there, and after this session, it decided to submit its candidature in order to be a State Member of this great and strong international organization looking on international law. It is an honour for me to greet all of you, all the States Members, and to say Burkina Faso is a little country in the middle of West Africa, with 25 million inhabitants.

We are at the centre of West Africa, and this time, joining this Organization, we are confident at the strong words said by the Secretary-General, the President himself, during your speech. What are the main ideas for Burkina Faso from joining this Organization? It is solidarity. It is friendship. It is cooperation. We are facing a lot of problems at this time, mainly the terrorism situation that maybe everyone knows. We are the country mainly on this problem of terrorism, and through this Organization, we hope to have from you all the solidarity of all the Member States of this Organization.

We face also a humanitarian situation. More than 2 million people are going here and there in Burkina Faso because of terrorism. They don't have any villages.

They don't have any places to stay. It is a very serious situation, serious issue for us. The Burkina Faso Government, by my voice, want to request from this Organization all kind of support.

It's a pleasure for me also to thank all the State Members of this Organization and to thank again the Government of Thailand. Thank you.

**Chair:** Thank you, Excellency, the Head of Delegation of Burkina Faso. You have demonstrated and expressed the importance of this Organization, and also you have a very specific course in joining this Organization and your expertise in counterterrorism and in the fight against terrorist financing. I think we can, all of the African and Asian nations, share our respective experience in fighting this heinous crime. Thank you again.

Let's give a round of applause to Burkina Faso who has just joined us as a Member of AALCO. Thank you. I see no other State is applying for new membership at this Session, so this agenda item is concluded.

The next agenda item is admission of Observers. I have been informed that some Non-Member States and some International Organizations have requested to attend this Annual-Session as Observers. Now I request kindly the Secretary-General to read out the list of Observers.

**Secretary-General:** Thank you, Mr. President, Excellencies, ladies and gentlemen. Regarding Observer States, we have Mali, the Russian Federation, and Uzbekistan. In terms of Observer Organizations, we have the United Nations Environment Program or UNEP. We have the Hague Conference on Private International Law, the HCCH. Also we have the UNCITRAL, Regional Centre for Asia and the Pacific. We have the International Committee of the Red Cross, ICRC. We have the Asian Academy of International, AAIL, and we have the Permanent Court of Arbitration, or PCA. Thank you, Mr. President.

**Chair:** Thank you, Mr. Secretary-General, Excellency. As the Secretary-General has just read out the list of Observer States and International Organizations, are there any objections to their participation? I see none. Let us admit them as Observers to the Sixty-Second Annual Session of AALCO. Allow me to welcome them.

The next item is the election of the President and the Vice-President for the current session. We will first take up election of the President for the current session. On this agenda, it is the practice of the Organization to hear nominations for the Presidency.

May I inquire if there is any delegation wishing to nominate the Presidency for the Sixty-Second Session of AALCO? I see China has raised the flag. Please, distinguished Head of Delegation of China, you may have the floor.

**The Head of the Delegation of the People's Republic of China:** Thank you, Mr. President. China would like to propose Mrs. Suphanvasa Chotikajan Tang from Thailand to take the position of the President for the Sixty-Second Annual Session of AALCO. Thank you.

**Chair:** Thank you, distinguished Head of Delegation of China. Thank you for the nomination. Thank you. Any other voice from the floor? Tanzania, please, you may have the floor.

**The Head of the Delegation of the United Republic of Tanzania:** Mr. President, the United Republic of Tanzania seconds the proposal made by the People's Republic of China of nominating Madam Suphanvasa Chotikajan Tang to be elected as the President of the Sixty-Second Session of AALCO.

**Chair:** Thank you for the second nomination of the President. I think if we were all given time, all of us would nominate Thailand as the President of AALCO. So, with that in mind, let us congratulate Her Excellency Madam Suphanvasa Chotikajan Tang, the Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand, for her election as the President of the Sixty-Second Annual Session. Thank you dear colleagues, ladies and gentlemen, we now turn to the election of the Vice-President of the Sixty-Second Annual Session of AALCO.

May I inquire if there is any delegation wishing to convey nomination for the position of the Vice-President? Yes, the distinguished delegate from India, you may have the floor.

**The Head of the Delegation of the Republic of India:** Thank you, Mr. President. India would like to propose the Head of the Delegation and Attorney-General of the Republic of Uganda, Honourable Kiryowa Mugambe Kiwanuka, as the Vice-President of the Sixty-Second Annual Session. Thank you.

**Chair:** Thank you. Thank you very much, the Delegation of India. Is there any other delegation wishing to second the nomination as proposed by the distinguished Head of Delegation of India? Palestine.

**The Head of the Delegation of the State of Palestine:** State of Palestine second the nomination made by the Delegation of India. Thank you.

**Chair:** Thank you very much, the Head of Delegation of the State of Palestine, Excellency. Excellencies, ladies and gentlemen, Heads of Delegations, I think we would like to take this occasion to congratulate Honourable Kiryowa Mugambe, the Attorney-General, Minister of Justice and Constitutional Affairs of the Republic of Uganda as Vice-President of this Session. Please give a round of applause.

That concludes my mandate as the President of the Sixty-First Annual Session. Now I invite the newly elected President and Vice-President of the Sixty-Second Annual Session to the podium. I also request our new President to make an opening statement.

After the elections, Indonesia will step down as the President of the Conference and hope that the work will continue with the leadership, with the able leadership of the new President and the Vice-President. Thank you very much.

**Master of Ceremonies:** Excellencies, distinguished guests, ladies and gentlemen. Now we will continue our agenda with the second meeting of Delegations of the AALCO Member States. I have the pleasure now to give the floor to Her Excellency, Mrs. Suphanvasa Chotikajan Tang, the President of the Sixty-Second Annual Session of AALCO to launch the meeting. Excellency.

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO:** Good afternoon, Excellencies, Dr. Kamalinne Pinitpuvadol, Secretary-General, distinguished delegates, ladies and gentlemen. It is my distinct privilege and pleasure to welcome you again to Thailand and, of course, to be hosting the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization. Your presence here today is a testament to the enduring bonds of friendship, cooperation, and solidarity that bind our two regions together.

I would like to take this opportunity to thank all the Member States for participating in this Annual Session and for electing me as President. It is my honour to preside over this important meeting, and during the course of my presidency for the coming year, it will be a great privilege to contribute towards promoting the role of AALCO and deepening cooperation among Asian and African nations on international law matters. I also extend my congratulations to Mr. Kiryowa Kiwanuka, Attorney-General, Ministry of Justice and Constitutional Affairs of Uganda, for being elected as Vice-President and look forward to our working together to ensure the success of this Annual Session.

I also pay my compliments to the outgoing President and Vice-President for their exemplary leadership. Moreover, I would like to take this opportunity to express my sincere appreciation to my fellow Thai Secretary-General, Dr. Kamalinne Pinitpuvadol, and the AALCO Secretariat for their excellent preparations of the meeting, their tireless efforts, and unwavering commitment contributing to the successful Organization of this Annual Session and for the continuing work of AALCO. Their efforts have contributed greatly to the important endeavour of promoting the role of AALCO and its Member States in the promotion of international law.

Excellencies, Siam, as Thailand was known then, was one of the few Asian countries to participate in a historic meeting to establish the Permanent Court of Arbitration, which celebrated its 125<sup>th</sup> year this past June. Since then, we have never lost sight of our mission to advance the development of international law through AALCO and elsewhere.

From our recent submission of a written statement to the International Court of Justice on obligations of states with respect to climate change to our readiness to host this Annual Session, we have always placed great importance on ensuring that international law reflects the perspectives of Asian and African states.

As an international organization representative of Asia and African nations, AALCO has a unique role in shaping international law to reflect our diverse regional perspectives and practices. This is especially important as our interconnected international legal order faces issues of common concern for all of humanity, such as climate change and cyber-security. Facing such critical challenges and building back better must be done on the bedrock of international law that is inclusive, just, and equitable.

AALCO is the forum to do so by shaping and setting norms forged among friends. This is the work that lies ahead for us in this Annual Session. The work program adopted by the Heads of Delegations yesterday shows that over the coming five days, we shall be deliberating upon some of the most pressing challenges in international law today that our two regions view as important.

From the work of the International Law Commission to the Asset Recovery Expert Forum, from discussions on outer space to complexities of international trade and investment law, our agenda is both significant and urgent. We will address timely issues such as the law of the sea, climate change, international terrorism, international law in cyberspace. Lastly, I encourage all delegates to participate in the four side events organized by the Government of the Kingdom of Thailand.

These side events focus on key areas of international law, namely reform of investor state dispute settlement or ISDS reform, private international law and the Apostille Convention, international humanitarian law towards the of civilians against cyber threats, and the BBNJ Agreement. These discussions are essential to advancing our collective understanding and finding innovative solutions to the challenges we face. Finally, allow me to extend my sincere gratitude once again to all Member States for participating in this Annual Session.

I encourage all Member States to fully participate in our discussions. Your active engagement is crucial in shaping the outcomes that will guide our collective efforts and will help promote AALCO as a vital forum for legal dialogue and cooperation to advance the development of international law for the benefit of our peoples and nations. With the spirit of community and collaboration that has always defined our work in AALCO, I am confident that this week's session will be a success. Thank you.

**The meeting was thereafter adjourned.**





**V. VERBATIM RECORD OF THE SECOND  
MEETING OF DELEGATIONS OF THE AALCO  
MEMBER STATES**



**V. VERBATIM RECORD OF THE SECOND MEETING OF DELEGATIONS OF THE AALCO MEMBER STATES HELD ON MONDAY, 9 SEPTEMBER 2024 AT 12:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION AND FINANCIAL MATTERS OF AALCO**

**President:** So we move quickly to our agenda. Excellencies, distinguished delegates, we move on to the second meeting of delegations of AALCO Member States.

As this is a closed meeting, I would kindly request observers to leave the hall and reassemble again at 2:30 in the afternoon for the first general meeting. Thank you. Now we move on to the report. I would like to invite the Secretary-General to make a statement on the report of the work of the Organization and financial matters of AALCO.

**Secretary-General:** Thank you, Madam President, for giving me the floor and the opportunity to present my report on the work of AALCO since last Annual Session held in Bali, Republic of Indonesia. Madam President, Excellencies, distinguished delegates, ladies and gentlemen, first of all, allow me to congratulate you, Madam President and the Vice-President, for your election as President and Vice President, respectively, of the Sixty-Second Annual Session of AALCO.

We at the AALCO Secretariat, look forward to your guidance and wisdom and promise to extend our full cooperation for your effort in promoting the aims and objectives of the Organization. I also extend my heartfelt appreciation to His Excellency Professor Dr. Yasonna H. Laoly, the then Minister of Law and Human Rights of the Republic of Indonesia, and the President of the Sixty-First Annual Session, who is represented by His Excellency Mr. Cahyo Muzhar, Deputy Minister of Law and Human Rights and His Excellency Mr. Ronald Ozzy Lamola, the then Minister of Justice and Correctional Services of the Republic of South Africa, and the Vice-President of the Sixty-First Annual Session, represented by Advocate Shireen Said, Deputy Director-General, Ministry of Justice and Constitutional Development. Their valuable guidance, leadership, and support in our endeavours have been instrumental in steering the Organization's mandate. Madam President, Excellencies, the Sixty-First Annual Session held in Bali, Republic of Indonesia from 16<sup>th</sup> to 20<sup>th</sup> October 2023 was notably successful, with participation from 35 Member States, 3 Observer States, 5 International Organizations, and 1 Regional Arbitration Centre of AALCO.

I take this opportunity to convey our special thanks to the Government of Indonesia for their unwavering support in hosting these significant events. I am obliged to the Member States for reposing their trust and confidence in me, for giving me the opportunity to lead AALCO as its Secretary-General. I assure all the Member States that I will consistently put in my best efforts in strengthening Asian-African cooperation in international legal matters and promoting the aims and objectives of the AALCO.

I also sincerely acknowledge the Ambassadors, High Commissioners, and Liaison Officers of Member States for their constructive feedback and consistent support. I also appreciate

the timely contribution of Member States, which are crucial to maintenance of the Organization's financial health and operational effectiveness. The constant support and participation of Member States in the activities and events organized by the AALCO Secretariat encourage us to do more.

The Government of the Republic of India deserves our sincere gratitude for hosting the Permanent Headquarters of AALCO in New Delhi.

Madam President, Excellencies, let me also take this opportunity to express my deepest gratitude to the Government and people of the Kingdom of Thailand for kindly being supportive in hosting the Sixty-Second Annual Session of AALCO. Our Annual Session is an occasion for not only substantive deliberation, but also an opportunity for us to reaffirm the Bandung spirit of Afro-Asian solidarity, friendship and cooperation and contribute to the institutional development of AALCO. So now I will bring you to the structure of my report.

Madam President, Excellencies, my report on the work of the organization is contained in AALCO document, AALCO/62/Bangkok/2024/ORG 1. This report serves as a comprehensive account of AALCO's progress and initiative, reflecting both the achievement and the ongoing effort to uphold the Organization's mandate and objective. Apart from a brief introduction and concluding remarks, it is divided into seven main sections and contains the following topics:

Consideration of the work programs at the Sixty-Second Annual Session; Initiative and Activities since the Sixty-First Annual Session; Overview of the Organization's Secretariat; Financial situation and the Draft Budget for 2025; Measures to revitalize and strengthen AALCO; Future work plan of AALCO; Strengthening collaboration with the United Nations and other international bodies. So I will now proceed to briefly invite your attention to each of these sections.

First, consideration of the work programs at the Sixty-Second Annual Session. The work programs of AALCO is derived from the reference made by the Member States, decisions of the Annual Session, suggestion received from the Member States from time to time, and topic placed at the initiative of the Secretary-General. From this work program, the Secretary-General prepares the yearly work program for which the agenda of the Annual Session is drafted. For the current Session, besides the organizational matters, there are 9 topics under subject matter for consideration, namely, "Select Items on the Agenda of the International Law Commission or ILC", "Environment and Sustainable Development", "Violation of International Law in Palestine and other Occupied Territories by Israel, and Other International Legal Issues related to the Question of Palestine", "International Trade and Investment Law", "Asset Recovery: Expert Forum", "Legal issues in outer space", "The Law of the Sea, "International Terrorism and Violence Extremism: Legal Aspects", and "International Law in Cyberspace". I encourage Member States to actively participate in the deliberation of the topics under consideration. Your contribution will not only enrich our discussion, but also strengthen our collective understanding of the matters at hand.

Second, Initiatives and Activities since the Sixty-First Session of AALCO. Madam President, Excellencies, over the past year, AALCO has continued to demonstrate its commitment to promoting legal cooperation and addressing issues of mutual concern among Asian-African countries by indulging in a wide range of activities and initiatives. These activities are both organizational as well as other types in nature and are aimed at advancing the objective of our

Organization and enhancing its operational effectiveness. Details of these activities are contained in my report from pages 6 to 31.

I will present an overview of these activities for your kind consideration. First, Organizational Activities. During the period under review, the Secretariat convened five meetings of Liaison Officers, each playing a critical role in supporting our collective mission. My report in Annex II includes a chart detailing the participation of Liaison Officers in these meetings. The Secretariat also convened five meetings of the Open-ended Sub-Committee of the Liaison Officers on the Review of the Scale of Assessment, as well as seven meetings on the Open-ended Sub-Committee on the Revision of Statutory Rules. These meetings provide a platform for extensive discussion and careful consideration of each topic, resulting in a consensus on several key issues.

The meetings were aimed at reaching agreements on adjustment that aims to ensure a more equitable distribution of financial contributions among Member States and to propose amendments to improve the Organization's governance structure. The outcome of these meetings demonstrates the commitment of our Member States to refining our operational frameworks and reinforcing the principles that guide our work. The reports and recommendations from this Sub-Committee have been submitted for the consideration of the Member States. I would like to express my sincere gratitude to all the distinguished Liaison Officers for their active involvement and support of AALCO activities.

Second, Other Activities. Madam President, Excellencies, in addition to the organizational activities, me and my team have been actively involved in participating in various meetings and conferences, contributing to the broader engagement of AALCO in international legal and diplomatic affairs.

Participation in the activities of the United Nations and its Specialized Agencies: Over the past year, I have actively participated in various United Nations events to further strengthen our engagement and presence in international legal discussion. Notably, during the International Law Week of the seventy-eighth session of the United Nations General Assembly, I attended and addressed the following.

Thirty-third Informal Meeting of Legal Advisors, focusing on the theme of the interdependence and interconnectedness of international law. This event was hosted by the Government of India and was held on 23<sup>rd</sup> to 24<sup>th</sup> October. I especially thank the Government of India for giving me this opportunity to participate as a panellist on the topic, democratization of the source of international law in the event.

Second, side event on international law in global climate change, co-hosted by the Government of China and AALCO. I had the opportunity to deliver a keynote speech at the event. I express my gratitude to the Government of the People's Republic of China for the kind invitation to AALCO to participate and cooperate for organizing this event.

The side event on Investor-State Dispute Settlement Reform, jointly organized with UNCITRAL and our Permanent Observer on 2<sup>nd</sup> November last year. This event allowed me to provide a meaningful engagement with several AALCO Member States as well as our reach to Non-Member States of Afro-Asian countries. Our Permanent Observer in New York also represented AALCO at the fifty-seventh session of UNCITRAL. I take this opportunity to

express our sincere gratitude to UNCITRAL for their continued support and collaboration. Their partnership is instrumental in advancing our shared objective.

Now we go to the topic on cooperation with Member States. During the review period, the AALCO Secretariat with the cooperation of Member States successfully organized two significant inter-sessional meetings. The first was on Asset Recovery Expert Forum titled “Best Practices of Recovering Stolen Assets from Asian and African Countries” held at the AALCO Headquarters with the support of the Government of Indonesia. The second meeting was the AALCO Regional Conference on “Preventing and Countering Terrorism: Asian-African Perspective”, hosted by the Government of the Islamic Republic of Iran in Tehran.

I would like to extend my sincere gratitude to the Governments of Indonesia and the Islamic Republic of Iran for their invaluable cooperation in organizing these crucial activities. I also encourage all Member States to cooperate with the AALCO Secretariat in organizing similar inter-sessional activities and capacity building programs on topics pertinent to our work programs. Your active involvement in this initiative will enhance our collective effort and ensure that our programs are both relevant and impactful.

Third, workshop forums and training programs. Over the past year, I have had the privilege of participating in several important international events and forums. Notably, I was honoured to speak at the Forum on Rule of Law in Global Digital Trade, organized by the Wuhan University’s Academy of International Law and Global Governance.

This forum was held as part of the Second Global Digital Trade Exposition in Hangzhou, China. I would like to thank the Wuhan University for their consistent support and joint collaborative activities since signing the Memorandum of Understanding, or MOU, in 2009. The Seventh China-AALCO Exchange and Research Program was successfully held from 30<sup>th</sup> June to 6<sup>th</sup> July 2024 in the Hong Kong SAR, the People’s Republic of China. The training session was jointly organized by the Department of Treaty and Law, Ministry of Foreign Affairs of the People’s Republic of China, and the Asian Academy of International Law, AAIL. I had the distinct pleasure of addressing the session virtually, and it was a great honour to contribute to this significant program, which continues to foster international legal exchange and capacity building amongst participants. I place on record my deep appreciation to the Government of the People’s Republic of China for their unwavering support and collaboration with AALCO in its activities, especially in organizing the training programs every year since 2015.

Most recently, I had the honour of attending the second edition of the Tokyo International Law Seminar held from 26<sup>th</sup> to 30<sup>th</sup> August 2024 at the United Nations University in Tokyo, Japan. This notable event was organized by the Ministry of Foreign Affairs of Japan, with AALCO extending its support. I wish to extend my heartfelt thanks to the governments of Japan for their generous support in organizing the second edition of the Tokyo International Law Seminar. Their commitment to advancing international legal discourse and their collaboration in hosting these events were crucial to its success.

Our commitment to capacity building continues with our participation in several programs like the Hague Academy of International Law’s Advanced Course in Hong Kong in December 2023 and the Workshop on Pre-colonial African International Legal History in Arusha, Tanzania in July 2024. I extend my gratitude to the Hague Academy of International Law (HCCH) and African Institute of International Law for their valuable collaboration with AALCO.

Regarding engagement with AALCO Regional Arbitration Centres, AALCO Regional Arbitration Centres continues to engage in various activities to promote their service and enhance their global reach. I had the honour of addressing the panel discussion on Navigating the future of International Arbitration in Asia-Pacific during the India ADR week organized by the Asian International Arbitration Centre, AIAC, in October 2023. I also addressed the opening ceremony of the third AALCO Annual Arbitration Forum held in Hong Kong SAR in December last year.

Regarding collaboration and participation with regional and international organizations, Madam President, Excellencies, over the past year, AALCO has significantly strengthened its collaboration with both regional and international organizations. I had the opportunity to present on AALCO's work and activities at the sixty-sixth meeting of the Committee of Legal Advisers on Public International Law or CAHDI organized in Strasbourg, France.

This platform allowed me to showcase our on-going initiative and contribution to the field of international law, reinforcing our commitment to our collaborative effort and shared objective. Pursuant to the signing of the MOU between AALCO and UNIDROIT, on 16<sup>th</sup> February, 2024, I represented AALCO virtually in the UNIDROIT Governing Council meeting in May. Further to signing the cooperation agreement with the International Committee of the Red Cross or ICRC in 2003, the AALCO Secretariat has worked closely with them to organize a joint webinar on protection of civilians in armed conflict. AALCO also contributed to a panel discussion in New Delhi commemorating the seventy-fifth Anniversary of the Geneva Conventions.

In terms of cooperation with universities and educational institutions, I am pleased to highlight the vital cooperation between AALCO and various universities and educational institutions. Our aim is to engage the younger generations and academia with the crucial work of AALCO.

In this spirit, we partnered with a prestigious law school in New Delhi to host an international conference marking the seventy-fifth anniversary of the Universal Declaration of Human Rights. Additionally, at the kind invitation of Professor Bimal Patel, Member of the International Law Commission, and Vice-Chancellor of Rashtriya Rakshya University in Gandhi Nagar, India, I, along with our Deputy Secretaries-General and Director, took part in the conference on Asian-African Treaty Law and Practice. We also commemorated the seventy-five years of the International Law Commission at this event where I had the privilege of addressing both occasions.

Regarding AALCO capacity-building activities, the AALCO Secretariat hosted the sixty-seventh Constitutional Day on 15<sup>th</sup> November 2023, which was marked by two panel discussions at the AALCO Secretariat. Separately, we also organized a lecture on the topic, Right to Development in Digital Age, by Dr. Kishore Singh, former Special Rapporteur, Right to Education. This event was a testament to our on-going commitment to addressing critical legal and developmental issues while nurturing informed dialogue within our community.

Regarding the Memorandum of Understanding and Cooperation Agreements, Madam President, Excellencies, distinguished delegates, I am honoured to share that on behalf of AALCO, we have recently signed a Memorandum of Understanding with the International Institute for Unification of Private International Law, or UNIDROIT through a virtual ceremony. This MOU aims to strengthen our relationship and expand cooperation in areas of

private international law, benefiting both our organizations. Additionally, we concluded a supplementary agreement with the Government of Malaysia concerning the Asian International Arbitration Centre, AIAC, in Kuala Lumpur. This agreement complements the principal agreement signed on 15<sup>th</sup> March, 2023, and is designed to facilitate important restructuring within the AIAC.

Regarding the Courtesy Visit, it has been my constant endeavour to reach out to the High Commissioners, Ambassadors of the Member States and Non-Member States in New Delhi. I visited the missions of nine Member States and one Non-Member State, and had the honour to receive at the Secretariat, Delegation from eight Member States.

I met with senior officials from the Kingdom of Thailand, including Deputy Prime Minister and Foreign Minister to discuss preparation of this current Annual Session, and welcomed for an informal visit from the Minister of Foreign Affairs to the AALCO Secretariat in July 2024.

On the topic Overview of the Secretariat, Madam President, Excellency, let me now invite you to the issue of the AALCO Secretariat, headed by the Secretary-General. Presently, we have three Deputy Secretaries-General on secondment from Japan, the People's Republic of China, and the Islamic Republic of Iran.

I am pleased to welcome two of our DSGs, Mr. Zhu and Dr. Ali Hasankhani, who are representing the AALCO Secretariat for the first time at this Annual Session. The DSGs contributed immensely in helping me discharge the responsibilities of my office. I wish to place on record my sincere appreciation to the DSGs for their meticulous work, and also express my gratitude to the Governments for seconding them to the AALCO Secretariat. I wish to record our sincere appreciation and gratitude to Dr. Ali Garshasbi, who after serving as DSG for nearly five years, returned to serve the Government of Islamic Republic of Iran after the Bali session.

Madam President, Excellencies, let me now invite your attention to the Permanent Observer Missions of AALCO that are functional at the U.N. Office in New York and Vienna. These missions are presently manned by Dr. Roy S. Lee and Mrs. Christine J. Nemoto, respectively. I take this opportunity to appreciate their dedicated service.

Regarding Centre for Research and Training, Madam President, Excellencies, another arm of the AALCO Secretariat is the Centre for Research and Training. It focusses on legal research, capacity building, and in the preparation of reports and publications. Member States may consider organizing collaborative capacity building programs and seminars on topics of contemporary relevance in international law on the AALCO work program.

In terms of the financial situation and draft budget for the year 2025, Madam President, Excellencies, I would now like to shed some light on the financial situation and the draft budget for the year 2025. In response to resolution AALCO/RES/61/ORG 2 adopted at the Sixty-First Annual Session for the year 2024, following 21 Member States have paid their annual contributions until 21<sup>st</sup> August 2024, namely Arab Republic of Egypt, People's Republic of China, Republic of Cyprus, Japan, Kingdom of Jordan, Malaysia, Republic of Mauritius, Republic of the Union of Myanmar, the Republic of the Philippines, State of Qatar, the Republic of Korea, Republic of Singapore, the Kingdom of Thailand, Republic of Türkiye, the Socialist Republic of Viet Nam, Republic of Indonesia, the Republic of South Africa, State of Kuwait, Republic of Kenya, Republic of India, and Brunei Darussalam.



The following Member States paid their arrears fully and partially in 2024, namely Republic of Cameroon, Republic of Kenya, State of Kuwait, Mongolia, Islamic Republic of Pakistan, and Republic of Sierra Leone. I, on behalf of the Organization, would like to thank these Member Governments. I express my gratitude to these Member States for complying with their financial obligations. It should be noted that the fulfilment of their financial obligations is key to the realization of the AALCO's function and, indeed, to its very existence.

Madam President, Excellency, the draft budget for 2025 was discussed and adopted at the 362<sup>nd</sup> meeting of the Liaison Officers held on 8<sup>th</sup> February, 2024. The budgetary proposals are now being submitted to Member States to be considered at this Sixty-Second Annual Session for their final approval.

The budget for the year 2025 for submission and consideration of the Head of Delegations during the Sixty-Second session is USD 726,600. The detail of the financial situation in 2024 and the proposed budget for the year 2025 can be found in the document AALCO/62/BANGKOK/2024/ORG 2. I would like to inform the Member States that continuous efforts are being made on optimizing the use of both the human and material resources available within the Secretariat.

All efforts to minimize and curtail operation costs are also being exerted. Financial auditing will be expanded to cover value for money. audit and financial management systems will be reinforced.

Regarding measures to revitalize and strengthen AALCO, allow me to outline the measures we have taken to revitalize and strengthen AALCO. First, to enhance our human resources at the AALCO Secretariat. I encourage greater representation from Africa and Arab Member States amongst our international category officials to ensure their interests are adequately reflected.

Member States can further support the Secretariat by facilitating engagement with experts, academicians and practitioners in international law from their countries. Regarding Membership, I am pleased to announce that Burkina Faso became the forty-eighth Member State of AALCO from 6<sup>th</sup> March this year. We are actively reaching out to the prospective Asian African Non-Member States through their mission in New Delhi. I would like to encourage Non-Member States of Asian African States to join AALCO.

To improve our financial situation, the Deputy Secretary-General in charge of finance and I have been regularly meeting with Head of Diplomatic Missions and Liaison Officers of Member States in arrears in New Delhi to implement our action plan for collecting outstanding dues. These efforts are crucial for the continued growth and strengthening of AALCO.

For the future work plan of AALCO, Madam President, we have developed a focussed outcome-oriented plan with both substantive and organizational goals. Substantively, we are committed to promoting international law and enhanced cooperation among the Member States by way of organizing capacity building and training programs, enhanced collaboration with the United Nations, international organizations and educational institutions, promote our internship programs and diversify our publications.

Organizationally, we are dedicated to the development of the Organization both structurally and operationally by streamlining our Administrative, Financial and Staff Regulations, revive

the Eminent Expert Group, promote our Regional Arbitration Centres, update and redesign our website and increase engagement through social media platforms.

Our key strategies for the future include expanding AALCO's influence and outreach, improving operational efficiency, strengthening Member engagement, involving the next generation of lawyers and promoting the harmonization of law across our regions.

In conclusion, I wish to highlight the remarkable journey of AALCO over the past 67 years. The achievements of AALCO over the past year, as outlined in my report, reflect the steadfast support and cooperation of all our Member States. It is through your engagement, your trust, and your commitment that we have been able to navigate challenges and seize opportunities to further the goals of our Organization.

AALCO is dedicated to enhancing its role in the codification and progressive development of international law, promoting global governance based on the principles of the United Nations Charter. These principles underpin peace and prosperity in our evolving world. To this end, we continue to strengthen our cooperation with the United Nations and other specialized agencies.

AALCO is an Organization driven by its Member States, hence the Organization keeps striving to enhance co-operation and participation among already existing Member States and to widen its membership by accession of new Member States from Asia and Africa.

As we move forward, our vision for AALCO is clear, to make AALCO a leading global legal forum and advisory body for its Member States for fostering legal cooperation and harmonizing international legal matters across Asia and Africa through collaborative engagements of its Member States and capacity building initiatives.

In the spirit of the Bandung Conference that laid the foundation of our Organization, let us continue to uphold the values of solidarity, friendship and collaboration. I assure all Member States that I will continually dedicate my utmost efforts in advancing these values, which are not only the bedrock of AALCO but are also essential in addressing the complex legal challenges of our time. Thank you. Madam President.

**President:** Yes I think that deserves a round of applause thank you very much Secretary-General for the informative collaborative and very comprehensive report. AALCO has been working very hard under the Secretary-General, especially with the Secretariat a lot of work has been done and we are most grateful for your endeavours. I now open the floor for any comments from Member States, if any.

I see none, but we can move on to the next agenda, which concerns the AALCO's budget for the year 2025. So this item is done by the AALCO Secretariat to perhaps have a small presentation on the issue of the budget for the year 2025. Thank you.

**Secretary-General:** Thank you, Madam President, Excellencies, distinguished delegates, AALCO's proposed budget for the year 2025 is contained in Document No. AALCO/62/BANGKOK/2024/ORG 2.

In accordance with the Statutory Rules of AALCO, the proposed budget was presented to the Member States at the 361<sup>st</sup> meeting of the Liaison Officers on 13<sup>th</sup> December 2023 and was

approved at the 362<sup>nd</sup> meeting on 8<sup>th</sup> of February 2024. Today, the proposed budget is submitted to you for its final approval.

At the outset, I would like to note that a robust financial situation is a prerequisite for the Organization to effectively fulfil its mandate, as well as its long-term sustenance. Upon approval of the Member States and availability of requisite funds, the AALCO Secretariat would, in the year 2025, undertake capacity-building programmes, conferences and seminars on some of the selected topics on the agenda of the Organization, which have been mandated at the previous Annual Session.

The budgetary estimate for 2025 is USD 726,600, which is an increase of USD 23,800 from the budget for 2024. The increase is a reflection of necessary adjustments made under certain heads and sub-heads depending on the expenses likely to be incurred, such as travel, internet services and security fees.

In particular, I wish to seek your support in securing the necessary resources for traveling against the backdrop of rising prices of airfares and accommodation. It is essential to ensure the proper representation of AALCO at the ILC, the UNGA and other important legal forums, as well as reaching out to the Member States. The details on the proposed budget estimates are shown in the table in page 7 of the budget document.

Next, I would like to draw your attention to the financial situation of AALCO explained in the budget document from pages 28 to 33. Page 28 shows the statement of financial position at the beginning of 2023 amounting USD 458,102.95. Page 29 shows that the financial position was USD 579,899.15 at the end of the same year.

Page 30 shows the statement of the reserve fund at the end of 2023. You may notice that, in 2023, the receipts (USD 668,825.34) have exceeded the total expenditures (USD 600,367.12). The details of the expenditures are provided from page 31 to 33 of the budget document.

As shown in page 30, the reserve fund marked USD 358,293.00 at the end of 2023, which is higher than its level of 2022 (USD 298,601.28). It should be noted that the amount of the reserve fund for 2023 is above the six-months expenditure of the Organization in 2023. The Secretariat is fully aware of the mandate of ensuring the six-months operational resources in the reserve fund for the functioning of the Organization and will continue to carefully monitor its expenses by relying on daily saving efforts.

I would also like to stress that the figures related to the financial statements of 2023 in the budget document were audited in accordance with the Statutory Rules. By adhering to its Statutory requirements, the Secretariat will continue to ensure its full transparency to the Member States on the performance of the budget.

Finally, I would like to touch upon the contributions and arrears. In 2023, the total amount of annual contributions and arrears paid by the Member States was USD 611,668.54 which was nearly 90 per cent of the budget for 2023. Such a high percentage of payments against the budget was possible because of the large payments of arrears (USD 163,601.54) made during 2023. I take this opportunity to express my thanks to the Member States listed in pages 18 and 19 of the budget report who have made tireless efforts to pay their arrears during 2023 and 2024.

I would like to express my gratitude to the 26 Member States listed in page 18 of the budget report, who have paid their assessed contributions on time during 2023. However, the payments of annual contributions for 2023 marked a challenging level of the budget of the same year.

In order to implement our mandates in the current year and the years to come, we are still in dire need of the uncollected arrears, which amounts nearly USD 2.2 million as seen in page 27 of the budget report. We are also in need of the assessed contributions of 2024, which are unpaid to date. I urge all Member States to continue to fulfil their financial obligations every year. The Secretariat has reached out to Member States including those which have expressed the need of our technical support. We will redouble our efforts on this matter.

In closing, on behalf of the Secretariat, I would like to reiterate my gratitude to your relentless support for fulfilling the financial obligations of the Organization. Thank you, Madam President.

**President:** Thank you, Secretary-General, for that comprehensive presentation on the agenda item concerning the budget. Are there any comments from Member States wishing to speak on this particular item? Well, in keeping with the time, I know we are approaching lunchtime and it has been a very eventful morning for all of us.

So I think that perhaps that may have concluded the deliberations on this particular item. And if you allow me, I think it is time for our lunch break. So we would like to resume and reassemble here for the first general meeting at 2:30 P.M. But also, before we adjourn, I would like to invite all delegates to a side event on the topic of the “Appeal of private international law through the lens of the Apostille Convention”, that will take place from 1:15 to 2 P.M. I think there will be announcement on the exact room. So thank you very much. I adjourn the meeting for lunch and be back at 2:30 sharp. Thank you.

**The meeting was thereafter adjourned.**

**VI. VERBATIM RECORD OF THE FIRST  
GENERAL MEETING OF THE AALCO MEMBER  
STATES**



## **VI. VERBATIM RECORD OF THE FIRST GENERAL MEETING OF THE AALCO MEMBER STATES HELD ON MONDAY, 9 SEPTEMBER 2024, AT 02:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**President:** Welcome back all delegates to the meeting. I hope you enjoyed your lunch and of course welcome the Observers to join the plenary as we resume the session with the First General Meeting. The first item to be discussed is the release of publications. I now invite the Secretary-General to inform the meeting about the publications of AALCO that are to be released here at the Annual Session. You have the floor Secretary-General.

**Secretary-General:** Thank you, Madam President. Before I go through the release of the publications, I have some additional important issue to report, regarding the annual contribution of the Member States. I am very pleased to inform that the Islamic Republic of Iran has on 4<sup>th</sup> September fulfilled the financial contribution to the Organization and all arrears. I, on behalf of the AALCO Secretariat would like to convey my heartfelt thanks to the Islamic Republic of Iran for your kind contribution. So thank you so much.

**President:** Thank you very much for the good news. Alright, let us continue with our scheduled agenda item, which is the release of AALCO publications. I always look forward to these publications in the past events that I have attended of AALCO. These booklets, even though they are not digital files but sometimes you know as a student of law we love our law books and these publications, I advise you to take a look at them. They have been very useful and have served me well in my work in trying to understand complicated issues. Last year was the sea level rise publication that was very good and very informative. So, I congratulate AALCO again for coming up with these very comprehensive texts.

### **AGENDA ITEM: RELEASE OF AALCO PUBLICATIONS**

**Secretary-General:** Thank you Madam President. Madam President, Excellencies, distinguished delegates, ladies and gentlemen, as our old practice to release the publications of AALCO during the session. The publications of AALCO play a special role in building the intellectual foundations of the Organization. Over the years, AALCO has acquired a stellar reputation of being a strong intellectual resource center of international law and this is reflected in the quality of our publications released annually. As in previous years, I am extremely honoured and delighted to present our publications for release which includes the following:

1. Volume 20 of the Yearbook of the Asian-African Legal Consultative Organization (AALCO)
2. Volume 12 of the AALCO Journal of International Law

I am happy to note that the current volume of the AALCO Journal of International Law has contributions from eminent practitioners and scholars of international law like Dr. P.S. Rao, former Additional Secretary, Legal & Treaties Division, Ministry of External Affairs, Republic of India and Dr. Kishore Singh, former U.N. Special Rapporteur on the Right to Education among other senior contributors touching on a range of topics.

In addition, I am pleased to inform that the verbatim reports of three proceedings (one Joint Panel Discussion, one Webinar and one Regional Conference) are being released today. These include:

1. Report of the proceedings of AALCO's 67 Constitution Day Programme organized on 15<sup>th</sup> November 2023.
2. Report of AALCO Webinar on 'Protection of Civilians: Prospects and Challenges' organized on 15<sup>th</sup> May 2024.
3. Report of the Regional Conference on Terrorism jointly organized by the Government of the Islamic Republic of Iran and AALCO from 3<sup>rd</sup> to 4<sup>th</sup> July 2024.

These publications comprehensively capture the verbatim records of the proceedings as a permanent record for present and future generation of diplomats, practitioners and scholars of international law from AALCO Member States. It is my hope that AALCO by virtue of these publications will further the cause of scholarship and intellectual engagement of Member States in new and emerging concerns and foster the dissemination of ideas emanating from great Afro-Asian minds in international law. I thank you Madam President and I would now request Madam President to release the publications.

**President:** I would like to thank the Secretary-General and AALCO Secretariat for preparing these publications and sincerely hope that these publications would serve as a valuable source of information, insight and inspiration for all Member States and Observers.

#### **AGENDA ITEM: GENERAL STATEMENTS**

**President:** With that we move on to the next item on our agenda, which is the substantive part of our work, which of course is the General Statements. The First and Second General Meetings are devoted to the General Statements from Member States of AALCO. So before we begin, may I request the delegates wishing to make statements, please complete your statements within the ten minutes time allotted or less so that we can maintain the agenda and of course accommodate as many States as possible. Your entire statement will be reflected in the verbatim records of proceedings which will be prepared by the AALCO Secretariat in accordance with rule 13 paragraph 16 of the Statutory Rules of AALCO. In order to facilitate our work further, Member States are recommended to submit their written statements to the Secretariat via email [as62@aalco.int](mailto:as62@aalco.int). If the statement is made in Arabic, it will be appreciated if an English translation will also be provided and of course as per practice of AALCO, Member States wishing to make their General Statements should register themselves with the AALCO Secretariat. The usual order of Speakers throughout the Annual Session will be as follows: first Member States, second Observer States and if any, third International Organizations. I already have a list of speakers that have registered and the first speaker will be the distinguished delegate from Thailand to make their General Statement, then followed by India and Kingdom of Saudi Arabia. So now I would like to invite the distinguished delegate from Thailand to deliver their General Statement. You have the floor Sir.

**The Head of Delegation of the Kingdom of Thailand:** Madam President, Dr. Kamalinne Pinitpuvadol, Secretary-General, Excellencies, distinguished delegates, ladies and gentlemen, on behalf of the delegation of Thailand, let me begin by extending my heartfelt welcome to you all. I would like to congratulate you, Madam President and the Vice-President, for being elected to lead this current Session of AALCO. I am sure that your wisdom, experience and expertise will steer our deliberations to a fruitful outcome. My deepest appreciation also goes to Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO and his team for their hard work and excellent preparations they have made for our Session.

As we gather today, I am reminded of the enduring legacy of the Bandung Conference of 1955. It was there that our countries collectively asserted their rightful place in the world, laying the groundwork for a new international order built on the principles of equality, justice, and mutual respect. Since its inception, AALCO has provided a forum for our countries to discuss and



deliberate on international legal issues of common concern and interest, ensuring that our voices are heard in the global legal discourse.

One of the most significant contributions of AALCO has been to the law of the sea by shaping discussions on the United Nations Convention on the Law of the Sea (UNCLOS). Through AALCO, our countries have been able to articulate their concerns and interests, ensuring that UNCLOS reflects the realities and needs of our regions. The Convention eventually incorporated novel concepts such as the Exclusive Economic Zone (EEZ), Archipelagic States and Rights of Landlocked States which were developed and deliberated upon in AALCO's Annual Sessions.

Another notable contribution of AALCO has as already mentioned by the Secretary-General this morning been to refugee law. In 1966, AALCO adopted the "Principles Concerning the Treatment of Refugees" also known as the "Bangkok Principles" at the Eighth Annual Session hosted by Thailand. These principles incorporated key international norms such as the principle of non-refoulement as well as elements that went beyond the 1951 UN Convention relating to the Status of Refugees, including an explicit reference to groups in need of special consideration, namely women, children and elderly persons.

In the realm of environmental law, AALCO has been instrumental in advancing legal frameworks that address challenges faced by Asian and African countries. The adoption of the Statement of General Principles of International Law during the Thirty-First Annual Session in 1992 in Pakistan was a significant accomplishment in this regard. This statement advocated for the principle of common but differentiated responsibilities and stipulated that the application and enforcement of environmental standards by developing countries should be aligned with their respective capabilities and responsibilities.

Ladies and Gentlemen, today, as we navigate the complexities of the 21<sup>st</sup> century, the legal contributions of Asian and African countries remain as vital as ever. Indeed, our countries are well positioned to champion principles of justice, equity, and sustainability in international law, particularly given our shared experiences with foreign influences, economic disparity and environmental degradation.

Our regions are among the most vulnerable to the impacts of climate change, and we have a critical stake in ensuring that international law provides adequate protection for our people and our environments. Climate change mitigation must be carried out in a way that developing countries are not deprived of their right to development. In this regard, AALCO Members can play an important role to ensure that the international climate regime is in line with the principle of common but differentiated responsibilities especially with respect to global burden sharing arrangements.

International trade and investment is another area of law that AALCO Members should pay particular attention to. AALCO Members have been particularly active in the reform of international investment agreements, especially in the context of UNCITRAL-led reform of investor-State dispute settlement, where we have placed emphasis on promoting sustainable development and carving out sufficient regulatory space for States. In Thailand's view, a prompt solution on cost and duration of proceedings is a particularly pressing issue for developing countries. That is why we have been advancing the proposal to establish an Advisory Centre on International Investment Dispute Resolution to provide capacity building and affordable legal services to developing countries. We look forward to engaging with AALCO Member States more on this proposal.

One of the most significant ways Asian and African countries can contribute to the development of international law is by integrating their experiences, culture and legal traditions into the global legal framework. For example, human rights are often mistakenly viewed as a primarily Western concept. In fact Asian and African societies have long histories of promoting justice, equality, and human dignity, rooted in their own philosophical, religious, and cultural traditions.

With this in mind, our regions should confidently assume leadership in global norm setting. Thailand herself had advocated intensely for the rights of female inmates worldwide culminating in the adoption by the UN General Assembly in 2010 of the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. These rules, also known as the Bangkok Rules, became the first ever UN standards on the treatment of female prisoners and has gained widespread acceptance.

Ladies and Gentlemen, Asia and Africa now account for nearly 80% of the world's total population and their economic output is quickly approaching half of global GDP. While we have strength in numbers this alone cannot guarantee that our regions can effectively steer the development of international law. We should look to what were the foundations of the past success of AALCO in areas such as "The Law of the Sea."

Firstly, our regions must have a unified voice. With AALCO as a facilitating platform we must have honest discussions to identify common interests and shared values that will enable us to bridge diverse positions.

Secondly, our representatives must be well-versed on the issues including from academic, legal, and technical perspectives so that they can effectively participate in international processes and negotiations. AALCO's capacity-building activities have been very beneficial in this regard.

Thirdly, going forward, our collaboration in the reform of international institutions to make them more inclusive will also be essential. Representatives of AALCO Member States in these bodies, including the International Law Commission, can play a central role in articulating visions for a more just, equitable, and inclusive international legal order. Governments of AALCO Member States themselves can also help in this regard by supporting and nominating candidates from Asian and African States to serve in these norm-setting bodies.

In conclusion, let us reaffirm our commitment to the principles that have guided us thus far - cooperation, solidarity, mutual respect, and a shared commitment to justice, peace and the rule of law. As the global landscape continues to rapidly evolve, the voices and perspectives of Asian and African countries will be essential in shaping the future of international law. Let us together contribute to the development of international law through Asian and African leadership. Thank you.

**President:** The next speaker on my list is India, followed by Kingdom of Saudi Arabia, State of Kuwait and Sultanate of Oman. Distinguished delegate of India you have the floor Sir.

**The Head of Delegation of the Republic of India:** Thank you Madam President. Secretary-General of AALCO, Vice-President of the Sixty-Second Annual Session, Excellencies, distinguished delegates and Observers, at the outset, we would like to convey our sincere appreciation to the Government and people of the Kingdom of Thailand for their warm welcome and generous hospitality in arranging the Annual Session. Further, we congratulate H.E. Mrs. Suphanvasa Chotikajan Tang and H.E. Kiryowa Kiwanuka for having been elected as the President and Vice-President of the Sixty-Second Annual. With the joint efforts of the delegations of Member States, this session will be a success.

Madam President, India attaches great importance to AALCO and the work undertaken in this body. AALCO is an essential platform for Asian-African Legal fraternity to come together and discuss issues of common concern in international law.

It is noteworthy in this context that this is the only intergovernmental organization which thus combines and reflects the interests of two major continents for focused and serious discussions on matters of international law.

As international law is growing increasingly more complex, it has a deeper impact on the intricate web of rules and institutions that regulate the affairs of States, of international organizations, of individuals, and of their interactions with each other.

We welcome the report of the Secretary-General AALCO/62/BANGKOK/ORG1 and appreciate the various activities taken by the Secretariat since the last annual session. These organizational activities including participation in various seminars and conferences, training sessions, collaborations with regional and international organizations reflect the significance and contribution of AALCO which eventually is contributing towards the progressive development of international law.

Madam President, AALCO Annual Sessions are known for deliberations on select topics of international law as adopted in the Agenda. AALCO should continue to focus on legal aspects setting aside the political positions in its deliberations.

We join the Secretariat in welcoming Burkina Faso as the Forty-Eighth member of AALCO. We are delighted to see this Organization grow both in terms of its activities and number of actors. We appreciate the continuous efforts of the Secretariat in increasing the membership of AALCO.

We fully agree with the Secretary-General that a “sound financial system is essential for the Organization's operation”. The annual budget of the Organization is largely from the fixed Annual contributions from the Member States. We believe that to improve AALCO's financial position the problem of accumulated arrears has to be addressed in a timely manner.

Madam President, we would like to inform the Member States that as per the mandate given by the Sixtieth Annual Session held in New Delhi, an Open-ended Sub-Committee of Liaison Officers was constituted to review the Statutory Rules of AALCO under India's Chair, which has successfully accomplished its mandate with the able support of Member States. The Secretariat will be presenting the full Report of the sub-committee along with the revised Statutory Rules for the consideration of Member States.

Madam President, Rule of law entails restraints on sovereign power and governmental conduct. At the national level rule of law is enforced by the State within the defined legislative ambit and scope. I take this opportunity to showcase some of the developments concerning India in the field of its national laws since the last annual session held in Bali.

With the objective to provide accessible and speedy justice to all its citizen India has brought a major reform in its criminal justice system replacing its pre-independence criminal laws with new laws namely Bharatiya Nyaya Sanhita 2023, Bharatiya Nagrik Suraksha Sanhita 2023, Bharatiya Sakshya Adhiniyam 2023 as new Penal law, Criminal Procedure law and Evidence Law respectively.

Madam President, we take note that this year in addition to the regular topics for discussion, some of the topics have gained renewed interest. My delegation welcomes the initiative.

India attaches great importance to the International Law Commission, as an institution that brings together highly qualified international law experts from diverse backgrounds to work towards the progressive development and codification of international law. We deeply appreciate the achievements of the Commission through its work over the past seventy-five years and would like to emphasize the need to pay more attention to the legitimate concerns of Asia and Africa.

We express our appreciation to the comprehensive report prepared by the AALCO Secretariat on Matters related to the work of the International Law Commission at its seventy-fifth session. We take note of the ILC Report A/79/10 and would deal with the topics under the relevant item.

Madam President, the recurrence of terrorism in different parts of world is matter of grave concern and calls for renewed discussion. We empathize with the victims of terrorism and are deeply concerned with increasing humanitarian crisis and instability in Asian and African continent. India condemns terrorism in all its forms and manifestations. Violence against civilians especially women and children are not only condemnable but also poses a major question on the future of human race. India is party to the thirteen sectoral conventions on terrorism adopted by the UN. With the objective of providing a comprehensive legal framework to combat terrorism, India took the initiative to pilot a draft comprehensive convention on international terrorism in 1996, which has not been able to reach consensus till date. It may be recalled that India had first introduced the topic “International Terrorism” for discussion in the AALCO forum as early as in 2001 at the Fortieth Annual Session in New Delhi. The Secretariat should continuously monitor and work towards complementing the efforts of the UNGA Working Group on terrorism to finalize the draft comprehensive convention on terrorism.

Madam President, the United Nations Convention on the Law of the Sea, together with the related Agreements, represents a major achievement in codification and progressive development of international maritime law. The international law, as reflected in the UNCLOS, sets out the legal framework applicable to all activities in the oceans, including countering illicit activities at sea.

The International Sea-bed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf established under the Convention are important institutions for the implementation of the provisions of the Convention and to the realization of benefits from the uses of the seas. We take this opportunity to express our appreciation for their excellent work.

We are glad to inform India is actively working towards the completion of its procedures to be fully on board with the BBNJ agreement.

India participated in the ITLOS Advisory Opinion proceedings and has taken due note of the Advisory Opinion of the ITLOS on States’ obligations to protect and preserve the world’s oceans from climate change impacts.

We are also closely observing the developments in the ICJ and hope that the decisions pending before other international courts will be complementing each other and not contradictory.

Madam President, We are glad that topic “Legal Issues in Outer Space” introduced by India last year has received overwhelming response from the Member States and it continues to be a regular agenda item for discussion. India being a major space-faring nation, has vital interest in space. We consistently support peaceful uses of outer space and advocate the need to preserve outer space for mankind. It is our endeavor that AALCO could complement the efforts

of Member States in taking position on some of the important issues being discussed at the UNCOPOUS.

Madam President, misuse of cyberspace is a potential threat to international peace and security. It is crucial to prioritize a unified approach and underscores the urgent need to establish rules, norms, and principles to address emerging concerns in the domain of cyberspace. There is a pressing need to deepen our understanding of how international law applies to cyberspace so as to reduce the gaps in securing the cyberspace. India has actively contributed in the recently concluded UN Ad Hoc Committee process of negotiating the draft International Convention on Countering the use of Information and Communication Technologies for Criminal purposes. The convention intends to strengthen international cooperation for combating certain crimes committed by means of information and communication technologies system and for the sharing of evidence in electronic form of serious crimes.

Madam President, India is committed towards the global fight against corruption and considers asset recovery to be a fundamental principle of the international anti-corruption regime. It may be recalled that our experts handling the subject matter at the Inter-Sessional Meeting of Asset Recovery Expert Forum held at AALCO Secretariat last June had shared India's efforts to address the challenges in recovery of asset recovery, such as difficulties in identifying and tracing assets across different legal jurisdictions, importance of international cooperation and the use of informal channels for asset recovery. We are hopeful that the intended 'Asset Recovery Forum' will be a useful in addressing the challenges and we wish to be enlightened on the modalities and operation of the proposed Asset Recovery Expert Forum.

Madam President, on behalf of my delegation, I look forward for a constructive engagement and hope this Annual Session will provide a unique opportunity to deliberate on the adopted Agenda items. My delegation assure you of our fullest cooperation and support. Thank you Madam President.

**President:** Thank you very much the distinguished delegate from India for your statement. Now I give the floor to the distinguished delegate from the Kingdom of Saudi Arabia.

**The Head of Delegation of the Kingdom of Saudi Arabia:**<sup>1</sup> Your Excellencies, Your Excellency the Secretary-General of the Asian-African Legal Consultative Organization, Dr. Kamalinne Pinitpuvadol, distinguished audience,

Peace, mercy, and blessings of Allah be upon you.

To begin with, I would like to congratulate Ms. Suphanvasa Tang on her election as President of the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization, wishing her success in her tasks. I would also like to express my sincere thanks and appreciation to the Kingdom of Thailand for hosting this Session, and to Dr. Yasonna Laoly for his efforts during his presidency of the previous Session. I should not forget to commend the role of the Secretary-General and his team in enhancing the work efficiency in the Organization to achieve its goals.

In this context, I am pleased to reiterate the support and appreciation of the Kingdom of Saudi Arabia for all efforts made to improve the work of the Organization in general, for the benefit of Member States and the world as a whole.

---

<sup>1</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Kingdom of Saudi Arabia.

Your Excellencies, distinguished audience, the Palestinian issue has been an essential agenda item of this Organization. Yet, the suffering of the Palestinian people still continues and even worsens due to the Israeli aggression. Since the beginning of the aggression on Gaza Strip, the Kingdom of Saudi Arabia has made extensive efforts to find solutions to the existing crisis, to address the critical humanitarian situation, and to mobilize regional and international support to limit the repercussions of this crisis and stop the aggression, by convening an extraordinary joint Arab and Islamic summit to unify the Arab and Islamic position. The summit came out with important decisions, including initiating an international move to stop the war and forming a ministerial committee headed by the Kingdom. The committee visited several countries and international organizations to convey the Arab and Islamic position and call on the international community to assume its responsibilities, which resulted in the recognition of the State of Palestine by a number of Western countries.

The Kingdom also welcomes the advisory opinion issued by the International Court of Justice on Israel's policies and practices in the occupied Palestinian territories, as well as the court's confirmation of the illegality of the Israeli presence in the occupied Palestinian territories for the past Fifty-Seven years.

The Kingdom reiterates the need to take practical and credible steps to reach a just and comprehensive solution to the Palestinian issue in accordance with the Arab Peace Initiative and international legitimacy resolutions, ensuring the Palestinian people's right to self-determination and the establishment of their independent state on the 1967 borders with East Jerusalem as its capital.

Your Excellencies, the Kingdom of Saudi Arabia's "Vision 2030" has laid strong foundations for success, and has begun implementing comprehensive development operations that cover all economic and social sectors under the leadership and supervision of His Royal Highness Prince Mohammed bin Salman bin Abdulaziz Al Saud, Crown Prince and Prime Minister, may God protect him. The Kingdom is witnessing a comprehensive and sustainable development activity within the framework of the second phase of "Vision 2030", which aims to develop new promising sectors, support local content, facilitate the business environment, empower citizens, involve the private sector, and enhance the effectiveness of implementation to achieve further progress and prosperity in line with the country's aspirations and ambitions.

The Saudi Vision 2030 has contributed to achieving many strategic goals, such as achieving prompt justice, providing judicial guarantees, fostering digital transformation, and promoting the values of justice and transparency. The digital transformation has covered all sectors, including the judicial sector, where digital technologies are used in all judicial fields, which contributed to improving the quality of services and ease of access thereto.

Many efforts were made in the Kingdom to keep pace with the changes, especially in the judicial sector. The Ministry of Justice has set fifteen strategic goals, and sought transformation into institutional judiciary through many projects, including setting up the electronic "Taghadi" platform in the Kingdom's courts, which aims to automate judicial sessions in all courts and hold them remotely, while maintaining judicial guarantees.

Over the past eight years, courts have held more than 18.8 million court sessions, including more than 10 million remote sessions, and issued nearly 5.5 million court rulings, including 3.2 million via electronic litigation. Public right lawsuits have also been modeled, which has contributed to raising the quality and readiness of court files, reducing litigation time, and raising the quality of outcomes.

Dear Audience, the Kingdom of Saudi Arabia attaches utmost importance to protecting and preserving the environment, which clearly reflects in the Kingdom's Vision 2030, which affirms that preserving the environment and its natural components is a religious, moral, and humanitarian duty, a responsibility towards future generations, and one of the basic components of quality of life.

To achieve these goals, the Kingdom has adopted the National Environment Strategy, established an environmental fund, and five specialized centers covering various environmental fields. The Kingdom has also launched a number of pioneering national and regional initiatives based on nature-based solutions, such as the "Saudi Green" and "Middle East Green" initiatives. These initiatives aim to protect land from degradation, limit carbon emissions, reduce pollution, restore terrestrial, marine and coastal environments, and enhance biodiversity, contributing to the sustainability of natural resources for future generations.

Excellencies, the Kingdom has introduced a number of reforms to improve the business environment and facilitate the initiation and conduct of economic activities. These reforms include several improvements in procedural and legislative aspects in line with the best international practices and standards that support trade and sustainable development in order to achieve the goals of the Kingdom's Vision 2030. This includes issuing new laws relating to corporations, bankruptcy, commercial franchise, e-commerce etc. The Kingdom has also worked on enabling cross-border trade through a number of initiatives, including the Kingdom's accession to the United Nations Convention on Contracts for the International Sale of Goods. The Kingdom is currently working to complete the regulatory procedures for issuing four commercial laws, namely the Commercial Registration law, Tradenames law, Consumer Protection law, and Commercial Transactions law.

Meeting the requirements of the current era requires a rapid and effective response, through enhancing cooperation between Member States of the Organization, considering the means to meet these requirements, and adopting a comprehensive vision of the current situation that helps achieve the goals that enhance transparency in all sectors, and develop human capabilities.

In conclusion, I would like to thank Your Excellencies, Ms. Suphanvasa Tang, President of the Sixty-Second Session, Your Excellency the Secretary-General, and the Secretariat of the Organization for their efforts, hoping to achieve fruitful results for the benefit of all.

**President:** Thank you very much for your statement. The next speaker on my list is the distinguished delegate from the State of Kuwait. You have the floor.

**The Head of Delegation of the State of Kuwait:**<sup>2</sup> In the Name of God, the Most Gracious, the Most Merciful.

H.E. Mrs. Suphanvasa Chotikajan Tang, President of the Sixty-Second Session, H. E. Dr. Kamalinne Pinitpuvadol, Secretary General of the Organization, Your Excellencies, Heads of Delegations, Ladies and gentlemen,

May the peace, blessings, and mercy of God be upon you,

I extend to all of you my highest regards and appreciation, expressing my hope that this august meeting will achieve its full objectives, which our peoples, in their valuable trust, expect from us.

---

<sup>2</sup> Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

Ladies and gentlemen, the agenda of this session is undoubtedly filled with numerous topics of a unique legal and practical nature, driven by the necessity to study these issues due to their impact on our countries.

In this context, the State of Kuwait firmly believes that achieving the fair demands of people for self-determination, providing them with free choices, and enhancing peaceful and secure means of living represent fundamental pillars that uphold human structures and the foundations of civilized human society, as endorsed by all religions and divine laws.

This has necessitated the inclusion of the Palestinian issue in the Organization's agenda since the Twenty-Seventh Session held in Singapore in 1988, continuing to this current Session.

In this regard, I affirm that we cannot overlook the violations committed by the Israeli occupation authorities, which totally contradict all international conventions, instruments, and norms regarding human rights and the rights of occupied peoples to self-determination.

On a related note, my country's delegation views with great interest items on our agenda, particularly "Violations of International Law in Palestine and Other Occupied Territories", "The Law of the Sea", "International Trade and Investment Law", as well as "International Terrorism and Violent Extremism", which have become issues that concern the entire world. As part of the State of Kuwait's international responsibilities, the State of Kuwait has developed an Arab Advisory Draft Law within the regional framework of the Arab League, aimed at eradicating the roots of such crimes, starting with addressing sectarian discourse and inciting racial divisions, under the name of the "Arab Advisory Law to Prevent Hate Speech."

Since all matters related to international law are transnational, it is impossible to achieve them without cooperation and coordination among Member States.

Cybercrimes committed through modern communication and information systems are serious crimes according to the definition in the United Nations Convention against Transnational Organized Crime and its Protocols. Recognizing this, the Intergovernmental Working Group on Developing a "Comprehensive International Convention on Combating the Use of Information and Communication Technologies for Criminal Purposes", was established.

In this context, it should be noted that the State of Kuwait has ratified regional conventions on combating cybercrimes, aimed at enhancing regional cooperation in this field. These conventions criminalize a range of acts, including attacks on data safety, misuse of information technology, and offenses related to organized crimes committed via technology, such as money laundering, drug trafficking and promotion, human trafficking, and illicit arms trade.

In fulfilling its international obligations, the State of Kuwait enacted Law No. 63 of 2015 on combating cybercrimes, as a national legislative framework. This law includes various provisions, such as: Criminalizing unauthorized access to information systems and tampering or deleting data, with increased penalties for damaging or publishing personal data; Criminalizing terrorist organizations' websites or websites intended to commit terrorist acts.

Excellencies, Esteemed Heads and Members of the Delegations, the State of Kuwait urges the international community to cooperate in criminal matters at both the international and regional levels to combat money laundering and the use of information and communication technologies and the internet to incite, support, and fund criminal activities. The State of Kuwait also supports international efforts to combat all forms of illegal electronic activities.

On the topic of our agenda, specifically regarding environmental and sustainable development, the State of Kuwait, committed to the sustainability of its natural resources and environmental



protection, enacted Law No. 42 of 2014 and its amendments on environmental protection. This law aims to protect the environment, prevent crimes against it, and impose deterrent penalties on violators, encompassing the protection of: Terrestrial environment; Outer Space; Marine and coastal environments; Endangered wildlife.

The penalties stipulated by the law include life imprisonment for committing the crime of nuclear waste disposal within the State of Kuwait's territory. The State of Kuwait has also joined numerous environmental protection agreements.

We are also pleased to congratulate and welcome Burkina Faso as the Forty-Eighth member of the Organization.

Finally, I express my profound gratitude to the friendly Government of the Kingdom of Thailand for its gracious hosting and organization of this Session.

We also extend our sincere thanks to the Secretariat for its excellent preparation of this Session's documents and its prior coordination in arranging the participation of delegations. I sincerely hope that our esteemed Organization will fulfill its noble and ideal objectives.

Thank you for your kind attention. May we all succeed in discussing this rich array of topics and agenda items.

Peace, mercy, and blessings be upon you.

**President:** Thank you for your statement. Before I give the floor to the distinguished delegate from the Sultanate of Oman, I would like to read out the list of speakers again. After Oman, it is the State of Palestine, followed by the Republic of Sudan, Malaysia, Republic of Indonesia, Union of Myanmar and Nepal. Now I would like to give the floor to the distinguished delegate of the Sultanate of Oman. You have the floor.

**The Head of Delegation of the Sultanate of Oman:**<sup>3</sup> In the name of Allah, the Most Gracious, the Most Merciful.

Your Excellency the President, Your Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General, Honorable Ministers, Your Excellencies, Heads of Delegations, Esteemed Delegates and Observers, distinguished audience,

Peace, mercy, and blessings be upon you.

It is a great pleasure to be here with you today at the inaugural ceremony of new Session of the Asian-African Legal Consultative Organization, which is the Sixty-Second Session, to which we attach great hopes during this significant phase of our legal work.

I am delighted to congratulate you, Your Excellency the President, on assuming the presidency of the current session, wishing you success in your tasks and reaffirming our full support and cooperation in achieving the desired objectives of holding this session. I would also like to express our sincere appreciation to the President of the previous session for his outstanding leadership and to extend thanks to his Excellency Dr. Kamalinne Pinitpuvadol, the Secretary-General of the Organization for his relentless efforts in maintaining the role of the Organization and enhancing its effectiveness. I reaffirm unwavering support for all his efforts in this regard.

I am also pleased to extend my heartfelt thanks and appreciation to the Kingdom of Thailand for hosting this session, for the preparations made, and for the warm welcome and generous

---

<sup>3</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Sultanate of Oman.

hospitality we have received. We wish the Kingdom of Thailand and the friendly Thai people continued progress and prosperity.

It also pleases me to welcome the Republic of Burkina Faso as a new member of the Organization.

Madam President, as we deliberate in this international forum and discuss the topics related to international law, we must address the issue that has become a major concern for the entire civilized world and constitutes serious violation of the principles of international humanitarian law and international resolutions; namely, the ongoing shedding of blood and the humanitarian tragedy, which is beyond any description, in the State of Palestine. This issue ought to be the top and foremost concern of the organization, calling for every possible legal effort to address it and eradicate it from its roots within the framework of the principles of international law and established international values, whose neglect portends dire consequences for the international community.

Madam President, after many months, the pain continues to tighten its grip on every merciful heart concerning the blood spilled across every inch of the Gaza Strip and the siege that surrounds its lands, cutting off all means of life. This blood and life are too precious to be wasted day and night, with the world remaining a silent witness without any action.

Your Excellency, we are in great pain, rather the greatest pain in our contemporary world, pain in every home, every area, every place, pain that grips all hearts: the hearts of all people, the elderly, the youth, and children. The entire civilized world has been filled with sorrow due to the ongoing tragic events in the Palestinian lands, especially in the Gaza Strip, with continued and systematic violations of international humanitarian law and international conventions.

The fruits of security, freedom, and human dignity, as well as international humanitarian law and conventions, especially the Geneva Convention, should not be out of reach for the Palestinian people. It is no longer permissible to use military force to resolve outstanding issues as in the past, nor is it permissible to impose collective punishment on civilians and deny them food, water, and medical supplies. It is disgraceful for civilized nations to accept that a party in the international community continues to deny the legitimate rights of the Palestinian people to live safely and peacefully on their land. It is equally disgraceful that the cruel machine of war continues to be there on the lands of Gaza, targeting innocent civilians, and that the implementation of international legitimacy resolutions is continuously delayed.

Madam President, the dear brotherly Palestinian people deserve to aspire for a better future in which security, freedom, and human dignity are ensured for them. An immediate halt to the dangerous escalation in the occupied Palestinian lands is imperative for preserving the civilian lives, enabling them to live on their land securely and peacefully, and allowing them humanitarian aid, food, water, medicine, and other essentials without restrictions or obstacles.

Out of our commitment to defend rights, freedom, and human dignity, and adherence to the principles of international law and international legitimacy, and my country's steadfast and supportive stance on the Palestinian cause, I call for achieving fair, comprehensive, and lasting peace in Palestine, supporting the legitimate rights of its people, ending the escalation, protecting innocent civilians, saving their blood, and removing all restrictions on humanitarian aid, and working to enforce international humanitarian law and international conventions for the Palestinian people who face unprecedented brutal attacks by the Israeli occupation forces.

Madam President, Your Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General, Your Excellencies, Heads of Delegations, distinguished audience, I look at the topics proposed in

the current Session with great optimism, and I see that among these topics we should give the greatest attention to the “Violations of International Law in the Palestinian territories”, especially in the Gaza Strip. I sincerely hope that an end can be reached for the suffering of the Palestinian people and the blatant violation of their legitimate rights. Thank You All.

**President:** Thank you very much for your statement. Now I give the floor to the distinguished delegate from the State of Palestine. You have the floor Sir.

**The Head of Delegation of the State of Palestine:**<sup>4</sup> Your Excellency, the Secretary-General, Excellencies. Ladies and Gentlemen, AALCO’s Member States, distinguished guests.

It gives me great pleasure to offer my thanks to His Majesty the King and the government of the Kingdom of Thailand for its generous hosting, and to extend to each of you, by name, title, and position, the sincerest wishes of His Excellency the President of the State of Palestine Mahmoud Abbas, and His Excellency the Prime Minister and Minister of Foreign Affairs Dr. Mohammad Mostafa, as well as the Council of Ministers of the State of Palestine and all Palestinian people in Palestine and in the diaspora.

I would also like to join you in welcoming the State of Burkina Faso’s membership in the AALCO, and I wish them fruitful cooperation that will benefit our countries and peoples.

Your Excellency, the Secretary-General, Ladies and Gentlemen, as fate would have it, I stand before you today as one of the surviving witnesses to the ongoing and systematic genocide against our people in the Gaza Strip. Had I not been assigned to the Ministry of Justice in the State of Palestine, I would have been among our people in Gaza facing the same gruesome destiny of death, injuries, hunger, diseases, bombing, destruction and daily displacement. But I am here today among you for their sake, for the sake of all of us, and for the sake of humanity whose products we all are; the same humanity that is trampled by the illegal occupying power systematic war machine; and that lost over 41,000 lives that once represented over 41,000 dreams, futures and rights to life. We will never know which of these 41,000 dreamers would have become a scientist, a doctor, an engineer, or a teacher teaching us what it means to be a human. Yes, we do not know, but today we know that humanity lost them all, with thousands others under the rubble of houses, city blocks, refugee camps, markets, factories, schools, universities, hospitals and places of worship.

Your Excellency, the Secretary-General, Ladies and Gentlemen, I am not about to present statistical numbers and significant indicators to let you imagine the horror of the genocide to which our homeland, Palestine, is being subjected. This systematic genocide has affected everything, and its effects cannot be counted and will not stop once it ends.

In addition to the lives humanity has lost, we will carry with us if the genocide stops today, as it has entered its twelfth month, more than 100,000 wounded, most of them being deformed and amputated children, and more than 250,000 children who are deprived of their mother, father, brother, sister, or all members of their family as a result of this genocide.

Your Excellency, the Secretary-General, Ladies and Gentlemen, the Palestinian people in the Gaza Strip have lost the right to education for an entire year and for years to come due to the systematic, complete and semi-complete destruction of schools, universities and kindergartens. To date, the education sector, in its various stages, has lost the lives of more than 496 educational staff.

---

<sup>4</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the State of Palestine.

The citizen in the Gaza Strip also lost the right to treatment and access to medicine due to the siege, destruction, and genocide to which all governmental, international, and private medical facilities were subjected. To date, more than 885 of their staff have lost their lives which has led to the spread of infectious diseases. Many people with chronic diseases have also lost their lives. The latest but not the last, is polio.

It is such shame for all humanity following the news that leaks from the interrogation centers and secret illegal occupying power detention centers in which Palestinian abductees are subjected to forced absence, extrajudicial execution, and to the most horrific practices of torture, harassment, and mass rape of women and men alike, and no one in the world knows the fate of more than 5,000 Palestinian abductees from the Gaza Strip who were kidnapped at the beginning of the war of genocide against the Gaza Strip.

The illegal occupying power war machine deprived the Palestinians of the right to access to justice after it destroyed all the facilities and headquarters of the justice sector and ruined its records, documents and archives. The citizen in Gaza was also deprived of the right to safe housing after the displacement of 2 million Palestinians in the Gaza Strip, and of the right to food, which the illegal occupying power war government used as a weapon to starve the citizens of the Gaza Strip, resulting in continuous famine and malnutrition, which killed dozens of children and affected hundreds of thousands of the population, especially in the northern Gaza Strip. And the right to work, the right to a dignified life, the right to protect civilians in times of war, and the right to travel and escape death. The systematic war machine did not leave any of the human rights that were guaranteed by all divine laws and international treaties and covenants without violating and attacking it in open disregard of all resolutions of the United Nations, the Human Rights Council, and the procedural decisions of the International Court of Justice.

Your Excellency, the Secretary-General, Ladies and Gentlemen, the illegal occupying power systematic attack on the United Nations missions and institutions operating in Palestine, criminalizing them, accusing them of terrorism, tearing up the UN Charter on the United Nations platform, closing their central operations headquarters in the city of Jerusalem, preventing their envoys from reaching the occupied territories, and closing many human rights institutions accredited by the United Nations and by international human rights organizations, preventing the international media from entering and working freely in the Palestinian territories and the deliberate assassination of more than 170 Palestinian journalists in the Gaza Strip only indicate that the illegal occupying power intends to evade the obligations imposed on it to abide by the principles of human rights in armed conflicts, and to impose the narrative that everyone is complicit against it.

Your Excellency, the Secretary-General, Ladies and Gentlemen, alignment with principles and rights requires proactive and direct action without consideration for interests and power, and this is what the State of South Africa initiated and did in its case filed before the International Court of Justice against Israel, illegal occupying power to implement the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip. In its appeal, South Africa recalls the ongoing Nakba (catastrophe) against the Palestinian people due to the illegal occupying power colonialism since 1948, which systematically and coercively led to the dispossession, displacement, and fragmentation of the Palestinian people and the deliberate deprivation of their inalienable and internationally recognized rights: the right to self-determination and the right of refugees to return to their cities and towns.

Many principled countries and international organizations have sided with the State of South Africa in the case filed against the illegal occupying power in the International Court of Justice,

including many countries with which we are participating in this conference. We, the government and people of the State of Palestine, highly value the role of the State of South Africa, its government and people, and all official international, popular, labor and student movements' efforts in all countries of the world that supported stopping the systematic genocide against the Palestinian people in the Gaza Strip; and given the advanced humanitarian positions of these countries and peoples, I, in my capacity as the Minister of Justice in the government of the State of Palestine, call on your conference to adopt literally what was stated in the advisory opinion issued by the International Court of Justice in 19<sup>th</sup> July 2024;

And to include an item on the agenda of the current session calling on all AALCO's Member States and the AALCO in its legal capacity to announce direct accession to the case filed against the illegal occupying power in the International Court of Justice and to declare support and full cooperation with the measures taken by the International Criminal Court to prosecute war criminals in the illegal occupying power.

Your Excellency, the Secretary-General, Ladies and Gentlemen, your historic decision to collectively join the case filed against the illegal occupying power in the International Court of Justice would restore hope in life in the hearts of our defenseless people who were and are being exposed to the most heinous war crimes of genocide. It shows them that the free people of the world stand by their side in pursuing war criminals, that no one is above justice, and that the right of the Palestinian people to self-determination and to the establishment of their independent state on their national land is an inherent right that is not subject to derogation or interpretation until the people of Palestine enjoy security, stability, freedom and peace.

Your Excellency, the Secretary-General, Ladies and Gentlemen, our duty today must revolve around searching for every possible mechanism to stop the State of Genocide and Ethnic cleansing with every possible tool. Our performance should rise higher than mere condemnation and denunciation and towards action and influence. And so as the free peoples of the world have succeeded in boycotting companies and products supporting the illegal occupying power, it is time for world governments and parliaments to take the measures and actions necessary to prevent the illegal occupying power, apartheid, genocide and ethnic cleansing from indulging in its schemes aimed at uprooting and eradicating the Palestinian People and obliterating their national identity. States' capabilities, natural resources, economic investments, joint projects, and various contributions must be utilized to protect human rights and enforce international humanitarian law.

And the more the supporting States and the States with decisive decisions sense that its national and economic interests will be harmed due to its bias to the illegal occupying power and Ethnic Cleansing, they will impose their positions and withdraw their political cover and military support upon which the illegal occupying power relies on in its war of genocide against the Palestinian People.

**President:** Thank you very much for your statement. The next speaker on my list is the Republic of Sudan, followed by Malaysia, Indonesia, Myanmar, Nepal and Iran. Republic of Sudan, you have the floor.

**The Head of Delegation of the Republic of Sudan:**<sup>5</sup> Dear Madam President, Secretary-General and Members. First we thank you for this opportunity and would like to take the opportunity to thank the Government of the Kingdom of Thailand for hosting the Sixty-Second

---

<sup>5</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Republic of Sudan.

Session of the Asian-African Legal Consultative Organization. We also express our full appreciation to those in charge of the Organization and their persistent efforts to play the goal assigned thereto, in order to achieve the desired goal.

The most important purposes for which the Organization was established are:-

Consider and deliberate on matters of International Law referred by the Member States in the Organization and make recommendations to the governments as necessary;

Exchange of opinions, experiences and information of common interest and having legal implications and recommend thereon;

Deliver these views to the United Nation International Law Commission.

Dear President, I address you today when the war in my country launched by the rebel Rapid Support Militia against the Sudanese army and its people, and at the behest of some unpatriotic parties and countries that Sudan was the reason for their reconstruction and recognition, and it has exceeded a year and half, as its spark was agitated by the attack of this treacherous militia on all the State facilities that were entrusted to it, with the aim of seizing power in an actions, no two people disagree are a full-fledged rebellion, whereas rebellion is an extended (political and military) conflict that aims to remove and destroy the legitimacy of the established government in order to fully or partially control a certain region through the use of military force.

The violations committed by the rebel Rapid Support Forces cannot be described in this word, due to the limited available time, by entering into an open war against the people of my country, including homicide, sexual assault and forced displacement in the cities and villages of Sudan, the occupation and systematic destruction of all state facilities without exception, roadblocks, and looting property, represent terrorist acts in every sense of the word, as they carried out every act of violence or treat of violence in implementation of a criminal project to spread terror among people, terrify and harm them and expose their lives, freedom and security to danger, causing harm to the environment, facilities and public and private property and occupy and seize the same.

Dear President, we inform you that we are proceeding to resolve these battles within our land, but Sudan has a strategic location that makes it a pillar and a link between African and Asian countries. Threatening its security means threatening international peace and security in these areas. Since terrorism knows no homeland, dealing therewith wherever it appears is essential to block its path to other regions. It is also a truism that terrorism poses a threat to international peace and security, undermines human values and violates the fundamental rights of victims.

The actions of the rebel Rapid Support Militia, supported by parties revealed by reports from organizations and media outlets known for their credibility, make the Sudanese State one of the victims of terrorism. Likewise, Sudan condemns terrorism in all its forms, and while emphasizing the central role of the United Nations in setting the necessary rules to combat terrorism, we believe that this young organization must assist the United Nations in taking important steps in this direction, and the United Nation Security Council shall refrain from any dual behavior in combating terrorism and inequality between the legitimate Sudanese's army and this treacherous rebellious militia.

We, through your organization, renew Sudan's call to the International Community to assume its legal and moral responsibilities by respecting Sudan's right to protect its land and people. We also emphasize the need to explicitly condemn all inhuman acts, based on the importance of the organizations meetings and importance of discussing issues and topics in connection

with the International Law and submitting recommendations with respect thereto, to the Governments of member States and the International Organizations for guidance in the pursuit of international peace and security. Thank you Madam President.

**President:** Thank you very much for your statement. Now I give the floor to the distinguished delegate of Malaysia.

**The Head of Delegation of Malaysia:** Excellencies, distinguished delegates, Ladies and Gentlemen, on behalf of the Malaysian delegation, allow me to thank the Government of Thailand for the warm welcome to all of us since our arrival in this beautiful and historical Kingdom of Thailand, the land of smiles and the home country of the Secretary-General of AALCO. We also express our utmost appreciation to Your Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO as well as the Secretariat of AALCO for the excellent preparations and arrangements made for hosting the Sixty-Second Annual Session of AALCO.

We wish to join other delegations in congratulating our Excellency Madam Suphanvasa Chotikajan Tang, President of AALCO and the Vice-President, Kiryowa Kiwanuka for being elected to chair this Sixty-Second Annual Session and the work of AALCO in one year from now. We look forward to working with you under your leadership. We would also like to pay tribute to the outgoing President of the Sixty-First Annual Session of AALCO, His Excellency Mr. Yasonna H. Laoly, who had worked wholeheartedly and tirelessly in spearheading AALCO during his tenure.

Excellencies and distinguished delegates, this year's theme: "Advancing the development of international law through Asian and African leadership", reinvigorates the spirit of AALCO since its establishment on 15<sup>th</sup> November 1956 following the historic Bandung Conference held in April 1955. Since then, AALCO has served as an integral platform for its Member States to deliberate each year on international law matters that are of common interest as well as reaffirm the founding vision of AALCO. Through solidarity, friendship and co-operations among AALCO Member States, we have successfully accomplished tremendous developments and advancements in international law aspects.

While Malaysia acknowledges the importance in enhancing the role of AALCO and its Member States in shaping the future of international law, Malaysia is of the view that increasing international co-operation in addressing international law issues is critically important and should be the key outcomes from this Annual Session. As our world nowadays is becoming unhinged with daunting and catastrophic challenges, international collaborating in forms of co-operations and engaging dialogues with other states and international organizations beyond Asian and African regions in solving the fragmented world's issues is crucial. This will not only strengthen the voice of AALCO globally, but also propel the development of international law through sharing experiences and best practices.

On that note, our delegation is deeply encouraged by the noble initiative of the Government of the Kingdom of Thailand in preparing the draft Krunghthep Declaration for review by all AALCO Member States during this Annual Session, which Malaysia finds in tandem with our theme this year, and reinforcing AALCO's established and long-standing commitment to the promotion of international laws, rule of law as well as international and regional cooperation, especially in the Asian and African regions. Our delegation looks forward to review the draft Declaration together with all AALCO colleagues and is hopeful for a constructive discussion and deliberation on this matter.

Malaysia reaffirms its support and commitments as regards the accountability for grave violations of international law and the threats to international peace and security. As such, Malaysia would like to draw the attention to one of the agendas in this Annual Session on the “Violations of International Law in Palestine and Other Occupied Territories” by Israel and Other International Legal Issues relating to the Question of Palestine. Malaysia strongly condemns the continued illegal occupation of the Israeli entities and the relentless killings, attacks and destructions by the occupying power against the harmless and defenseless Palestinians and Malaysia is currently using all available diplomatic and legal avenues to uphold the international law and urge the global community to act on the issue of Palestine. Malaysia is currently collaborating closely with the like-minded countries at the United Nations on this issue and Malaysia welcomes any co-operative measures that AALCO’s Members State and the international community may take to find ways and means to end atrocities in Palestine. Malaysia also propose for AALCO and the Member States to consider collaborating with other international organizations such as the Organisation of Islamic Cooperation (OIC) and the African Union Commission to leverage its roles and functions in contributing towards progressive solution under the international law on the issue of Palestine.

Excellencies and distinguished delegates, as in the previous years, Malaysia welcomes all matters enlisted in the Agenda of this Annual Session apart from the matter on Palestine which we mentioned earlier. Malaysia notes the Report on Matters related to the work of the International Law Commission (ILC) at its seventy-fifth Session which Malaysia greatly appreciates the Secretariat of AALCO for providing AALCO’s Member States this opportunity to further converse and share their observations and views on the topics reported in the seventy-fifth ILC Report.

On the issue of Asset Recovery Expert Forum, Malaysia recapitulates our support for its establishment within AALCO, and also taking into account the availability of resources. We believe this forum will provide a crucial platform for Member States to share best practices, address ongoing challenges, and develop innovative strategies for asset recovery, particularly in the Asian and African contexts.

On the topic of the Legal Issues in Outer Space. Malaysia observes some similarities of issues on this matter as have been discussed at the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space (“LSC COPUOS”). Malaysia proposes for the Secretariat of AALCO to ensure that this additional agenda item will not be a duplication of an existing agenda item that is being deliberated at the LSC COPUOS which may result in a waste of resources.

Malaysia looks forward to participating in the deliberations with Member States on the topics included in the Agenda, the outcome of which to be used as a basis to advance AALCO’s views in a more coherent, effective and meaningful manner. We assure our full co-operation and participation to bring the work of this Annual Session to a successful conclusion. Thank you.

**President:** Thank you very much Malaysia for your statement. Before the break, could I ask if Republic of Indonesia to make their presentation. Thank you. You have the floor.

**The Head of Delegation of the Republic of Indonesia:** Her Excellency Madam President, His Excellency Mr. Vice-President, His Excellency Mr. Secretary-General, Excellencies, distinguished delegates, Ladies and Gentlemen,

*Assalaamu’alaikum warahmatullaahi wabarakatuh.*

*Sawadi khrap,*



A very good afternoon to all of us.

First of all, on behalf of the Delegation of the Republic of Indonesia, allow me to congratulate you, Ms. Suphanvasa Chotikajan Tang of the Kingdom of Thailand and His Excellency Mr. Kiryowa Kiwanuka Nsumikambi Mugambe of the Republic of Uganda upon your assumption as the President and Vice President of the Sixty-Second Annual Session of AALCO. I am confident that your able guidance and stewardship will bring forth a fruitful discussion and achieve successful outcomes.

We also would like to extend our appreciation to the government and the people of the Kingdom of Thailand for their warm welcome and generous hospitality of hosting this Annual Session in the Great City of Angels, *Krung Thep Maha Nakhon*.

Our appreciation also goes to the Secretary-General of AALCO, His Excellency Dr. Kamalinne Pinitpuvadol and his team in AALCO Secretariat for the excellent organization of this Annual Session.

We also we would like to welcome our brother Burkina Faso for joining AALCO as its Forty-Eighth Member State.

*Ne y kena.*

Excellencies, distinguished delegates, ladies and gentlemen, since its genesis, AALCO has always been a platform for establishing and promoting common perspective of Asian and African countries in various international law topics. Today, we as Asian and African countries convene yet again in the Sixty-Second Annual Session of AALCO to deliberate on important agendas of our common interests that touch upon the works of the “International Law Commission”, the ongoing “Violations of International Law in Palestine”, “Environment and Sustainable Development”, “International Trade and Investment Law”, “Asset Recovery Expert Forum”, “Legal Issues in Outer Space”, “Law of The Sea”, “International Terrorism”, and “International Law in Cyberspace”.

Excellencies, distinguished delegates, ladies and gentlemen, on the agenda of the works of International Law Commission (ILC), Indonesia would like to commend the works that have been taken in its seventy-fifth Session. Indonesia along with several states has successfully advocated the inclusion of the topics of Sea-Level Rise (SLR) on the ILC’s agenda, demonstrated our commitment in addressing this critical challenge. Indonesia remains committed on the issue of SLR within the ILC and looks forward to working with other member states.

Regarding the agenda of Legal Issues in Outer Space, Indonesia would like to draw our attention to the fundamental principles of the use of outer space, including space orbits, as a common heritage of humanity. It is essential for all of us to continuously consider the use of outer space wisely for the benefit of humankind. Moreover, Indonesia puts its interest in the topics of the definition and delimitation of outer space, the use of geostationary and non-geostationary orbit, small satellites and mega constellations, space security, and the complexity of space resource utilization. Indonesia also observes the needs of capacity building in space law and encourages AALCO to establish such program on a regular basis.

On the matter of The Law of the Sea, Indonesia has provided substantive contribution in its engagement in the process initiated by the Commission of Small Island States (COSIS) seeking an Advisory Opinion from the International Tribunal for the Law of the Sea (ITLOS). This underscores our firm belief in the importance of addressing climate change and commitment

to fulfilling its obligations to protect and preserve the marine environment as mandated by the United Nations Convention on the Law of the Sea (UNCLOS).

Indonesia also puts its concern regarding Marine Scientific Research (MSR). In line with UNCLOS, Indonesia has developed and implemented a procedure for granting permits for MSR within its jurisdiction. However, as the world's largest archipelagic state, Indonesia faces significant challenges in monitoring and regulating MSR activities. In this regard, Indonesia encourages AALCO Member States to share best practices to address the challenges.

Excellencies, distinguished delegates, ladies and gentlemen, moving on to the issue of Palestine, my Delegation cannot remiss of the plight and suffering of the Palestinian people when deliberating on each and every agenda under this item. Regardless, my delegation are hopeful of the progress in this field so far as international law is concerned. Litigations by and for Palestine are still taking place in the International Court of Justice. The recent conclusion in July of the Court's Advisory Opinion was a breakthrough, unprecedented, and promising at the same time. This Consultative Organization can certainly contribute its own share by deliberating on legal ways and manner the United Nations General Assembly and/or Security Council deliver on the finding of the Court, especially on how to end as rapidly as possible the unlawful presence of Israel in the Occupied Palestine Territory.

Excellencies, distinguished delegates, ladies and gentlemen, Indonesia puts special interest on the agenda of Asset Recovery Expert Forum initiated last year in the Sixty-First Annual Session in Bali. Indonesia underscores the urgent need for an Asset Recovery Expert Forum within AALCO to address the critical issue of stolen assets, which impede development and undermine public trust. At the recent Inter-Sessional Meeting, Indonesia highlighted the challenges posed by differing legal systems and emphasized the forum's role in overcoming these barriers through collaboration and shared expertise.

This forum would focus on capacity building, offering training and resources tailored to the unique needs of Asian and African nations. It would complement existing mechanisms and leverage regional expertise to strengthen asset recovery efforts. The AALCO Secretariat would serve as a facilitator, supporting communication and sharing best practices.

Indonesia calls on all Member States to support the establishment of this forum, urging close co-operation among authorities to streamline asset recovery. This initiative would send a clear message of unity and determination to reclaim stolen assets and strengthen the rule of law across both regions.

Excellencies, distinguished delegates, ladies and gentlemen, the deliberations of the agenda related to the Environment and Sustainable Development continues to be one of the most important, especially to ensure the survival of mankind on our only earth. Indonesia highly commends the work on the substantive and comprehensive negotiation to establish an International Legally Binding Instrument on Plastic Pollution fully supports the global endeavors to end plastic pollution, including in the marine environment. Furthermore, Indonesia also strongly hopes that our effort through Conference of the Parties of the United Nations Framework Convention on Climate Change (COP), particularly in COP 29 will be indeed a "critical enabling COP" in the climate ambition cycle. Having that in mind, we have to ensure meaningful progress towards pursuing efforts to keep 1.5 Celsius degree within reach through these priorities for COP29.

Excellencies, distinguished delegates, Ladies and gentlemen, on the agenda of International Trade and Investment Law, Indonesia would like to reiterate its continuous support of initiatives that are aimed at strengthening and enhancing the functions of the World Trade

Organization (WTO) bodies while underscoring the importance of inclusive, transparent, and open discussions on the WTO Reform.

Finally, on the agenda of Terrorism and Violent Extremism, Indonesia is of the view that both national legal frameworks and international cooperation are of importance to address various challenges.

Indonesia in particular has implemented four pillars of the United Nations Global Counter-Terrorism Strategy that covers aspects of peace, security, sustainable development, and humanity and human rights in formulating counter-terrorism policy and adheres to the International Covenant on Civil and Political Rights, United Nations Convention Against Torture, and the United Nations Security Council Resolution 1624. Our comprehensive and continuous efforts in eradicating and preventing terrorism by relevant components in countering terrorism has brought a delightful result as we saw zero terror attacks in 2023. Indonesia stands ready to work with countries in countering terrorism and continues to maintain and support international cooperation with Asian and African countries to fight and prevent terrorism.

Excellencies, distinguished delegates, ladies and gentlemen, our continued efforts and cooperation within the agenda of AALCO is a testament of the Bandung Spirit, particularly on the promotion of mutual interests and cooperation and respect for justice and international obligations. Indonesia as its founding Member States remains committed to the works and values of AALCO and strongly believes that AALCO could maintain its relevance in addressing global challenges. Indonesia also looking forward to the upcoming cooperation.

I wish this Annual Session a fruitful deliberation and further strengthen our commitment for an Asian-African solidarity. Thank you very much.

**President:** I thank Indonesia for the statement. The list of speakers is as follows: Myanmar, Nepal, Iran, Bangladesh, Philippines, Tanzania, Uganda, Japan, South Africa, Viet Nam, Iraq, Sierra Leone, Cameroon, Nigeria and Kenya. So now I propose we take a break and we resume again at 4.30 pm. Thank you very much.

**The meeting was thereafter adjourned.**



**VII. VERBATIM RECORD OF THE SECOND  
GENERAL MEETING OF THE AALCO MEMBER  
STATES**



**VII. VERBATIM RECORD OF THE SECOND GENERAL MEETING OF THE AALCO MEMBER STATES HELD ON MONDAY, 9 SEPTEMBER 2024, AT 04:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: GENERAL STATEMENTS**

**President:** Welcome back. I would now like to call to order the Second General Meeting. Before we resume with our list of speakers, I would like to convey a message from the chair of the Drafting Committee that the first meeting will happen today at 5pm. So I encourage and invite all interested States to partake in the discussions of the Drafting Committee.

Now we return to the General Statements and the list begins with the distinguished delegate from the Republic of the Union of Myanmar. You have the floor.

**The Head of Delegation of the Republic of the Union of Myanmar:** Madam President, Your Excellencies, distinguished delegates, Ladies and Gentlemen. It is a great honor and a privilege for me to have the opportunity to address this Sixty-Second Annual Session of the Asian-African Legal Consultative Organization (AALCO) in this beautiful City, Bangkok, the Kingdom of Thailand.

On behalf of Myanmar Delegation and on my own behalf, first of all, I would like to express my sincere thanks to His Excellency Mr. Maris Sangiampongsa, the Minister of Foreign Affairs of the Kingdom of Thailand, for inviting Myanmar Delegation to attend this Sixty-Second Annual Session of AALCO and the warmest hospitality that has been extended to me and the members of Myanmar delegation.

I would like to express our congratulation to H.E. Mrs. Suphanvasa Chotikajan Tang for your well-deserved election to President, we are confident that under your able leadership this Sixty-Second Annual Session will reach great heights of success and will have fruitful results. We also would like to express our sincere acknowledgement to Excellency, His Excellency Prof. Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia, the former President of the Sixty-First Annual Session of AALCO, for his remarkable capability on the last AALCO Session. We also would like to thank our gratitude to H.E. Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO for his best efforts and contributions.

Madam President, Excellencies, distinguished delegates, Ladies and Gentlemen, I would like to highlight that AALCO is a pioneering intergovernmental forum dedicated to fostering collaboration among Asian and African Nations in the development and codification of international law. We would like to express our appreciation on the AALCO's publications of Yearbook of AALCO, AALCO Journal of International Law and Newsletter. We acknowledge the AALCO Secretariat and the team for their excellent energies to release those valuable legal instruments.

Madam President, we have noticed that this Annual Session focuses on ten substantive matters. Among them, I would like to focus on the following matters.

With respect to "Environment and Sustainable Development", sustainable development recognizes that economic, social, and environmental considerations are interconnected and must be balanced to achieve long-term well-being. Myanmar is a country with vast natural resources and rich biodiversity. Myanmar adopted Myanmar Sustainable Development Plan (MSDP, 2018-2030), which is the expression of our National Development Vision in line with

the Global Sustainable Development Agenda. Accordingly, the National Environmental Policy of Myanmar was adopted in 2019. In order to achieve sustainable development at the domestic level, Myanmar has implemented two national legislations to ensure that economic growth is harmonized with environmental development and long term sustainability.

Madam President, Ladies and Gentlemen, I wish to underline that Asia and Africa region are rapidly developing, and investment opportunities are increasing too. Myanmar is situated at the strategic geographic point for trading. Therefore, if foreign investors invest in Myanmar, they will have golden network to the Asian countries and able to export their products to global markets easily and quickly and there will be enormous profits in their investment.

Madam President, it is obvious that the matter of International Cooperation and Asset Recovery is crucial in international legal cooperation. The confiscation of assets related to transitional organized crime, such as corruption creates a strong deterrent for potential corrupt officials in order that there is no safe haven for hiding illicit wealth. The National Legal Framework of Myanmar related to asset recovery is primarily governed by the Anti-Corruption Law (2013) and the Anti-Money Laundering Law (2014). These laws provide mechanisms for the investigation and confiscation of assets obtained through corrupt practices. Since, a signatory to the United Nations Convention Against Corruption (UNCAC), Myanmar strengthens its legal infrastructure and fosters international partnerships ensuring that these resources are effectively reinvested in public goods.

Madam President, Ladies and Gentlemen, it is true that the Law of the Sea places a strong emphasis on the protection and preservation of the marine environment. The sea area of our country is rich in living and non-living resources, including fisheries, oil, and natural gas, which are vital for the country's economic growth. The UNCLOS enhances Myanmar's ability to protect its maritime interests and help Myanmar to combat illegal activities such as unauthorized fishing, smuggling, and piracy. I am honored to share with you an important development in Myanmar's environmental protection efforts—the drafting of the Protection of Marine Pollution Law. This new legislation represents a significant milestone in our commitment to safeguarding our marine environments and aligning with global standards.

Madam President, the Geneva Conventions, a cornerstone of International Humanitarian Law (IHL), establish the obligations of states during armed conflicts. Myanmar signed the Final Act of the Geneva Conference in 1949 and ratified the four Geneva Conventions in 1992. In this regard, Myanmar fully respect the protection of people who are not taking part in the hostilities. At present, Myanmar is engaged in ongoing efforts to translate and disseminate the Geneva Conventions and other IHL instruments. These efforts are primarily driven by a combination of the Governmental initiatives and the International Committee of the Red Cross (ICRC). Particularly, the Ministry of Legal Affairs and the Ministry of Defense are involved in reviewing and adapting these translations ensuring that the translations align with the original contexts and practices.

Madam President, Ladies and Gentlemen, Furthermore, legal issues related to outer space in Myanmar are influenced by the country's commitment to outer space treaties and agreements. By adhering to these agreements, Myanmar indicates its acceptance of responsibility that outer space is the province of all mankind and shall be used for the benefit of all countries, regardless of their degree of economic or scientific development. Myanmar believes that a Comprehensive Treaty on Outer Space Prohibiting Testing, Deployment and Use of All kinds of Weapons is essential to preserve the common interest of all mankind in the exploration and use of outer space for peaceful purposes.



Madam President, Excellencies, distinguished delegates, Ladies and Gentlemen, as a founding member of AALCO, Myanmar will always support all efforts of AALCO and will continue cooperating with AALCO's activities and agendas.

In conclusion, I once again express my gratitude to the Government of the Kingdom of Thailand, the AALCO and all officials concerned who worked on or behind the scenes to make this Sixty-Second Session reality. I also thanks to all delegations for your valuable and active participation. I wish all of you the best for everything. Thank you so much and have a good day.

**President:** Thank you Myanmar for your statement. I now invite the distinguished delegate from Nepal to deliver their statement.

**The Head of Delegation of Nepal:** Madam President, Honorable Ministers, Excellencies, Secretary-General, distinguished delegates, ladies and gentlemen,

First of all, on behalf of the Nepali Delegation, I would like to extend heartfelt congratulations to the President, Her Excellency, Suphanvasa Chotikajan Tang and Vice-President Mr. Kiryowa Kiwanuka on being elected to lead the Sixty-Second Annual Session of AALCO. I am confident that your guidance and leadership will be an aspiration in achieving the objectives of AALCO's Sixty-Second Annual Session.

I take this opportunity to express my sincere gratitude to the outgoing President, His Excellency, Mr. Yasonna H. Laoly, for your exceptional leadership of the Sixty-First Annual Session. I also would like to thank the AALCO Secretariat for their outstanding efforts in organizing this session. My Delegation would like to extend our special appreciation to the government and people of the Kingdom of Thailand for their cordial reception and generous hospitality to my delegation.

Mr. President, the theme of this session, "Advancing the Development of International Law through Asian and African Leadership", is both timely and essential. It underscores the critical role that Asian and African countries play in shaping the future of international legal frameworks. Nepal, with its unique geographical and socio-economic position, brings valuable perspectives to the global discourse. Nepal is committed with the Climate Justice, Sustainable Development Goals, peace and justice, protection of human rights and promotion and protection of trade and investment. Nepal is fully committed to the norms and principles of the United Nations Charter. Our plans and policies are aligned accordingly.

Madam President, Nepal is deeply affected by the climate changes causing a direct, disproportionate, and damaging effect of climate change despite her nearly zero contribution to global emissions. The UN Secretary-General during his visit to Nepal has urged to stop war against the nature after having witnessed the disastrous impacts of climate change in the mountains. Climate change is causing rapid melting of the Himalayan glaciers and posing a serious threat to food, water, energy and human security in mountain area. We would thus like to emphasize that climate equality, climate equity and justice, and principles of polluter pay and common but differentiated treatment should prevail. We would like to urge the States to limit the temperature increase to 1.5 degree Celsius above pre-industrial level and compensate to the states like Nepal which is disproportionately affected by climate change.

Nepal recognizes the need for strengthened international legal frameworks to ensure climate justice. We have also determined to reduce carbon emissions to net zero by 2045. We support AALCO's efforts to develop comprehensive legal instruments that promote environmental

protection and sustainable development. Such measures are crucial for building resilience against climate-related impacts and ensuring climate justice.

Madam President, while international trade regimes such as WTO and various regional and sub-regional mechanisms are crucial for global trade, they have not always been beneficial for countries like Nepal. Nepal's unique circumstances, including its status as a landlocked country, make it particularly vulnerable to trade challenges. Tariffs and non-tariff barriers have led to significant trade deficits, and existing dispute settlement mechanisms are often inaccessible. As Nepal prepares to graduate from LDC to developing nation status, international trade laws must be adapted to better support development needs of the countries like Nepal. Therefore, the AALCO Secretariat should also conduct independent research and assess impacts on the least developed landlocked countries like Nepal to ensure fair and equitable trade practices.

Madam President, human rights protection is a cornerstone of international legal frameworks and remains a fundamental priority for Nepal. We commend AALCO for its ongoing commitment to advancing human rights and ensuring justice for all individual through effective legal frameworks safeguarding dignity and equality across all Member States.

Madam President, our federal Parliament by achieving national consensus passed an amendment Bill on transitional justice as per our commitment to conclude peace process in conformity with the norms and principles of international law and taking into account the interest and concern of the victim and ground reality. The said transitional justice related Act has comes into effect.

The capacity of legal institutions and the effectiveness of international law are directly influenced by the quality of legal education and professional development. Nepal strongly supports the initiatives of AALCO in these areas, recognizing that enhancing legal education and capacity building are critical for the effective implementation and enforcement of international legal norms.

Madam President, Nepal is also committed to supporting AALCO's efforts in strengthening international legal standards that reflect the unique needs and perspectives of Asian and African nations. Our engagement with AALCO reflects our broader commitment to international cooperation and the rule of law.

Madam President, Nepal remains dedicated to support the initiatives that promote justice, equity, and sustainable development, and we are confident that our collective efforts will lead to significant progress. Nepal reaffirms its dedication to advance international law through collaborative leadership and shared goals.

I wish the Sixty-Second Session of AALCO a great success. Thank you!

**President:** Thank you very much for your statement. Now I would like to give the floor to the distinguished representative of the Islamic Republic of Iran. You have the floor Sir.

**The Head of Delegation of the Islamic Republic of Iran:** Madam President, Mr. Secretary-General, Honourable Ministers and Attorneys General, Excellencies, distinguished delegates, Ladies and Gentlemen, it is indeed a great pleasure for me to address the Sixty-Second Annual Session of AALCO. I would like to express sincere gratitude on behalf of the Islamic Republic of Iran to the Kingdom of Thailand, for hosting this significant event. Madam President, I would like to congratulate you on your election as the President of this Session. I am sure that under your able leadership we will have fruitful deliberations on the wide array of topics under consideration.

Let me also take this opportunity to thank the AALCO Secretary-General and the Secretariat for their hard work and busy schedule this year; I should commend the Secretariat as well as the Member States for their continued hard work and cooperation for organizing the present Session.

Madam President, my delegation is of the view that AALCO is an important forum for considering, and follow-up of, international law issues of concern to Asian and African countries.

Global challenges could be resolved only through respect for international law, adherence to global commitments and the adoption of appropriate frameworks of multilateral governance. In this regard AALCO Member States can promote cooperation, coordination, and effectiveness in their international relations, ultimately contributing to a more peaceful, prosperous, and just world and strengthen their capacity to participate effectively in multilateral initiatives.

In line with the theme of the present Session, the Islamic Republic of Iran echoes this call and welcomes initiatives to further promote cooperation on issues of concern to Asia and Africa in different fields of international law. Needless to say, multilateralism is key in this regard. We believe that this is the only way to establish a safe, just, and inclusive environment where all nations can enjoy sustainable peace and stability.

Madam President, aware of the serious threat that terrorism continues to pose against international peace and security, as well as its nefarious effects on the well-being of societies and the enjoyment of human rights, Iran considers terrorism as a global phenomenon that knows no borders, religion, ethnicity, nationality, or civilization. As such, responding to this formidable challenge requires vigorous international cooperation, so as to deny terrorists any safe haven, freedom of movement, and opportunity for operations. Our success in combating terrorism can only be ensured by respecting the rule of law, strengthening international cooperation, and promoting multilateralism.

Over the past decades, Asia and Africa have witnessed the growth of terrorist groups with transnational activities; fortunately, many of them have been successfully countered by the countries involved through regional and international cooperation. While international and regional organizations have a significant role to play, States remain the key actors in preventing and countering terrorism mainly through regional and international cooperation. International instruments could bolster such cooperation, and forums such as AALCO could provide a valuable opportunity to deliberate on the challenges involved, to share best practices, and to learn from successful experiences of others.

In this respect, the Islamic Republic of Iran in cooperation with the AALCO Secretariat, organized the AALCO Regional Conference on Preventing and Countering Terrorism: Asian-African Perspectives on 3rd to 4th of July in Tehran with participation of more than 70 participants from Asia and Africa, including representatives of the United Nations Office on Drugs and Crimes, the Regional Anti-Terrorist Structure (RATS) of the Shanghai Cooperation Organization and the African Union. This conference demonstrated that many Member States of AALCO share the same concern as regards prevention and combating of terrorism. We are glad that AALCO has been cognizant of this fact since long, which is evident from the inclusion of the topic on its agenda in 2001.

In this regard, I would like to thank the Secretariat of AALCO for unveiling the “Proceedings of the AALCO regional Conference on preventing and countering Terrorism; Asian-African perspectives” at this Sixty-Second Annual Session.

Madam President, only a few weeks after holding the conference on counter-terrorism in Tehran, the political chief of the Palestinian Islamic Resistance Movement and former Prime Minister of Palestine, Mr. Ismail Haniyeh, who was in Tehran on an official invitation from the Government of the Islamic Republic of Iran to attend the inauguration ceremony of our new President, was assassinated, along with his companion, on 31<sup>st</sup> of July 2024, as a result of an aggressive act of terrorism by the Zionist occupying regime of Israel.

This act of terror is just another manifestation of Israel's decades-long pattern of terrorism targeting Palestinians and other supporters and sympathizers of the Palestinian cause across the region and beyond. This cowardly attack constitutes a crime of aggression, a flagrant violation of international law and the UN Charter, and a serious infringement of the sovereignty, territorial integrity, and national security of the Islamic Republic of Iran. It warns that the ongoing crimes of Israel, the illegal occupying power in the Palestinian territories, undermine security and stability in the region.

Thus, once again, the Islamic Republic of Iran condemns in the strongest possible terms this horrible terrorist act as a most serious violation of international law and the Charter of the United Nations as well as a grave breach of Iran's sovereignty and national security.

Madam President, the persistent and systematic attacks on Palestinian civilians in Gaza, characterized by an ongoing aggression and indiscriminate targeting of civilians, have resulted in a tragic loss of life, widespread destruction, and a deepening humanitarian crisis. These actions, which frequently target protected persons and places such as civilian infrastructure, schools, residential areas, hospitals, reporters and the UN staff not only violate international humanitarian law but also constitute war crimes under the Geneva Conventions.

Despite the global condemnation of genocide and war crimes committed by the Israeli regime in Gaza, and the united call of the international community for an immediate end to the genocide and massacre of Gaza's people, an immediate and permanent ceasefire, and the delivery of humanitarian aid—which have been reflected in four UN Security Council resolutions, numerous statements by international organizations, three orders of provisional measures of the International Court of Justice, and widespread protests—the Zionist occupying regime continues its brutal crimes with full impunity. It is hoped that the perpetrators of these crimes are brought to justice, which seems feasible only if the enablers of this regime refrain from providing them with weapons and resources.

In this context, I would like to refer to the landmark advisory opinion issued by the International Court of Justice (ICJ) on 19<sup>th</sup> July 2024 on the “Legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem”. The ICJ, in its advisory opinion, calls upon the UN General Assembly and Security Council to consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the Israeli regime in the Occupied Palestinian Territory. AALCO Member States can have an important role in this regard.

Madam President, Information and Communication Technology (ICT) has become an integral part of global communication, business, and governance, offering numerous opportunities while also introducing unprecedented threats. Addressing these threats in the ICT environment requires a multifaceted approach that encompasses technological, legal, and cooperative strategies. Iran has been the primary target and main victim of numerous cyber-attacks on its infrastructure, which has significantly disrupted public services and governmental functions. In general, these malicious activities have highlighted the potential for ICT environments to be weaponized to inflict damage on the infrastructures of States.

The prominent role and active involvement of States in ICT environment governance at the global level, particularly in policy and decision-making, needs to be enhanced and ensured. ICT governance should be developed in a way that does not negatively affect the rights of States to determine their own development, governance, and legislation concerning the ICT environment.

The primary responsibility for maintaining secure, safe, and trustworthy ICT rests with individual States. States must act responsibly and in accordance with fundamental principles of international law as enshrined in the Charter of the United Nations.

The Islamic Republic of Iran, in principle, is cognizant of the need to strengthen and bolster international cooperation in the field of cyberspace. To that end, we welcome international treaty making initiatives that seek to shape cooperative framework between States in the area of countering criminal behavior in cyberspace. In this regard, the draft United Nations Convention against Cybercrime has been adopted at the United Nations Ad Hoc Committee (AHC) on Cybercrimes under the auspices of the United Nations General Assembly (Third Committee) on 8th August 2024.

Madam President, in conclusion, I wish to stress our dire need to prevent the promulgation and application of unilateral coercive measures, which are a flagrant violation of fundamental principles of international law as set forth in the Charter of the United Nations. Such unlawful measures endanger the rule of law, the spirit of solidarity and coexistence, and friendly relations between nations, impede freedom of navigation and trade, and negatively impact the full and effective realization of human rights, including social, cultural, and economic rights, particularly the right to development.

In the end, I wish you all the best and with this very busy schedule, I hope we will have very useful and fruitful deliberations in the coming days. Thank you for your attention.

**President:** Thank you very much for your statement. I forgot to announce that the Drafting Committee is in session now. It is holding the meeting in the room next door right behind us. So all the Delegations, you can attend.

The next speaker on my list is the distinguished delegate from Bangladesh. You have the floor Excellency.

**The Head of Delegation of the People's Republic of Bangladesh:** Madam President, Excellencies, distinguished delegates, at the outset, we extend our sincere appreciation to the Royal Thai Government for hosting the Sixty-Second Annual Session of AALCO with exemplary commitment and care. We also thank the AALCO Secretariat for the documentation and preparations made for this week's proceedings under the Secretary-General's able stewardship.

Madam President, in Bangladesh, we have had a dramatic political shift last month following a mass uprising spearheaded by students. What started as a protest against certain discriminatory provisions in civil service recruitment soon morphed into a nationwide revolutionary struggle in the wake of unwarranted mass atrocity crimes committed by a repressive regime. On 8<sup>th</sup> August 2024, an interim government assumed office with overwhelming public support to help navigate the nation through this critical juncture. The Government's core mandate would be to make substantive and durable reforms in the State system to uphold electoral democracy, the rule of law and fundamental rights and freedoms. One of its key priorities would be to bring to justice those responsible for the atrocities

committed during the July-August movement to heal the wounds of those victimized and pave the way for national reconciliation.

Within its short tenure, the Interim Government has already ratified the International Convention for the Protection of All Persons from Enforced Disappearance to signal its unequivocal commitment to international human rights law. With this latest move, Bangladesh is now Party to all the nine major international human rights instruments. The Government is revisiting some of the contested provisions of the Cyber Security Act, 2023 that created scope for curtailing freedom of expression and shrinking independent media space in the previous years. As part of its extensive legal reform exercise, the Interim Government would explore and examine the best practices available in many comparable contexts within AALCO Member States.

We must acknowledge the Seventy-Fifth anniversary of the Geneva Conventions this year that provides us an opportunity to renew our collective resolve to adhere to international humanitarian law. Under the purview of the National IHL Committee, our Government is currently working on a new piece of domestic legislation to further strengthen our compliance with the Geneva Conventions and the two Additional Protocols. The International Crimes Tribunal Act, 1973 continues to remain our core domestic law to prosecute grave breaches of IHL, including the commission of mass atrocity crimes.

As a State Party to the Rome Statute on the International Criminal Court, Bangladesh underscores the importance of preserving ICC's sanctity and independence from undue interference and intimidation. We continue to extend necessary cooperation to ICC in its "Case Concerning the Forced Deportation of the Rohingyas into Bangladesh territory" leading to a prolonged humanitarian crisis affecting our region. Bangladesh is a co-sponsor of the UN General Assembly Resolution concerning the possible elaboration of a Convention on Crimes against Humanity drawing on the Articles drafted by the International Law Commission.

In pursuance of our commitment to IHL, Bangladesh has remained actively associated with some of the international judicial proceedings concerning the State of Palestine, especially the mass atrocity crimes being committed with impunity by Israel, the Occupying Power, against unarmed civilians in the Gaza Strip. We have decided in principle to join the case filed by South Africa against Israel in the International Court of Justice under the UN Genocide Convention, 1948, and stand ready to consider appropriate intervention at a suitable stage of the ongoing proceedings. Earlier, Bangladesh made a submission in support of an Advisory Opinion from ICJ as per the UN General Assembly Resolution 77/247 steered by South Africa on the question of the "Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem".

Still, within ICJ, Bangladesh has made its written submissions twice in response to the Court's call for the same to follow up on the request for its Advisory Opinion on "States' Responsibility for Climate Change". Our delegation had worked closely with the delegation of Vanuatu in New York to get the concerned UN General Assembly Resolution negotiated and adopted last year. We thank Vanuatu, Viet Nam and others for taking measures to mobilize Asia Pacific Member States to make their respective submissions to ICJ in this regard. Bangladesh had also made its submission for the case filed on behalf of the Commission on Small Island States at the International Tribunal on the Law of the Sea. The ITLOS Advisory Opinion has been well acknowledged, and been cited as a useful reference in Bangladesh's own written submission to ICJ recently. We consider these initiatives to be crucial for our quest for climate justice as a frontline State.

We look forward to desired outcomes from the UNFCCC COP 29 negotiations on a New Collective Quantified Goal to ensure substantive and meaningful financial commitments for climate action beyond 2025, in keeping with the principles of Common but Differentiated Responsibilities and Respective Capabilities. The developing countries must remain focused on our common aspirations in this regard, the same way climate vulnerable nations rallied behind the creation and operationalization of a Loss and Damage Fund during COP 27 and COP 28. We wish to see the fifth session of the Intergovernmental Negotiating Committee by the end of this year reach conclusion on an international legally binding instrument to combat plastic pollution with a balance struck between binding commitments and voluntary measures.

Madam President, the Global South solidarity has been in clear demonstration during the Diplomatic Conference held in May 2024 in Geneva that culminated in the adoption of “Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge”. This could be achieved following relentless persuasion by the developing countries for long 22 years. We hope that such shared cooperation and understanding would be in full display during the negotiations on an International Pandemic Treaty that hopefully come to an end in the next two weeks. It is in our shared interest of both Asia and Africa to strengthen the international cooperation mechanisms as well as access and benefit sharing framework envisaged in the draft instrument. With the emergence of Mpox in parts of our two continents, the importance of having a fair, just, equitable, predictable and transparent international legal instrument for addressing global pandemics need not be over-emphasized.

In the spirit of this Annual Session’s underlying topic, the AALCO Member States must also remain invested in taking lead in the international legislative and norm-setting exercise concerning the new frontiers of human endeavors. We are pleased that the Ad Hoc Committee session held in July-August 2024 in New York could reach agreement on a draft UN Convention against Cybercrimes, to be adopted by the seventy-ninth session of the UN General Assembly. This has been a major milestone in promoting international cooperation involving the private sector in effectively dealing with cybercrimes while upholding human rights and privacy standards online. In view of the new opportunities and unforeseen challenges emanating from the application of Artificial Intelligence and other emerging technologies, it is critical that that most of the developing world does not remain only on the receiving side of such developments. In the domain of international law, Bangladesh has expressed support in principle for an international legal instrument concerning the human-centric use of Lethal Autonomous Weapons Systems.

In Bangladesh, we have concluded the internal procedures to submit our Instrument of Ratification for the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity in Areas beyond National Jurisdictions, or the BBNJ Agreement. We are pleased that AALCO is making forays into legal issues in outer space, and underscore the importance of a peaceful and rules-based order in outer space to prevent the growing threats of an arms race and unhealthy competition.

Madam President, we appreciate AALCO’s support in making us aware of key developments taking place under the purview of the International Law Commission and UN Commission on International Trade Law. We see ample merit in the Statute of the International Advisory Centre on International Investment Dispute Settlement, particularly in support of developing and least developed countries. As a State Party to the UN Convention against Corruption, we align with Indonesia and other delegations in conveying our support for constituting the proposed AALCO Asset Recovery Expert Forum. In the sphere of private international law, Bangladesh has joined the Apostille Convention this year, and looks forward to the benefits that may accrue

to our service seekers for consular assistance, attestations and other inter-governmental processes.

Madam President, distinguished delegates, Bangladesh believes that all AALCO Member States and Observers must work collectively to allow the Organization to live up to its potentials, including by providing the Organization with necessary resources. We see logic behind having the AALCO Annual Sessions adopt forward-looking Resolutions to match its character as an inter-governmental organization. It is up to us as Members to engage in negotiations on the draft Resolutions in a constructive manner so that AALCO can proceed with its work on the basis of well-defined mandates.

We wish to the Sixty-Second AALCO Annual Session all success and assure you Madam President of our delegation's full support in discharging your mandate. I thank you all.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate from the Republic of Philippines to deliver their statement. You have the floor.

**The Head of Delegation of the Republic of Philippines:** Madam President, Mr. Secretary-General, Excellencies, distinguished delegates, Ladies and Gentlemen, it is with distinct honour that I address you on behalf of the delegation of the Republic of the Philippines. We convene here, enveloped in the warm hospitality of our host, Thailand, for which we express our deepest thanks and gratitude also to the Secretariat of the Asian-African Legal Consultative Organization for meticulously convening this essential assembly. Our gathering is a resolute call to action to advance the development of international law championed by the leadership of Asian and African nations.

The Philippines holds in high esteem our affiliation with AALCO and acknowledges the Organization's indispensable role in fostering cooperation and mutual understanding amongst its Member States. As we reconvene, it is with a united purpose to advance dialogue, fortify legal infrastructures, and champion the principles of the rule of law across our diverse jurisdictions.

In an era that demands agility and an evolved understanding of international law, the Sixty-Second Annual Session stands as a crucial juncture for dialogue on the future we aspire to forge. Through leadership and collaborative innovation, we are tasked with shaping norms and principles that reflect our regions' unique perspectives and contribute positively to the global legal framework.

As efforts continue in the forthcoming discussions, I encourage every delegation to approach the Session with a spirit of earnest collaboration. May we each bring forth insights to channel the transformative power of international law as a lever for justice, the preservation of human rights, and the underpinning of peace and sustainable progress.

I remain confident that our collective endeavours during this Annual Session will not only broaden our understanding but will also initiate strategic alliances that will pave the way for ingenious, equitable legal solutions. Together, let us steer the advancement of international law, emboldened by the shared leadership of our Asian and African nations, towards a more just and balanced global order.

I extend my gratitude for your attention and wish us all a rewarding and fruitful Sixty-Second Annual Session. Thank you very much.



**President:** Thank you very much for your statement. The next three speakers on the list are the United Republic of Tanzania, Uganda and Japan. So now I call upon the distinguished delegate from the United Republic of Tanzania to deliver their statement. You have the floor, Sir.

**The Head of Delegation of the United Republic of Tanzania:** Madam President, ladies and gentlemen, on behalf of my delegation, the Government and the people of the United Republic of Tanzania, I wish to express my sincere gratitude for this opportunity to address this Assembly. Indeed, this is a privilege and honour for me to join other Member States on this great occasion in my capacity as the newly appointed Minister for Constitutional and Legal Affairs of the United Republic of Tanzania being the third time in this docket.

Madam President, allow me at this juncture to thank our host, the Government of the Kingdom of Thailand, for the warm reception and hospitality accorded to my delegation since we arrived in this beautiful city of Bangkok. Madam President, I join other delegates in congratulating you, Madam President and the Vice President for being elected to lead this Annual Session and the work of this Organization in the coming year. Please be rest assured of our highest support during your tenure.

Madam President, allow me also to congratulate AALCO Secretary-General H.E. Dr. Kamalinne Pinitpuvadol for his distinguished leadership. We understand the weight and pressure that comes with the job, especially at this time of organizing the Annual Session. We salute the entire Secretariat for a job well done.

Madam President, Tanzania congratulates and welcomes Burkina Faso as a new member of AALCO and calls upon other African countries to join AALCO.

Madam President, the United Republic of Tanzania, under the leadership of Her Excellency Dr. Samia Suluhu Hassan, President of the United Republic of Tanzania, recognises the important role of AALCO in promoting mutual understanding on various legal issues, legal collaboration, and sustainable development across our regions. Tanzania is fully committed to the principles and objectives of AALCO, and we pledge our unwavering support in strengthening the Organization and its legal framework for cooperation.

In the spirit of cooperation, Tanzania looks forward to working with fellow Member States on initiatives that address our shared challenges and opportunities. We particularly emphasize the importance of legal cooperation in addressing global challenges, including climate change and the promotion and protection of our investments.

Madam President, Tanzania appreciates the choice of substantive topics under deliberations during this Session as they touch critical areas that are relevant to the prosperity of our region. This includes, the deliberation in the Working Group on International Law in Cyberspace, Selected item on the Agenda of the International Law Commission, Environment and Sustainable Development, Legal Issues in and peaceful uses of Outer Space as a common heritage of mankind, and Law of the Sea, emphasising and upholding the principle of equity, sustainability and the Rule of Law enshrined in UNCLOS. Also, International Trade and Investment Law and particularly reform relating to the Investor-State Dispute Settlement, currently under the UNICITRAL working group. In that regard therefore, we commend the analysis offered by the Secretariat of AALCO in the briefs of the respective agenda.

Madam President, in the realm of Violent Extremism and Terrorism, Tanzania extends its appreciation to the AALCO Secretariat for covering this important topic. This is supported by the fact that focus on violent extremism and terrorism, particularly in the context of online radicalisation and international legal measures, is timely and crucial. As technology advances,

the misuse of the internet and social media platforms by extremist groups has become a significant threat, necessitating immediate attention and action.

Tanzania is optimistic that AALCO Member States will bring forth valuable insights during this discussion. The goal is to develop a robust legal framework that can protect the global community from the dangers of online radicalisation. Tanzania believes that through collaborative efforts, it is possible to create a safer world for all.

Madam President, climate change is one of the most serious crises currently confronting humanity hence calling for joint global effort to address the same. Walking through that trajectory H.E. Dr. Samia Suluhu Hassan, President of the Tanzania, is leading efforts to mobilize global solidarity in combating the impacts of climate change. Tanzania emphasises the need for collective response to this global challenge, urging world leaders to collaborate with African nations to seize the opportunity to accelerate global decarbonization.

Related to climate change, on 14<sup>th</sup> May, 2024 Dr. Samia Suluhu Hassan, the President of the United Republic of Tanzania was pronounced a champion of clean cooking agenda in the Summit of Clean Cooking in Africa which was held in UNESCO headquarters in Paris. President Samia being in that position is a manifestation of the commitment of Tanzania to deliver affordable, reliable, sustainable and modern energy as stipulated in Sustainable Development Goal 7.

The campaign for clean cooking promotes the right to live in clean, safe and healthy environment as enshrined in the Constitution of the United Republic of Tanzania.

Madam President, we take note of the brief by the Secretariat on the topic of Violation of International Law in Palestine and other occupied territories by Israel and other International Issues related to the Question of Palestine. Being cognizant of the importance of peaceful co-existence among members of international community, Tanzania is concerned with what is going currently in Gaza. We reiterate our call for a peaceful resolution of disputes and parties to pursue durable peace through a genuine dialogue guaranteed by the goodwill of the entire family of nations rooted in the implementation of the resolution on existence of two sovereign viable states i.e. the State of Palestine and the State of Israel living side by side in peace and harmony.

Madam President, Tanzania wants to share one its very important campaign that is known as the Mama Samia Legal Aid Campaign which was launched in 2023. Since its inception, we have experienced immense success through that campaign. As such, we wish to urge AALCO Secretariat to come up with a legal aid forum and later on consider having an international instrument targeting improvisation of legal aid to indigent persons. Thus, we wish to invite AALCO to team up with Tanzania on this topic of legal aid.

Once again, I wish to reiterate Tanzania's unwavering commitment to AALCO and its mission, and our optimism for the future of shared cooperation for our greater prosperity, stability, and sustainability enshrined in the principle of solidarity, friendship and cooperation.

Thank You for Your Attention. And in Swahili *Asanteni Sana*.

**President:** Thank you very much for your statement. The next speaker is the distinguished delegate of Uganda.

**The Head of Delegation of the Republic of Uganda:** Thank you. Your Excellency, the President of the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization. Congratulations on your election. And I wish you the very best.

Your Excellency, Secretary General of the Asian African Legal Consultative Organization.

Excellencies, Ladies and Gentlemen, I bring you warm greetings from the Government and the people of the Republic of Uganda.

Madam President, it is a great honour for me, to address the Sixty-Second Session of the Asian-African Legal Consultative Organization. We commend the Secretariat of the AALCO for organizing this session, held under the theme, “Advancing the Development of International Law through Asian and African Leadership.” The theme resonates with the spirit of the Statutes and Statutory Rules of the Organization and calls for actions that promotes and supports socio-economic growth, development, and transformation, while ensuring that existing and emerging challenges are addressed.

We would also like to express our sincere appreciation to the Government and the people of the Kingdom of Thailand for the warm welcome, the gracious hospitality extended to us and the facilities put to our disposal for this meeting, since our arrival in this beautiful country.

Let me thank the Secretary-General and your entire team for the work you do on our behalf. Thank you. We are grateful.

I would also like to express my sincere gratitude to this Session for entrusting Uganda with the responsibility of vice-presidency of the Sixty-Second Session of the AALCO. Thank you very much. Uganda will do her best to deliver in this new role she assumes today.

I would like to thank all the past leaders of AALCO on whose shoulders we stand now. Let me also welcome our brotherly country Burkina Faso to AALCO. We look forward to working with and learning from you.

Excellencies, historically, there has been a Eurocentric approach to public international law, in which Asia and Africa were seen primarily as objects rather than active participants. However, AALCO has consistently taken a meaningful approach to addressing the pressing legal issues facing the world and reshaping this perception. This can be attributed to the interesting history of the Asian-African Legal Consultative Organization being a tangible outcome of the historic Bandung Conference, in April 1955, which also birthed the Non-Aligned Movement that Uganda is honoured to host and chair today.

Indeed, during the opening session of the 19<sup>th</sup> Non-Aligned Movement Summit and Third South Summit in Kampala in January this year, His Excellency Yoweri Kaguta Museveni, the President of the Republic of Uganda outlined the following four issues, which I believe are in line with the aspirations of the AALCO, especially given that the majority of the AALCO are also members to the NAM:

One, working for peace in the world to support socio-economic development and transformation. Two, promotion of South-South investments, through the production of goods and services. Three, Opening up market linkages; and four, improving investments in infrastructure, especially in energy, ICT, and transport.

On the Palestinian question, Uganda reaffirms its support for sustainable peace in Palestine, achieved through negotiations that will lead to a two-state solution, with Israel and Palestine living side by side in peace. In addition, Uganda reaffirms its support for the positions adopted at the 19<sup>th</sup> Summit of Heads of State and Government of the Non-Aligned Movement on the subject of Palestine, held in Kampala from 19<sup>th</sup> to 20<sup>th</sup> January 2024, as contained in the Kampala Final Outcome Document, the Political Declaration on Palestine, and the Kampala Declaration. What is critical and urgent for the people of Palestine, and as affirmed by the

recent United Nations General Assembly and Security Council resolutions, is the provision of timely and adequate humanitarian support. Basic healthcare, food, water, safe and secure housing are immediate requirements. Most importantly, Uganda supports every effort that stops the killing of innocent civilians, and destruction of civilian installations, including hospitals.

Today, Asia and Africa are viewed as formidable subjects of international law and equal members of the international community. Continued leadership, commitment, and collaboration from Asia and Africa are vital to ensuring the progress we have made is sustained, and to building upon these achievements.

As we gather here, the international community confronts multiple crises; some call them polycrisis because they are intertwined. They range from armed conflict, international terrorism, climate change, the law of the sea, cyberspace, among others. Amidst this fast-changing challenging world, I salute AALCO for its steadfast work and the significant impact it has had on the development of international law, particularly in championing the perspectives of its membership on pressing legal matters to the global community. I say this because adherence to international law is pivotal for fostering cooperation and central to our efforts to address the challenges and build a safer, peaceful, and more just world for all.

Madam President, one way in which issues are added to the Organization's agenda is through referral by a Member State, and resonates with the theme of this Session, which is a call to us as leaders, to stay informed about global legal developments and bring them to the attention of this organization for in-depth analysis and further engagement with the International Law Commission. It is crucial that we establish systems within our capitals to track issues of particular relevance to Asia and Africa and engage with AALCO. I would like to commend the Kingdom of Thailand and the Islamic State of Iran, for their contributions to today's agenda. This Session like the others before, is an essential avenue for exchanges of views on matters of common concern especially sustainable development and socio-economic transformation. This Session can indeed make a valuable contribution towards advancing, the 2030 Agenda for Sustainable Development, and the outcome of the Summit of the Future taking place later this month at the UN in New York.

Excellencies, in view of role that Member States continue to play, it is incumbent upon AALCO to continue to prepare analytical and technical studies to equip Member States with the necessary knowledge for negotiating international law issues, engage in capacity-building and training to help Member States understand the rights and obligations arising from international agreements, offer special legal advice and support to member countries, particularly least developed countries, which may lack expertise in international law, provide specific assistance and technical support to Member States requesting help in resolving legal disputes or participating in international adjudication.

Madam President, I must recognize the foresight of AALCO's founding members, as reflected in the Organization's objectives, which are outlined in its Statutes. These objectives, such as reviewing subjects under consideration by the International Law Commission and submitting the Organization's views to the Commission, enable AALCO to contribute to the codification and progressive development of international law. In particular, AALCO's role in shaping international law from an Asia-Africa perspective is critical.

Many of the topics actively considered by the International Law Commission for codification and progressive development have consistently appeared on AALCO's agenda, where related reports and studies are discussed. This Session is no different, as we are set to receive the 75<sup>th</sup> Report of the International Law Commission. The agenda before us underscores AALCO's

ongoing engagement on these matters, her recognition by and synergies with other international bodies and agencies as a valuable organization in this space.

I, therefore, wish to commend AALCO for forging many close connections with the United Nations, its agencies, and several intergovernmental Organizations such as the Commonwealth Secretariat and the African Union (AU). These efforts have provided opportunities for mutual consultation, exchange of documentation, representation, and organization of joint meetings.

Madam President, I acknowledge the challenges that AALCO continues to face. Nonetheless, we are pleased that despite these difficulties, AALCO has made significant progress and achieved key successes in areas such as diplomatic relations law, extradition law, the treatment of foreign nationals, state immunity, and commercial transactions among others.

A notable achievement, in my view, is the launch of the Integrated Scheme for Settlement of Disputes in Economic and Commercial Transactions, with Regional Arbitration Centres established to promote international commercial arbitration in the Asia-Africa regions. These Centres facilitate dispute resolution and can unlock investment capital that would otherwise be tied up in unresolved conflicts. Dispute resolutions, as we all know, is critical to attracting investment.

We encourage AALCO to continue undertaking its activities by progressing its several forward looking plans for the benefit of its Member States. We are confident that in the years ahead AALCO will achieve greater success in consolidating the common interests of Asian and African States. I wish to reiterate the commitment and support of Uganda in its future endeavours.

I wish to underscore the commitment of the Government of Uganda to continue to support AALCO as a primary platform for harmonizing the actions of Asia and Africa in international legal matters. I wish you all successful deliberation. I reiterate, Madam President. my continued support during your presidency. I say all of this for god and my country. I thank you.

**President:** Thank you very much for your statement, Vice-President. I think we have time for two more statements this evening. The list is starting with Japan and South Africa. I would now like to invite the distinguished delegate of Japan to deliver their statement. You have the floor, Sir.

**The Head of Delegation of Japan:** Thank you, Your Excellency Ms. Suphanvasa Chotikajan Tang, President of the Sixty-Second Annual Session, and Your Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, distinguished delegates, ladies and gentlemen. It is an honour on this occasion for me to address the Member States on behalf of the Government of Japan.

At the outset, allow me to congratulate Madam President on your election as chair of the Sixty-Second Annual Session, while expressing sincere gratitude to the Ministry of Foreign Affairs of Kingdom of Thailand, for the excellent arrangements and kind hospitality extended to us. Japan also wholeheartedly welcomes Burkina Faso as a new Member State of AALCO.

Excellencies, distinguished participants, norms such as the non-use of force and as corollary, the prohibition of the acquisition of territory by force, are the bedrock of the international order and the foundation of peace. However, as we have witnessed in Russia's aggression against Ukraine, the foundations of the international order are now shaking, and we are facing the deepening division and conflicts. We must avoid a situation in which we fall into a world of "rule by force," in which powerful nations arbitrarily apply the rules at all costs.

The gatekeeper against such phenomenon is international law, especially the fundamental principle of the “rule of law” among nations. The prohibition of the threat or use of force against the territorial integrity or political independence of any state and the prohibition of the acquisition of territory, as stated in the 1970 Declaration on Principles of International Law concerning Friendly Relations, which was adopted by the UN General Assembly with the involvement of both developed and developing countries, are essential elements of the “rule of law” and should be faithfully observed.

It is essential that States, based on mutual trust, implement international law in good faith and cooperate in upholding the “rule of law”. And in this respect, there is great value in having AALCO meetings every year.

Madam President, Japan attaches great importance to international judicial institutions from the perspective of strengthening the “rule of law”.

I appreciate the participation of Japan’s ILC member Professor Asada in this AALCO Annual Meeting today, following his participation last year as well. In January this year, Foreign Minister Kamikawa visited the ICJ, ICC, and ITLOS, three institutions that are guardians of the “rule of law” and showed Japan’s continued support for their roles. In particular, upon the visit to the ICC, she emphasized Japan’s efforts to promote the “rule of law” among States, including support for the development of legal systems in Asia and Africa and assistance for women in conflict situations in Africa through the ICC Trust Fund for Victims.

Let me focus on the important role of the ICJ. All of us know recently, ICJ has given Advisory Opinion in respect of the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. In this respect, Japan submitted a written statement in July 2023 and made a statement in the oral proceedings in February 2024.

Japan also actively took part in submitting its statement to ITLOS regarding its advisory opinion on climate change.

To realize the world based on the “rule of law”, fight against impunity must not be left aside.

I would like to take this opportunity to call on all relevant States to declare acceptance of compulsory jurisdiction of the ICJ and to join ICC. We recall the fact that among 55 States in Asia Pacific Group of United Nations, only 19 States have ratified the Rome Statute. It is essentially important that States around the world, accede to the ICC in order for it to become a truly universal court and be effective.

Madam President, how can we ensure the “rule of law” to take deep root across the world? What is essential is to foster human resources who are engaged in the “rule of law”, and Japan has been further enhancing its efforts to develop specialists in legal affairs with international perspective.

I would highlight the fact that the Government of the Kingdom of Thailand proposed as the theme of the general debate of this year’s Annual Meeting to be “Advancing the Development of International Law through Asia and African Leadership”. Let me express our appreciation for the important proposal.

With the aim of capacity building in international legal affairs, we organized the Second Tokyo International Law Seminar, an international law training program, for officials from Asia and African countries from August 26<sup>th</sup> to 30<sup>th</sup> 2024 of which AALCO was one of the supporting organizations. It was attended by 32 participants from Asian and African countries, who are

mainly officers engaged in international law and we also had honour of welcoming Secretary-General to the event.

In addition, Japan has been organising “Asia Cup”, an international law moot court competition for students from Asia, that has been held annually in Japan since 1999. This is the largest international moot court competition in Asia that deals with international law in general. “Asia Cup” has advanced capacity development of outstanding young lawyers in Asia and thus, created an international judicial network and promoted mutual understanding among them.

We hope that our efforts will contribute for developing international juridical talent, who will serve as leaders in international judicial institutions, such as the judges of the ICC amongst whom Judge Tomoko Akane, former prosecutor in Japan, who serves as the President of the court, and we sincerely hope that such talent will follow from the AALCO Member States as well.

Let me wish all delegates attending this Session a fruitful week of deliberations. And Madam President, you can rest assured of my delegation’s constructive contribution to the discussions. Thank you, Madam President.

**President:** Thank you very much for your statement. The next speaker I’d like to invite is the distinguished delegate of South Africa. You have the floor.

**The Head of Delegation of the Republic of South Africa:** Madam President, Mr Vice-President, Secretary-General, Excellencies, distinguished delegates, we thank our gracious hosts, the Government of the Kingdom of Thailand, for its warm hospitality and important contribution to this gathering of AALCO Member States. We congratulate you Madam President, and the Vice-President, on your successful election during this Annual Session.

We wish to also thank the Secretary-General and the AALCO Secretariat, for the extensive preparatory work which has gone into this Session including the substantive briefs which are of immense importance as we embark on our deliberations over the next week.

Excellencies, distinguished delegates, South Africa directly experienced the indignity of the crime of apartheid and settler colonialism for 350 years. Today, as we celebrate thirty years of constitutional democracy, we continue to grapple with its debilitating legacy. Only through international solidarity with African and Asian countries could we free ourselves from the yoke of oppression. We vehemently oppose the selective adherence, blatant disregard and double standards in the application of international law. AALCO Member States must promote international law and dismantle all bastions of colonialism and apartheid wherever they occur, to ensure that historical injustices are not perpetuated in newer forms.

Shared prosperity, peace and sustainable development can only be underpinned by adherence to, and respect for, international law, as we strive for a more equitable global order. The Ten Bandung Principles, and indeed the Bandung Conference from which AALCO is borne, are deeply threatened, yet this only underscores the need for us to recommit ourselves to them.

It is for this reason that South Africa attaches renewed importance to AALCO and the collaboration it fosters among Member States on international law. We align ourselves to the comments as made by the outgoing President, this morning. This, we believe, enables us to harness our collective experiences as developing countries, in shaping a more just world.

Mindful of the critical role of the International Law Commission (ILC) in the progressive development and codification of international law, more Asian-African views must be tabled before it.

Excellencies, distinguished delegates, capacity-building in international law is crucial to achieving a more balanced perspective which considers the particular needs of developing countries. In this regard, we thank the People's Republic of China for its China-AALCO Exchange Research Programme, the Asian Academy of International Law and the trainings with Japan, which are most beneficial for this purpose.

We also consider the importance of the empowerment of women and younger officials in the field of international law, especially as we have more younger people and women in the majority in many of our respective states. Madam President, South Africa, is especially pleased that you have brought women's representation to the leadership of this Annual Session. Women's representation in the legal sector, globally remains underrepresented.

We believe that AALCO has a role to play in leadership, capacity building opportunities that are necessary for equitable representation and succession. We look forward to advancing this goal together with Member States.

Excellencies, Ladies and Gentlemen, South Africa remains gravely concerned about the ongoing violations of international law by Israel in the State of Palestine. In response to the egregious and persistent breaches of international law by Israel, South Africa, exercising her *erga omnes* obligations, brought a contentious case against Israel before the ICJ under the 1948 Genocide Convention. In its first indication of provisional measures on 26 January 2024, the ICJ held that Israel's actions in Gaza are plausibly genocidal, indicating provisional measures on two further occasions. These provisional measures are binding, but we continue to witness the blatant disregard by Israel of peremptory norms of international law.

Several Third States are complicit in these violations, which further emboldens the unlawful occupying power. We urge AALCO Member States to deliver interventions under Article 63 of the Statute of the ICJ and to ensure that multilateral institutions such as the United Nations are mobilised to bring an end to the denial by Israel and its allies of the Palestinian people's right to self-determination, and to be free from oppression and genocide.

Moreover, the Advisory Opinion rendered by the Court on 19 July 2024, aligns with South Africa's long-standing view that Israel's occupation of Palestinian territory remains unlawful under international law. There is now a firm legal obligation for all States to cease complicity in Israel's illegal actions, including its breaches of the Genocide Convention, and to uphold international law.

In the realm of international law, the year 2024 is of particular significance for South Africa. Judge Dire Tladi from South Africa was elected and sworn to the bench of the International Court of Justice on 6 February. His pathway, from Chair and Vice-Chair of the ILC's Drafting Committee to Special Rapporteur on *jus cogens*, underscores Africa's substantial contribution to international law and the judicial settlement of international disputes.

Excellencies, distinguished delegates, it is our collective responsibility to ensure that the law of the sea remains robust and adaptable to contemporary challenges. The South African delegation was highly involved in the Areas Beyond National Jurisdiction (BBNJ) Treaty negotiations since its inception, leading to the conclusion of a historic agreement at the United Nations on 4 March, 2023. In order to achieve the treaty's objectives, South Africa supports the view that parties are to be guided by principles and approaches such as the "common heritage of humankind", "polluter pays" and "fair and equitable benefit sharing".

Similarly, the peaceful and sustainable use of outer space is paramount. Space applications are crucial to our development. There is much scope for space faring AALCO Member States to



cooperate in this critical domain; both from a scientific and legal standpoint. South Africa calls for adherence to the Main UN Space Treaties, including soft law instruments such as the Space Debris Mitigation Guidelines. We are firmly opposed to unilateral actions in outer space, instead, international cooperation is most urgent to prevent the weaponization of outer space and to ensure its benefits are shared by all, particularly developing nations.

South Africa supports the reform of international trade and investment law to better reflect the interests of developing countries. We advocate for a balanced approach that protects investor rights while safeguarding the sovereign rights of states to regulate in the public interest. Additionally, we underscore the need for reform in the Investor-State Dispute Settlement mechanism to ensure fairness and transparency.

In the face of evolving security threats, we must work to combat terrorism in all its forms. At the centre must be the protection of civilians and critical infrastructure against all threats, including cyber threats. We must develop international law and norms that ensure cyberspace remains a secure and open environment. This includes the regulation of Artificial Intelligence which must be used in furtherance of humanity, and not against it.

South Africa remains committed to fighting impunity for crimes against humanity. We support the efforts of the International Criminal Court (ICC) and the efforts underway in the Sixth Committee to ensure that there are no gaps in the law which may lead to impunity.

To conclude, Madam President, South Africa looks forward to working with AALCO and its Member States to advance our shared aspirations of peace, human rights and the rule of law. I thank you, Madam President.

**President:** Thank you very much, Madam, for your statement. I think we have concluded today's deliberations as it is close to six o'clock and I think we have been very successful and diligent with our time. I really appreciate you keeping with the time and being able to listen to all our friends. I listened very intently with all of your suggestions, and I am very happy to hear that there are lot more convergence than divergences in our views and very interesting and innovative suggestions. I think our esteemed Secretary-General and the Secretariat have jotted down that calls for our further work and elaborate on. This is a very good sign of a successful first day of our deliberations. Tomorrow, we will resume with the General Statements on my list. The first speaker will be the Socialist Republic of Viet Nam followed by the Republic of Iraq, the Republic of Sierra Leone, the Republic of Cameroon, the Federal Republic of Nigeria, the Republic of Kenya, the People's Republic of China and Burkina Faso has requested to be the last speaker for the General Statements, which I think we can all accommodate as the newest member.

Before I close, I wish to invite all Excellencies, distinguished guests, ladies and gentlemen to a dinner reception tonight hosted by the Thai Government which will take place from 6:30 to 9 PM at the Pool House on the fourth floor of this hotel. So, all delegations are invited. So far very good job. I think we all deserve a round of applause. I adjourn this meeting.

**The meeting was thereafter adjourned.**



**VIII. VERBATIM RECORD OF THE SECOND  
GENERAL MEETING (CONTINUED) OF THE  
AALCO MEMBER STATES**



**VIII. VERBATIM RECORD OF THE SECOND GENERAL MEETING (CONTINUED)  
OF THE AALCO MEMBER STATES ON TUESDAY, 10 SEPTEMBER 2024, AT 9:00  
AM**

**H.E. Mr. Kiryowa Kiwanuka Nsumikambi Mugambe, the Attorney-General, Ministry of Justice and Constitutional Affairs of the Republic of Uganda and the Vice-President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: GENERAL STATEMENTS**

**Vice-President:** Good morning, Your Excellencies and Delegations. Thank you for making it to the second day of our Sixty-Second Annual Session. We had a very fruitful first day yesterday. Very enlightening remarks from the Member States that made statements, and I wish and pray that we can carry the momentum and the zeal into today's meeting. So, we continue with the Second General Meeting. Member States wishing to make statements are reminded to register with the Secretariat. The order of speakers is first, we'll do the Member States, then Observer States, and if any third international organizations. I would like to invite the distinguished delegates from the following countries to make statements. On the list today, we have the Socialist Republic of Viet Nam, Republic of Iraq, the Republic of Sierra Leone, the Republic of Cameroon, the Federal Republic of Nigeria, the Republic of Kenya, the People's Republic of China, the Arab Republic of Egypt, the Republic of Türkiye, the Republic of Korea, Brunei Darussalam and Burkina Faso in that order. I'd like to thank the Delegates and give the floor to our first speaker from the Socialist Republic of Viet Nam. But before you take the floor, we shall take a coffee break at 10:45AM. So, Socialist Republic of Viet Nam, you have the floor. Thank you.

**The Head of Delegation of the Socialist Republic of Viet Nam:** Mr. Vice-President, Excellencies, distinguished delegates, ladies and gentlemen, on behalf of the Vietnamese Delegation, I would like to express our sincere gratitude to the Kingdom of Thailand for their warm hospitality and excellent organization of the Sixty-Second Annual session of AALCO. We also wish to extend our highest respect and appreciation to H.E. Dr. Kamalinne Pinitpuvadol, the Secretary-General, for his outstanding contributions to AALCO's mission and his dedicated engagement with Member States. I would like to congratulate Madam President and Vice-President on your election. You have our full support, and I am confident that under your capable leadership this Sixty-Second Annual Session of AALCO will be highly successful and yield productive outcome.

Mr. Vice-President, distinguished delegates, in today's increasingly chaotic global landscape, the world faces a myriad of complex challenges ranging from armed conflicts and territorial disputes to the rise of cyberattacks and humanitarian crises. These issues are further exacerbated by extreme weather events driven by climate change, all of which underline the urgent need for a collective approach to problem-solving. In response to these multifaceted threats, Viet Nam remains a staunch advocate of multilateralism, with the United Nations at its core and international law as its foundation. We uphold the importance of the international law and emphasize the critical importance of peaceful dispute resolution. In this context, international judicial mechanisms, particularly the Permanent Court of Arbitration (PCA), play a vital role in contributing to global peace and security, as well as in the resolution of international disputes. Viet Nam places great emphasis on strengthening cooperation with the PCA, and the opening of the PCA's representative office in Viet Nam, marking its presence across various regions globally. With PCA's cooperation, Viet Nam aspires to become a new hub for arbitration and dispute resolution in the region and beyond.

Mr. Vice-President, Viet Nam places great importance on the role of multilateral legal mechanisms and forums such as the United Nations International Law Commission, the United Nations Commission on International Trade Law, and of course, the Asian-African Legal Consultative Organization. These institutions are crucial in the codification and progressive development of international law, helping to create a comprehensive legal framework that underpins global peace, cooperation, and sustainable development.

Viet Nam is running for its candidacy for membership in UNCITRAL for the 2025-2031 term, with the election scheduled to take place at the 79<sup>th</sup> session of the UN General Assembly in December 2024. During its current term as an UNCITRAL member (2019-2025), Viet Nam has made significant contributions to the organization, focusing on areas such as reforming the state-investor dispute resolution mechanism, dispute resolution, and e-commerce. Our decision to seek re-election stems from our commitment to continuing contributions to UNCITRAL's work and to promoting the full participation of developing countries alongside developed nations in harmonizing and unifying international commercial law.

Mr. Vice-President, the United Nations Convention on the Law of the Sea stands as the foremost legal framework that governs all activities conducted in the world's oceans and seas, ensuring that the oceans are used in a lawful and sustainable manner by all nations, thereby fostering international peace, stability, and prosperity. We strongly encourage nations to collaborate in building mutual trust and confidence, exercising restraint, and avoiding actions that could potentially escalate tensions or exacerbate existing disputes. By doing so, states can contribute to the harmonious management of oceanic resources and the peaceful resolution of maritime issues. Through cooperative efforts and adherence to UNCLOS, we can work together to safeguard the health of our oceans and ensure that they continue to serve as a source of global well-being and economic prosperity.

The appointment by the Vietnamese Government of Prof. Dr. Nguyen Thi Lan Anh as a candidate for the position of Judge at the International Tribunal for the Law of the Sea for the 2026-2035 term underscores our recognition of and commitment to the vital role played by ITLOS in interpreting and advancing international law, particularly law of the sea. It also highlights the Tribunal's significant contributions to the peaceful resolution of international disputes. By seeking this position, Viet Nam aims to continue to contribute to the effective and equitable adjudication of maritime issues on the global stage.

Mr. Vice-President, in its commitment to enhancing its role in shaping international law across regional and global arenas, Viet Nam has undertaken significant proactive measures in recent years. We have been actively engaged in the codification and progressive development of international law through key UN legal bodies, including the ILC and the UNCITRAL; play a vital role as both a participant and facilitator in the negotiation processes for various international legal frameworks under the UN's auspices. Viet Nam is among the first countries to sign the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction and has actively participated in the negotiations of draft of the United Nations Convention Against Cybercrime, as well as keen to see this Convention open for signature and enter into force as soon as possible.

Furthermore, Viet Nam remains actively engaged in making substantial contributions to the clarification of significant international legal issues that have considerable implications for the global community. We have participated in the advisory proceedings of the ITLOS and the International Court of Justice concerning climate change. This involvement underscores Viet Nam's commitment to addressing critical global challenges through legal channels and

reinforces its role in shaping international jurisprudence on issues of profound international importance.

Mr. Vice-President, Viet Nam welcomes and appreciates all the efforts of H.E. Dr. Kamalinne Pinitpuvadol and the AALCO Secretariat in expanding its collaboration with the United Nations entities, UNIDROIT, ICRC etc. to promote the interest of its Asia-African Member States in the ongoing process of codifying and developing international law. Viet Nam will extend full support to the implementation of the future work plan of AALCO to be approved at the end of this Sixty-Second Annual Session of AALCO. I thank you, Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate of Viet Nam for your statement. I now give the floor to the Republic of Iraq followed by the Republic of Sierra Leone. Republic of Iraq.

**The Head of Delegation of the Republic of Iraq<sup>1</sup>:** His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Honourable Deputy Secretaries-General of AALCO. Honourable Presidents of the Sixty-First and Sixty-Second Sessions and honourable Vice-Presidents. Honourable Ladies and Gentlemen of representatives of Member and non-Member States, observers, dignitaries and other invited guests, including the media.

Peace, mercy and blessings of God be upon you.

It is our pleasure to participate in the Sixty-Second Session of the Asian-African Legal Consultative Organization (AALCO), representing the government of the Republic of Iraq.

We would like to extend our gratitude and appreciation to the friendly government of the Kingdom of Thailand for hosting the Sixty-Second Session of AALCO and for their continuous communication and follow-up to make it succeed.

We are seeking to achieve all the Organization's goals, including those related to adhering to international law for a society with a shared future, adopting legitimate means to achieve those goals, and harmonising those means with the regional laws and international legislation in a way that does not contradict with them.

Iraq has always strongly respected and supported the international laws for implementing them by joining the applicable international conventions and treaties, participating in many international forums and conferences, and strengthening ties with the international community through the above.

As a founding member of AALCO, Iraq must be a supporter and an active player in achieving what is stipulated in the Statutes and Statutory rules of the Organization, by providing advisory services in the field of law and legal issues of common interest, conducting studies on issues related to the international law that can be referred by the Organization to Iraq or what it deems appropriate, and contributing to the exchange of views and experiences on issues of common interest, as well as providing recommendations on that. Iraq will not hesitate to exercise its pioneering role and contribute to achieve the Organization's goals in getting the desired results and success to promote a humanitarian international community with a common and successful future free from any violations of the principles of international law.

Distinguished attendees, regarding the violations of international law in Palestine by the Zionist entity, we renew our firm and principled position on the Palestinian issue, and affirm our government and people's solidarity with the Palestinian people. We call on all countries of the

---

<sup>1</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Republic of Iraq.

world, especially the major and influential countries, to intervene to stop these violations and hostile attacks on the safe people there, which constitute a serious violation of the provisions of international humanitarian law and a threat to collective security at the regional level.

Our government also welcomes UN Security Council Resolution No. (2735) issued on June 10, 2024, calling for a ceasefire in Gaza, supporting the complete withdrawal of the Israeli occupation forces from Gaza, and returning the displaced Palestinian citizens safely to their homes in various areas of Gaza, as well as ensuring the full delivery of humanitarian aid that meets the needs of the residents of Gaza, and rejecting any demographic change.

In the field of environment, Iraq has moved forward in completing many plans and strategies that increase the protection and improvement of the environment during this year. The work is ongoing to prepare the national development plan that will include a special chapter on the environment and climate change, a new national strategy for environmental protection, a national strategy for combating pollution, and preparing an environmental information system, as well as to increase synergy in implementing the multilateral international environmental chemical agreements.

Our government cares about the environmental sector through many achievements, the most important of which are joining the Paris Climate Agreement, issuing document of the Nationally Determined Contributions (NDC) and submitting it to the Secretariat of the Framework Convention on Climate Change, supporting nature-based solutions, providing ecosystem services, protecting biodiversity from the effects of climate change, supporting the youth and women sectors and achieving the principles of human rights and childhood to live in a flexible and sustainable society, as well as supporting the private sector and civil society organizations to participate in the environmental and climate work for achieving the Sustainable Development Goals (2030).

The Iraqi government has worked to develop the national strategies for managing development in Iraq, despite many difficulties and obstacles. Its vision is to protect the environment and work towards achieving the sustainable development. The government has established the legal rules and foundations for the legislative, judicial and executive authorities and civil institutions responsible for providing public services. In order to achieve the sustainable development, Iraq calls on the international community to make additional efforts to help the people on various levels, including political, social, economic and environmental levels.

As for the file of recovering stolen Iraqi funds smuggled abroad, it is based on the government's program and ongoing efforts to recover those funds, we emphasize the importance of cooperation in the field of combating corruption and supporting Iraq's efforts to recover those funds and those wanted for corruption crimes.

We would like to point out that the competent Iraqi authorities were able to recover an amount exceeding (80) million dollars of stolen funds and reintroduce them into the state treasury.

Regarding the topic of international trade and investment law, the Iraqi government is committed to its economic reform program by strengthening the trade policy, improving the business environment and creating favourable conditions for foreign investment. Iraq seeks to join the World Trade Organization, which will contribute significantly to enhance transparency, encourage competition, stimulate the sustainable economic growth, achieve development and diversification of the national economy, and integrate with the global economy, in addition to the importance of Iraq being part of the multilateral trading system.



In a pivotal step to attract more foreign investment, Iraq signed on April 17, 2024, the United Nations Convention on International Settlement Agreements Resulting from Mediation, also known as the “Singapore Convention,” which will pave the way for enhancing the international trade between countries.

Iraq has been and continues to support the rights of the peoples of the world to protect their fundamental rights and freedoms based on the principle of non-interference in internal affairs and consideration of mutual interests between States. It is keen, through its governmental institutions and national organisations, to adhere to the principles of human rights and fulfil its international obligations through its participation in the international forums concerned with human rights and providing technical support to advance human rights.

The Ministry of Justice, as part of the Iraqi government, is striving to achieve everything that contributes to advancing the progress according to the government program and taking into account the rights of the Iraqi people. It had a prominent role in reviewing laws and legislations by implementing the ministerial program (October 2022), which is represented by amending the juvenile reform and minor care laws, preparing a draft law on penalties and alternative measures, and other important laws and sending them to the Council of State, the body responsible for drafting and reviewing draft legislations, and later to the Council of Ministers for approval in order to refer them to the Parliament for legislation.

While we appreciate the efforts of AALCO and its role in providing consultations in the field of international law and effective support, and keeping pace with every international event, as well as submitting the supporting proposals to the international committees and the laws emanating from them. This is reflected in a very positive way on the development of the fields of the international community.

Finally, we would like to extend our sincere appreciation, deep respect and gratitude to the Government of the Kingdom of Thailand for their distinguished efforts in preparing for the work of the Sixty-Second Session of AALCO and to all the honourable contributors and participants, wishing everyone success and prosperity to serve our beautiful planet.

**Vice-President:** Thank you very much. I thank the distinguished delegate for your statement. I now give the floor to the Republic of Sierra Leone followed by the Republic of Cameroon, the Federal Republic of Nigeria, and the Republic of Kenya. Republic of Sierra Leone you have the floor.

**The Head of Delegation of the Republic of Sierra Leone:** His Excellency, Mr. Vice-President, Excellencies, His Excellency, Secretary-General, Heads of Delegations, distinguished delegates, the Permanent Mission of the Republic of Sierra Leone to the United Nations in New York wishes to express its deep appreciation to the Asian-African Legal Consultative Organization and its Secretariat for its work in convening the present Sixty-Second Annual Session of AALCO.

On behalf of our delegation, we extend our warmest congratulations to Her Excellency, Madam President, and His Excellency, Mr. Vice-President, on their election as President and Vice-President, respectively, for the Sixty-Second Session of AALCO. We are eager to join other delegations in offering our support and cooperation as we work together towards a successful session and tenure under your leadership.

Sierra Leone also congratulates and wholeheartedly welcome our brother, Burkina Faso on becoming a member of AALCO.

We are pleased about the positive response to our request to include “Crimes against Humanity” as a specific agenda item for discussion under the existing agenda item entitled “ICC: Recent Developments.” However, we deeply regret that our proposal to include Crimes Against Humanity (CAH) as a standalone agenda under the existing agenda item was rejected during Sunday’s Heads of Delegation meeting. Despite this setback, we are honoured to take the floor for a topic of such great importance.

Due to our country’s own history, Sierra Leone is compelled to reflect on the experience with crimes against humanity in all our engagements, comments and observations. We do so always with the intention to prevent human suffering and to advance accountability for such abuses, including through a complementary, universal, and implementable treaty on crimes against humanity.

Equally, Sierra Leone is deeply concerned about the unacceptable perpetration of crimes against humanity, around the world and within our populous regions of Africa and Asia, while we debate this special agenda item.

Sierra Leone wishes to highlight the three following points:

Firstly, the Sixty-Second Annual Session of AALCO presents a unique moment for our Members to strengthen their cross-regional engagement with this special agenda item and support for the Draft Articles on Prevention and Punishment of Crimes against Humanity in accordance with Article 1 of the AALCO Statutes. As an AALCO Member, Sierra Leone expresses its commitment to engage actively and constructively in present and future efforts of AALCO in relation to all ongoing multilateral efforts addressing the prevention and punishment of atrocity crimes.

Crimes against humanity form part of the most serious crimes of concern to the international community as a whole and for this reason requires all of humanity to come together with collective will to prevent such harms and punish those responsible for them.

One outstanding feature of the multilateral efforts in relation to the Draft Articles on Prevention and Punishment of Crimes against Humanity has been the significance of cross-regional support and leadership, notably by The Gambia and Mexico.

As a cross-regional forum, this must serve as an inspiration to strengthen our cross-regional engagement with and support for the Draft Articles in the interest of protecting civilian populations from widespread and systematic attacks against them.

Sierra Leone believes that AALCO and its Secretariat constitute an effective and meaningful forum to increase cross-regional engagements with and support for the Draft Articles among its Members. We encourage future discussion on this special agenda item and the regular sharing of information among our Members on the ongoing deliberations at the Sixth Committee, in accordance with the purposes and objectives of the Organization as stipulated in Article 1 of the AALCO Statutes.

Secondly, Sierra Leone wishes to highlight the importance of cross-regional support with respect to the resolution on a United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity. We welcome the resolution and hope for broad and cross-regional support, including from AALCO Members. We note that deliberations at the United Nations General Assembly’s Sixth Committee have thus far been robust, and we believe they form a solid basis for negotiations in the future. We are cognizant of concerns raised about matters of substance and believe such concern are best and most meaningfully addressed during negotiations.

Thirdly, Sierra Leone identified significant legal gaps in Articles 7 and 8 of the Rome Statute that result in manifest impunity for slavery and the slave trade crimes - legal gaps which the ILC transplanted into the Draft Articles on Prevention and Punishment of Crimes Against Humanity. The Rome Statute includes provisions for enslavement and sexual slavery as crimes against humanity and transplanted in Article 2 of the Commission's Draft Articles on Prevention and Punishment of Crimes against Humanity. Regrettably and critically, the Rome Statute does not contain provisions for the slave trade as crimes against humanity or war crimes, which governs the intent to bring a person into, or maintain them in a situation of slavery. Additionally, the Rome Statute does not outlaw slavery during international or non-international armed conflict despite customary international humanitarian law, in Rule 94, prohibiting slavery and the slave trade in all their forms.

Given Sierra Leone's experience, particularly on the prohibited acts of abductions of women and children resulting in subsequent sexualized enslavement or child soldiers which in our view are acts of slavery and the slave trade, we have put forward a proposal to amend the Rome Statute to enumerate provisions for slavery and the slave trade as a crime against humanity and war crimes in international as well as non-international armed conflicts. We are cognizant that we are not alone with such experiences and that they may resemble histories and experiences of other AALCO Members,

Supported by the African Group, Sierra Leone urges any future convention on crimes against humanity to include slavery and the slave trade as crimes against humanity. As such, the proposed amendments to the Rome Statute *ipso facto* should be considered in relation to the draft articles adopted by the ILC, given the Rome Statute transplantation.

Regarding Article 2 concerning the definition of crimes against humanity, I would like to reaffirm, also in this forum, Sierra Leone's support for the approach adopted by the ILC to maintain a high level of consistency with the provisions outlined in the Rome Statute of the International Criminal Court.

While we are cognizant that some members have concerns with this approach, stemming from the fact that numerous states are not parties to the Rome Statute and further expressed reservations about the broadness of the definition of crimes against humanity in draft article 2. From a policy perspective, we continue to support the general consistency approach, to safeguard the Rome Statute complementarity principle, and to elaborate a future treaty on crimes against humanity that is universal, complementary, and implementable.

At the same time, Sierra Leone notes that in the supplementary provision articulated in paragraph 3 of Article 2, an insightful "without prejudice" clause has been incorporated. It emphasizes that the integration of the Rome Statute's definition is not intended to limit broader definitions found in other international instruments, customary international law, or more comprehensive of certain national legal frameworks. We wholeheartedly support and commend this astute inclusion, recognizing its importance in preserving the comprehensive nature of legal frameworks and allowing for necessary flexibility in interpretation and application.

To conclude, Sierra Leone wishes to close with three concrete recommendations in the interest of strengthening cross-regional engagement with this agenda and support for multilateral efforts concerning the Draft Articles that represents us as individual Members of AALCO and us as a community with our sovereignty in the present.

Our first recommendation is to propose for the Draft Articles on Prevention and Punishment of Crimes against Humanity to become a standing agenda item for discussion under the existing agenda item entitled "ICC: Recent Developments" in future sessions.

Secondly, we recommend the AALCO Secretariat to organize seminars for members to discuss the ongoing deliberations related to the Draft Articles. These seminars would complement the ongoing deliberations at the Sixth Committee.

Finally, our third recommendation is for AALCO to develop and prepare a position on the inclusion of the slave trade in the Draft Articles and the inclusion of slavery and the slave trade in the Rome Statute. I thank you.

**Vice-President:** I thank the distinguished delegate for their statement. I now give the floor to the Republic of Cameroon, followed by the Federal Republic Nigeria, the Republic of Kenya, the People's Republic of China, the Arab Republic of Egypt, and the Republic of Türkiye. Republic of Cameroon.

**The Head of Delegation of the Republic of Cameroon:** Thank you, Mr. Vice-President. Mr. Vice-President, the Cameroonian delegation wishes to congratulate both of you for your election in your respective capacity of President and Vice-President of the Sixty-Second Annual Session of AALCO. This Delegation attached to ideals of AALCO and the United Nations would also like to renew its thanks to the Government of Thailand for the facilities deployed to allow us to enter and have a wonderful stay in this beautiful country.

Mr. Secretary-General, His Excellency Mr. Kamalinne Pinitpuvadol, Ladies and Gentlemen, distinguished delegates, we wish a warm welcome to Burkina Faso amongst us as the Forty-Eighth Member State of AALCO.

Mr. Vice-President, Mr. Secretary-General, our agenda includes an item on International Trade and Investment Law and another one on Asset Recovery Expert Forum.

Concerning the topic on International Trade and Investment Law, I wish to stress that my country is very active in the work of the Working Group III of the UNCITRAL where we express our support for the reform of the system of the settlement of disputes between investors and States with a view to avoiding abnormally long arbitration proceedings in which developing States are subject to heavy condemnations sometimes exceeding the amount of their budgets and not always in relation to the reality of the facts opposing the parties.

We would like to reiterate that our Secretary-General, His Excellency Mr. Kamalinne Pinitpuvadol, be our spokesperson to the Secretary of UNCITRAL so that the reform underway at UNCITRAL takes into account the concerns of AALCO's Countries. We know that the AALCO and the UNCITRAL maintain a constructive working relationship.

As for the item on Asset Recovery, Cameroon is very interested. In this regard, we wish to indicate that the Cameroonian Head of State, His Excellency Paul Biya, some few years ago, created a Court specialised in the repression of corruption and a Public Company dedicated to the recovery of the monetary awards in favour of the Cameroonian State.

For an efficient action of this State entity, Cameroon is interested on the activities of the AALCO Asset Recovery activities. To conclude, I wish to indicate that I am happy to notice that Cameroon is mentioned in the AALCO's budget for the year 2025 amongst the AALCO States that have contributed to the budget for the year 2023 and paid in 2024.

We thank you for your kind attention and wish fruitful deliberations to our Session.

**Vice-President:** I thank you distinguished delegate for their statement. I now give the floor to the Federal Republic of Nigeria.

**The Head of Delegation of the Federal Republic of Nigeria:** Your Excellencies, President and Vice-President of the Sixty-Second Annual Session of AALCO, distinguished Secretary-General, distinguished delegates, on behalf of my delegation, let me convey the warm and fraternal greetings of the Government and good people of the Federal Republic of Nigeria to Your Excellencies and to the Secretariat on this occasion of the successful convening of the Sixty-Second Annual Session of AALCO in the beautiful and historic city of Bangkok, Thailand.

My delegation once more, expresses its gratitude to the Government and good people of Thailand for hosting this Session, for the warm love shown to us since our arrival and for the excellent facilities provided for this Session. Mr. Vice-President, we congratulate you and Madam President on your election. We are hopeful that your tenure will offer a fresh opportunity to consolidate on the current work of our organization. We welcome our African Brother, Burkina Faso, as a Member of AALCO.

Mr. Vice-President, my delegation is pleased to observe that the Agenda of this Session has built on the on-going work of the Organization from the Sixty-First Session in Bali, Indonesia. The Theme for the General Statements: “Advancing the Development of International Law Through Asian and African Leadership”, the Substantive Agenda items, particularly, Topics on the Agenda of the International Law Commission, Environment and Sustainable Development, Law of the Sea, International Trade and Investment Laws, International Law in Cyberspace and Asset Recovery Expert Forum affect our collective and individual interests and therefore deserve extensive deliberation, in the interest of deepening African and Asian solidarity.

Mr. Vice-President, since the Sixty-First Session was concluded in Bali, Indonesia in 2023, the Government of the Federal Republic of Nigeria has continued to take steps to ensure that the ideals espoused by AALCO in respect of the Rule of Law are reflected in our domestic policies and practices. We believe particularly that the entrenchment and consolidation of a democratic order will place Nigeria in a strong position to remain a credible and responsible member of this Organization and indeed of the international community.

The advancement of international law through Asian and African leadership is a significant topic that reflects the growing influence of these Regions in global governance. Historically, International Law has been predominantly shaped by Western powers, but the rising importance of Asia and Africa in global affairs has brought new perspectives and priorities to the fore.

Mr. Vice-President, here is an overview of how Asian and African leadership is advancing International Law:

One, Shaping Normative Frameworks. Both Asia and Africa have rich legal traditions that contribute to the development of international norms. These Regions bring unique perspectives, such as the emphasis on community rights, respect for sovereignty, and non-intervention, which are increasingly reflected in international legal frameworks.

Human Rights. Asian and African states have been instrumental in advocating for a more balanced approach to human rights, emphasizing the importance of economic and social rights alongside civil and political rights.

Two, Participation in International Institutions. Asian and African countries are increasingly taking leadership roles within the United Nations, the International Court of Justice and the

Permanent Court of Arbitration. This representation ensures that the interests and perspectives of these Regions are considered in the development of International Law.

The Regional Organizations. Organizations like the African Union, Economic Community of West African States and ASEAN have developed Regional legal frameworks that influence International Law, particularly in areas like peacekeeping, conflict resolution and economic cooperation.

Three, contributions to International Legal Discourse. Scholars from Asia and Africa are making significant contributions to international legal theory, challenging Western-centric views and proposing alternative frameworks that resonate with the experiences and values of developing countries. Asian and African countries are often at the forefront of diplomatic efforts to resolve international disputes, which contributes to the development of Customary International Law and sets precedents for future cases.

Four, leadership in Global South Coalitions. Group of 77 (G77). This coalition, which includes many Asian and African countries, plays a crucial role in advocating for the interests of the Global South in international law-making processes, particularly in areas like trade, climate change, and sustainable development.

Five, Innovations in International Legal Practice. Peacekeeping and Conflict Resolution. African and Asian countries have pioneered new approaches to peacekeeping and conflict resolution, often emphasizing local solutions and the involvement of regional actors, which are now being incorporated into International Law.

Trade and Investment Law. The rise of Asian economies and the increasing economic cooperation within Africa have led to the development of new legal frameworks for trade and investment, influencing global standards and practices.

Six, Challenges and Opportunities. One of the challenges in advancing International Law through Asian and African leadership is balancing the diverse interests within these regions. However, this diversity also provides an opportunity for creating more inclusive and representative international legal norms.

Navigating Global Power Dynamics: As Asian and African countries take on more leadership roles, they must navigate the complexities of global power dynamics, particularly in dealing with established powers and emerging challenges like Cybersecurity, Climate Change, and Migration.

However, the leadership of Asian and African countries is increasingly shaping the development of International Law, bringing new ideas, priorities, and approaches that reflect the aspirations of the Global South. This shift not only enriches the field of International Law but also contributes to a more balanced and equitable global order.

Mr. Vice-President, my delegation wishes to observe that the world is increasingly polarized as extreme nationalism and multidimensional challenges increase, including climate change and terrorism that recognizes no borders. We wish to recall the legacy of multilateralism and the International Agreements which have made the world a better place, from the Universal Declaration of Human Rights to 2030 Agenda for Sustainable Development. No country, however powerful, can resolve global challenges alone.

Mr. Vice-President, against the background of today's difficult circumstances, AALCO must recall the urgency felt by its founders at the Bandung Conference of April 1955 in Indonesia and reinvigorate its tools. The principles of working together endure, but the specifics must

take account of our rapidly changing world. It is not enough to proclaim advancing the development of International Law through Asian and African Leadership. Its added value must be proven as well. AALCO points the way, defending universal values and recognizing people's common future. My delegation is calling for a stronger commitment to a rule-based order with an effective AALCO at its centre.

Mr. Vice-President, Nigeria together with her partners have consistently taken action to maintain and implement major International Agreements, such as the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change. We are delivering on our Paris pledges through ambitious policies at home and decisive support to partner countries.

The Nigerian Leadership have been working to make our multilateral system fit for these challenges, as well as more transparent to deliver on citizens welfare and expectations, not least by fully supporting AALCO and improve the functioning of the World Trade Organization.

Mr. Vice-President, my delegation wishes to state that it is our collective responsibility to work towards a more peaceful, secure and prosperous world for present and future generations. The AALCO, together with its Member States, will continue to strengthen partnerships, to uphold and promote international law and fundamental rights, to support peace and democracy, to stand side-by-side with people in need all over the world. We will continue to be a principled, reliable, consistent and cooperative global player, a point of reference for advancing the development of International Law through effective and efficient leadership.

Finally, we wish to express our appreciation to the Government and people of Thailand for hosting the Sixty-Second Annual Session and the Secretariat for the warm hospitality extended to members of my delegation since our arrival at this historic city of Bangkok.

Nigeria therefor reiterates its commitment to AALCO and calls on the Organization to continue to provide expert knowledge and guidance to Member States such as impact of crypto currency on the international economy and measures that Member States could take to protect and ensure that what is gained from cryptocurrency and deployed to fraud. Because it is very harmful. AALCO must look at these aspects that whatever amount falls from cryptocurrency is not used to finance terrorism.

We wish all the Delegations fruitful and wonderful deliberations. Thank you.

**Vice-President:** Again, I would like I thank the distinguished delegate from Nigeria for their statement. I mentioned that we will be breaking at 10:15. I think we have time for two more presentations. We'll have the Republic of Kenya, followed by the People's Republic of China and then we will take a break. So, I give the floor to the Republic of Kenya.

**The Head of Delegation of the Republic of Kenya:** Thank you, Mr. Vice-President, it is a great honour and privilege to address you all on behalf of the Republic of Kenya. On behalf of myself and the Kenyan delegation, we would like to express our pleasure in attending this auspicious occasion of the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization, being held in the alluring city of Bangkok, Thailand.

We take this opportunity to thank the Government of the Kingdom of Thailand for graciously hosting this Session.

Distinguished delegates, let me join other delegations in congratulating you, Madam President and the Vice-President for being elected to lead the Sixty-Second Annual Session and the work of AALCO in the coming year. Kenya, having served as President of the Fifty-Sixth Session, assures you of her full support and co-operation during your term.

Let me also express, on behalf of the Kenyan delegation, our sincere appreciation to the outgoing President of the Sixty-First Annual Session for the accomplishments achieved during his tenure.

Mr. Vice-President, we wish to take this opportunity to thank the AALCO Secretariat and the Secretary-General for their tireless efforts in steering the work of this Organization and ensuring that the interests of the two regions are well articulated at various international fora including the United Nations General Assembly.

We also take this opportunity to welcome our newest member, Burkina Faso, to the AALCO family.

Distinguished delegates, we note with interest the important topics on the Agenda that are to be discussed by the Member States, such as Matters related to the Work of the International Law Commission at its seventy-fifth session; violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues relating to the Question of Palestine; Environment and Sustainable Development; International Trade and Investment Law, Asset Recovery Expert Forum and Legal Issues in Outer Space.

We also take note of the following topics that have been proposed by different countries, specifically the Law of the Sea proposed by the Kingdom of Thailand, International Terrorism proposed by the Islamic Republic of Iran, International Law in Cyberspace also proposed by the Islamic Republic of Iran and Recent Developments on International Criminal Court by the Republic of Sierra Leone.

Of particular interest, are the deliberations on the issues around the environment and sustainable development. Africa's carbon footprint remains relatively small, but the effects of climate change are so disproportionately high. This therefore needs to be addressed urgently by putting in place mitigation mechanisms, allocation of appropriate finances and putting mechanisms for resilience growth with each extreme weather event and each bout of climate-induced insecurity.

It is worth noting that on 4<sup>th</sup> to 6<sup>th</sup> September 2023, the Government of Kenya and the African Union convened the inaugural Africa Climate Summit in Nairobi. Commitments were made by governments, the private sector, multilaterals, banks, philanthropists, and other organizations, that set out concrete, systematic and sustainable plans to make the step change that is needed to progress towards Net Zero and international climate goals on finance and adaptation. The commitments made at the Summit will be used as a foundation to mobilize urgent action on climate across Africa, and beyond.

Kenya notes with a lot of concern that unsuitable use of the environment poses an existential threat leading to extreme weather conditions, aggravated food insecurity and divisive intra-community and inter-community competition for resources. Therefore, there is need to reinforce the importance of renewable energy resources, as they are the ultimate catalyst of radical socio-economic prosperity. They can fuel sustainable development, drive economic growth, create jobs, and uplift millions from energy poverty all while reducing our carbon footprint, continentally and globally.

It is high time Africa powers all her energy needs with renewable resources. The continent has enough potential to be entirely self-sufficient with the mix of wind, solar, geothermal, sustainable biomass, and hydropower. In fact, Africa can be a green industrial hub that helps other regions achieve their net zero strategies by 2050.



Kenya has developed a robust legal regime to scale up efforts to maintain a low carbon development trajectory. This includes commitment to restore degraded water towers, accelerate forest restoration and increase tree cover to at least 10 percent of our land area, promote a sustainable blue economy and green manufacturing.

Mr. Vice-President, with the adoption of the Intergovernmental Conference on Marine Biodiversity of Areas beyond National Jurisdiction (BBNJ), which opened for signature on 20th September 2023, particularly as it relates to conservation and sustainable use of resources.

Kenya expects to sign and ratify the BBNJ Convention in the coming days and has continually supported the conducting of environmental impact assessments to ensure sustainable development. Our position is that there should be global minimum standards for the conduct of EIAs in the areas beyond national jurisdiction with the understanding that regional, sub-regional and sectoral bodies may put in place other stringent measures if need be. We recognize that all these efforts play a critical role towards climate change mitigation.

Mr. Vice-President, regarding the continuing work to ensure the safe and equal use of outer space, Kenya has been a leading light in Africa in the uptake of novel and emerging technologies especially those that address the needs of the society. The advent of new and cutting-edge technologies has drastically cut down the costs of development of satellites and spacecraft resulting in wider access to and exploitation of space services and applications.

Mr. Vice-President, I thank you for your kind attention and reiterate our commitment towards the work of AALCO. Kenya is confident that under your Presidency, and the stewardship of the Secretary-General, the Organization will continue to work as a platform for legal deliberations on issues of significance to Asian-African countries.

I wish all delegates and observers attending this Session a fruitful week of deliberations. Thank you, Mr. Vice-President.

**Vice-President:** I now give the floor to the People's Republic of China.

**The Head of Delegation of the People's Republic of China:** Mr. Vice-President, on behalf of the Chinese delegation, I would like to congratulate you and Madam President on your election as the president of the Sixty-Second Annual Session of AALCO. I am confident that under your able leadership, this Annual Session will be successful and fruitful. My appreciation also goes to Secretary-General Kamalinne Pinitpuvadol and the Secretariat for their hard work over the past year, and the government of the Kingdom of Thailand for all the arrangements to make this Annual Session possible.

We welcome Burkina Faso to become the Forty-Eighth member of AALCO family.

With regard to the issue of Palestine, China strongly opposes and condemns all acts of violence against civilians, the ongoing suffering of our Palestinian brothers and sisters must be stopped immediately. We firmly support the Palestinian people in restoring their legitimate rights and call for the implementation of the Two-State solution through negotiation.

Mr. Vice-President, we appreciate the Government of Thailand for proposing the overall theme of this Annual Session. We believe that the overall theme of Advancing the development of international law through Asian and African leadership is opportune and of profound significance. As an important outcome of the Bandung Conference, AALCO provides a unique platform for Asian and African countries to cooperate in international law. We have consistently upheld the principles of mutual respect and consultation on the basis of equality, made unique

contributions to promoting and maintaining international rule of law and improving global governance in various fields.

This year marks the 70<sup>th</sup> anniversary of the Five Principles of Peaceful Coexistence. Seventy years ago, the leaders of China, India, and Myanmar jointly advocated for mutual respect for sovereignty and territorial integrity, non-aggression, non-interference in internal affairs, equality and mutual benefit, and peaceful coexistence. The five principles which vividly reflect the purposes and principles of the UN Charter, have become basic norms governing international relations and fundamental principles of international law, and have been considered as an indelible contribution of developing countries to the advancement of international law.

Mr. Vice-President, the world is facing immense and unprecedented crises. What kind of world we need and how to build such a world has become a vital question with the future of humanity at stake. President of the People's Republic of China Xi Jinping has proposed the concept of Building a Community with a Shared Future for Mankind, calling on the international community to work together to build an open, inclusive, clean and beautiful world of lasting peace, universal security and shared prosperity. This concept aligns closely with the core spirit and values of the Five Principles of Peaceful Coexistence, while expanding the scope of application from state-to-state relations to the broader level of human society, and providing a Chinese approach to address global challenges.

Mr. Vice-President, History has repeatedly shown that strengthening solidarity and cooperation, enhancing communication and understanding are effective ways for countries to tackle challenges and shape a better shared future together. At this new historical point, Asian and African countries, need to adopt a more open and inclusive stance to jointly advance the development of international law, participate and strive to play a leading role in the process of global governance reform.

With regard to the work of the AALCO, I wish to make proposals as follows:

Firstly, to promote international law to jointly safeguard global peace and security. Promotion of international law is essential for ensuring that people can live peaceful and prosperous life. In response to the complex global security landscape, President Xi has proposed Global Security Initiative in 2022, advocating for respect for national sovereignty and territorial integrity, adherence to the purposes and principles of the UN Charter, and peaceful resolution of disputes between states. We urge to uphold a shared, comprehensive, cooperative, and sustainable security perspective, maintain the international system with the United Nations at its core as well as an international order based on international law, and enhance the role of international law in preventing conflict and maintaining peace.

Secondly, to contribute to an Equal and Orderly Multi-polar World. Global issues should be addressed through joint consultation, and the future and destiny of the world should be determined collectively by all countries. We need to show respect to different civilizations, systems, and paths, ensuring that all nations can find their place in a multi-polar system and play their role within the framework of international law. The principles of equal rights, equal opportunities, and equal rules for all countries are to be observed, while universally recognized norms of international relations are to be adhered to in order to ensure that the multi-polarity process remains stable and constructive.

Thirdly, to jointly advance a Universally Beneficial and Inclusive Economic Globalization which promotes the common interests of all countries. Development is an eternal theme for human society, and as a major developing country, China has always emphasized development

issues. The Global Development Initiative proposed by President Xi in 2021, aims to build a more united, equal, balanced, and inclusive global development partnership, and to promote modernization and sustainable development through cooperation among nations. We call upon Asian and African States to steadfastly support the multilateral trading system with the WTO at its core, facilitate global trade and investment liberalization, and support countries in following development paths suited to their own conditions, fostering globalization that benefits all nations, especially developing countries, in accelerating their development.

Mr. Vice-President, as emphasized by President Xi, modernization is an inalienable right of all countries. July this year, at the third plenary session of 20th Central Committee of the Communist Party of China, it was emphasized that high-quality development is the primary task in building a modern socialist country for China, openness is a distinct feature of the Chinese-style modernization, and rule of law is the crucial guarantee for the Chinese-style modernization. The session also highlighted the need to adhere to the basic national policy of opening-up, promote reform through openness, and create a first-class business environment that is market-oriented, law-based, and globalized. Moreover, it stressed the importance of firmly pursuing an independent and peaceful foreign policy and advancing the building of a community with a shared future for mankind.

Last week, Beijing Summit of The Forum on China-Africa Cooperation concluded successfully. This summit sent a strong signal of joint development and showcased the firm confidence in Global South solidarity and cooperation. President Xi announced that bilateral relations between China and all African countries having diplomatic ties with China be elevated to the level of strategic relations, and that the overall China-Africa relations be elevated to an all-weather China-Africa community with a shared future for the new era. In recent years, China has cooperated with many Asian and African countries to promote high quality Belt and Road Cooperation with substantial and significant results, making important contributions to global sustainable development.

Mr. Vice-President, China will continue to be a builder of world peace, a contributor to global development, and a defender of the international order. China will continue to firmly support AALCO and further strengthen solidarity, friendship and cooperation with Asian and African countries in international law, including through initiatives such as the China-AALCO International Law Exchange and Research Program and the Belt and Road Legal Cooperation Training Program. These efforts aim to contribute to improving global governance in various fields and advancing the community with a shared future for humanity.

Mr. Vice-President, China looks forward to exchanging views on substantive items of this Annual Session such as the work of the ILC, legal issues in outer space, law of sea, environment and sustainable development, asset recovery, etc in the following days.

China is going to host a reception this evening at 7:30 at Great Hall on the seventh floor of this hotel, all delegates and observers are most welcome to join us.

Finally, I wish the Sixty-Second Annual Session of AALCO a great success. Thank you all.

**Vice-President:** Thank you very much. I thank the distinguished delegate for your statement. We shall be taking a coffee break at this time just 2 minutes early which is good. We shall reconvene at 10:45am and when we reconvene, we will be taking statements from the Arab Republic of Egypt, and the Republic of Türkiye. Brunei Darussalam, Cyprus, Burkina Faso. Then we will have statements from Observer States, Uzbekistan, the Russian Federation, and then we will have from Observer Organizations the Permanent Court of Arbitration, the Asian

Academy of International Law, and the Hague Conference on Private International Law. So, let's take a break now and then reconvene at 10:45. Try and keep time. Thank you very much.

**The Meeting was thereafter adjourned for Coffee Break.**

**The Meeting was thereafter resumed.**

**Vice-President:** Distinguished delegates, welcome back to the Second General Meeting. So let's resume our Second General Meeting. I request the distinguished delegates to take their seats. So the remaining speakers on our list are the Arab Republic of Egypt, the Republic of Türkiye, the Republic of Korea, Brunei Darussalam, Cyprus and Burkina Faso. I now yield the floor to the Arab Republic of Egypt.

**The Head of Delegation of Arab Republic of Egypt:**<sup>2</sup> Madam President, Mrs. Suphanvasa Chotikajan Tang. At the outset, I would like to congratulate you on assuming the presidency of the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization – AALCO. I also congratulate the Vice President, Attorney General of Uganda, Hon. Kiryowa Kiwanuka Mugambe and I confirm the co-operation of the Egyptian delegation with them during the Session's work to achieve its success.

I would also like to thank the Secretariat of the Organization for the good organization of the session, and the Government of the Kingdom of Thailand for the generous hosting. We also extend our greetings to the Secretary-General of the Organization and thank him for his good management of it since assuming this important position.

I would like to welcome the State of Burkina Faso into the membership of the Organization, Your Excellencies, it is a pleasure for me to stand before you today in this important gathering of the Asian-African Legal Consultative Organization (AALCO). The Arab Republic of Egypt, as a founding state of the Asian-African Legal Consultative Organization (AALCO), affirms its commitment to the values inherent in the Organization's Charter, represented by cooperation, mutual respect, the pursuit of justice and the development of our legal frameworks for the benefit of all individuals within our societies.

The richness of our common legal traditions and the strength of our collective endeavors are vital to enhancing cooperation and mutual understanding among Member States. It was necessary for the agenda to address the urgent issue on the international scene, namely violations of international law in Palestine and other occupied territories.

Egypt continues to work towards an urgent cease-fire and put an end to the suffering of the Palestinian people, and spares no effort to mobilize international efforts to end the daily violations against Palestinian civilians and all forms of violence and disregard for human rights in the occupied Palestinian territories. In this context, it denounces the unprecedented moral dilemma facing the international community as a result of the atrocities committed against civilians in the occupied Palestinian territories, and the persistence in committing systematic practices against the Palestinian people, including direct targeting of civilians and destruction of infrastructure in the Gaza Strip, and forcing Palestinians into displacement, which has led to the creation of an unprecedented humanitarian crisis that has created unlivable conditions in the Gaza Strip, in flagrant violation of the provisions of international law and international

---

<sup>2</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Arab Republic of Egypt.

humanitarian law, and the Fourth Geneva Convention of 1949 relative to the Protection of Civilians in Time of War.

The Arab Republic of Egypt continues to play its historic role in leading the peace process in the region in aiming at maintaining regional peace and security and achieving stability for all peoples of the region. Egypt calls on the international community to exert maximum efforts to stop the Israeli attacks on Gaza and ensure the access of humanitarian aid to the Gaza Strip. Egypt also calls for a direct cessation of the recent Israeli attacks on the West Bank. Egypt affirms its commitment to supporting Palestinian rights, including the establishment of an independent state on the 1967 borders with East Jerusalem as its capital, and the call to achieve a just and lasting peace based on the two-state solution.

Egypt welcomed the Advisory Opinion of the International Court of Justice issued on July 19, 2024, on the legal consequences resulting from Israel's policies and practices in the occupied Palestinian territory, including East Jerusalem. As the distinguished delegations know, the Advisory Opinion considered Israel's occupation of the Palestinian territories, including East Jerusalem, illegal.

Egypt welcomes the call of the International Court of Justice on all states and international organizations, including the United Nations, to refuse to recognize the legal status of the Israeli occupation. Egypt also commended the International Court of Justice's request to the United Nations General Assembly and the Security Council to take the necessary measures to end this illegal Israeli presence. Egypt also calls on all international parties to implement the advisory opinion of the International Court of Justice and enable the Palestinian people to exercise their legal right to self-determination and work to end the human suffering they are experiencing.

Mr. Vice-President, cyberspace represents an important area for developing cooperation efforts to develop laws related to cybersecurity, data protection and privacy, as necessary developments imposed by the promotion of innovation and economic growth. In this context, Egypt shares the African Common Position on the Application of International Law in Cyberspace. Thank you, Madam President, and we wish success to all delegations and the work of the Sixty-Second Session.

**Vice-President:** I would like to thank the distinguished delegate of Egypt for your statement. I would now yield the floor to Republic of Türkiye followed by the Republic of Korea. Republic of Türkiye you have the floor.

**The Head of Delegation of Republic of Türkiye:** Thank you Mr. Vice-President Excellencies, distinguished delegates, I would like to begin my remarks by thanking the Government of Thailand for hosting the Sixty-Second Annual Session of AALCO. I also congratulate Burkina Faso as a new member of this august Organization.

Special thanks goes to you Mr. Vice-President and also go to Madam President of the Sixty-Second Annual Session and the esteemed Secretary-General as well as the Secretariat of AALCO for their able leadership and hard work in organizing this session.

Mr. Vice-President in rule based system international law is of paramount importance. Türkiye remains strongly committed to preserve international law under every circumstance and for everyone. Türkiye spares no efforts in international arena as well as in its domestic national legislation in this respect.

Mr. Vice President, Israeli attacks directed against our Palestinian brothers and sisters violate every aspect of international law. Türkiye, being aware of AALCO's long standing engagement with the topic since its first introduction on the agenda of the Organization in 1988, appreciates the commitment of AALCO to this issue.

Mr. Vice-President, the International Court of Justice has reiterated its call to Israel to respect its commitment under the 1948 Geneva Conventions. The ICJ, through the judgment to be delivered in the South Africa v. Israel Genocide Case, has the opportunity to provide a legal contribution to the long overdue solution of the Israel-Palestine problem. We sincerely hope that, as the principal judicial organ of the UN, the Court would seize this historical opportunity and render a decision to alleviate the prolonged sufferings of the Palestinian population.

Mr. Vice-President, Türkiye submitted the Declaration of Intervention in the Genocide Case on 7 August 2024 on the basis of the Article 63 of the Statute of the ICJ. So far, seven States including Türkiye, have submitted their Declaration of Intervention to the Genocide Case. We would like to see more Member States lending their support to the Genocide Case at the ICJ by intervening in favour of the Palestinian people.

We also attribute utmost importance to the provisional measures decided by the ICJ upon South Africa's request. We urge Israel to implement the provisional measures ordered by the ICJ, fully and without delay. The Advisory Opinion delivered by the ICJ on 19 July 2024 confirmed among others that Israel should immediately end its occupation of the Palestinian territory.

Türkiye has already contributed to the Advisory Opinion process, by submitting views, both at the written and oral phases. We welcome the fact that 18 Member States of AALCO submitted written observations or comments to the process.

Ladies and gentlemen, the human catastrophe unfolding in Gaza has reached unbearable levels. More than 40 thousand Palestinians have been killed in Gaza, thousands missing under the rubbles. Mostly women and children. Israel turned Gaza uninhabitable. The civilian infrastructure is largely destroyed. Around 2 million people are displaced. Overall the historical, cultural and social legacy of Gaza has been literally uprooted.

In the face of continuing Israeli aggression, as Türkiye, we have imposed full trade restrictions on Israel, as an additional measure. We will not restore trade until Israel accepts a ceasefire and enables uninterrupted humanitarian access to Gaza. Türkiye will continue to make its case for peace and be ready to contribute to efforts towards settlement of the conflict in any way we can. There can be no lasting peace without a just solution to the Israeli-Palestinian conflict. Türkiye supports an independent, sovereign and contiguous State of Palestine on the 1967 borders with East Jerusalem as its capital.

Mr. Vice-President, we welcome the revitalization of the counter-terrorism agenda item within AALCO. The Regional event hosted in Tehran during July this year has been a fruitful forum to identify and build up on legal perspectives on terrorism. Türkiye has been countering different forms and manifestations of terrorism for more than half a century. On the basis of right to self-defence as enshrined by the Article 51 of the UN Charter, Türkiye will continue to do whatever it takes to fight against terrorism.

Mr. Vice-President, Türkiye sees terrorism as one of the most serious challenges to an international, sustainable and rules-based order. This challenge stems essentially not necessarily from the capacity of harm or destruction by these terrorist groups but from the lack of coherent, principled and sustained international cooperation and efforts against this threat. We believe that the work of AALCO will contribute to strengthen international efforts to eliminate this global threat.

Ladies and gentlemen, the impact of climate crisis transcends borders, affecting welfare of our societies and sustainability of ecosystems. We believe that the AALCO, as a platform uniting countries across Asia and Africa, can contribute to the international efforts to combat climate change within its mandate. AALCO region is disproportionately affected by climate impacts, from rising sea levels in the Maldives to devastating droughts in Sub-Saharan Africa. The

impacts of climate change in Asia and Africa are profound, particularly for vulnerable people. The AALCO members can advocate for policies that prioritize the protection and empowerment of these vulnerable communities, ensuring that their voices are heard in international negotiations. AALCO's legal expertise and collective voice can contribute to shaping international legal norms and decisions on climate change. This includes supporting requests for advisory opinions from international courts and tribunals on critical issues such as state responsibilities, the rights of future generations, and the legal implications of transboundary environmental harm. The AALCO and its Member States can play an important role to play in shaping the international legal landscape on climate change.

We are confident Mr. Vice-President, that the Sixty-Second AALCO Annual Session will be a great success and we are looking forward to exchanging views and ideas with AALCO Member States. Thank you Mr. Vice-President. Thank you all.

**Vice-President:** I thank the distinguished delegate of Republic of Türkiye for your statement. Now I yield the floor to the Republic of Korea that will be followed by Brunei Darussalam.

**The Head of Delegation of Republic of Korea:** Thank you, Mr. Vice-President, for giving me the floor. It is my honour to address this esteemed assembly at the Sixty-Second Annual Session of AALCO. On behalf of the Government of the Republic of Korea, we would like to express our heartfelt gratitude to the Government of Thailand for hosting this important gathering.

Bangkok is a city where tradition and modernity beautifully blend together. We are certainly delighted to have come to this remarkable city. We are grateful that we have this opportunity to gather again with others in this inspiring place.

We would like to join others in extending our congratulations to Madam President and you on having being elected yesterday as President and Vice-President, respectively, of this Session. We have no doubt that you will guide us towards constructive discussions and meaningful outcomes. My delegation fully commits to supporting your leadership throughout the entire session. Additionally, we would like to thank Secretary-General Dr. Pinitpuvadol and his Secretariat team for their thorough preparations for this week's meetings.

Mr. Vice-President and distinguished delegates, we live in an era where the world is more interconnected than ever before. It is due to advances in technology, transportation, and communication. While this has brought us closer, this interconnectedness has presented new challenges. As countries have become more interdependent, we need a well-constructed framework to ensure peace and cooperation.

One such framework is international law. International law is not simply a collection of treaties and agreements. It is an essential tool for resolving disputes, maintaining stability, and securing benefits for the entire humanity.

We are confronting complex global issues such as climate change, human rights, and cybersecurity. No single country can tackle them on its own. International law provides a foundation for addressing these collective challenges

Mr. Vice-President and distinguished delegates my delegation would like to highlight a couple of the most pressing global issues we face today: climate change and plastic pollution. Climate change is impacting all countries and regions through global warming, rising sea levels, and increasingly frequent natural disasters. Climate change cannot be resolved by any one country. To deal with this crisis, we need a united effort from all of mankind.

In response to the growing concerns over climate change and marine environmental protection, the International Tribunal for the Law of the Sea (ITLOS) invited last year written opinions from states and participation in oral proceedings regarding climate change's impact on the

oceans. Recognizing the importance of this issue, the Government of the Republic of Korea has actively participated in the proceedings. This past May, ITLOS issued an advisory opinion. It emphasized the role international law can play in responding to the issue of climate change.

Another serious challenge we are facing now is plastic pollution. Every year, millions of tons of plastic waste goes into the oceans. This threatens marine ecosystems and human health. To address this, negotiations are underway to develop a legally binding instrument on plastic pollution. We take this very seriously. To demonstrate our commitment, the Government of the Republic of Korea will host the 5th Session of the Intergovernmental Negotiating Committee (INC-5) on Plastic Pollution in Busan later this year.

We are committed to working tirelessly to ensure that the INC-5 will lead to completing the draft treaty text. We encourage all of you to actively engage in the discussions at the INC-5 in Busan.

Mr. Vice-President and distinguished delegates, this Annual Session is more than just a chance to exchange opinions. It is an opportunity to set the course for our future. Asia and Africa could play a crucial role in addressing the global challenges and crises. We are not just passengers on this global bus. We have to drive the bus. Here at AALCO, we have a chance to make sure that our voices are heard loud and clear. We believe that this year's AALCO session will foster meaningful discussions. My delegation is ready to provide our full support and active engagement. Thank you Mr. Vice-President.

**Vice-President:** Thank you distinguished delegate of Republic of Korea for your statement. I now yield the floor to distinguished delegate of Brunei Darussalam.

**The Head of Delegation of Brunei Darussalam:** *Bismillahir Rahmanir Rahim*, His Excellency Mr. Kiyowa Kiwanuka, Vice-President of the Sixty-Second Annual Session of AALCO, His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Excellencies, Heads of Delegations, distinguished delegates, ladies and gentlemen. *Assalamu'alaikum Warahmatullahi Wabarakhatuh* and a very good morning.

It gives us great pleasure to be here in the beautiful bustling city of Bangkok to attend the Sixty-Second Annual Session of AALCO. On behalf of the Government of Brunei Darussalam, we would like to extend our warm congratulations to Her Excellency Madam Suphanvasa Chotikajan Tang, Director General of the Department of Treaties and Legal Affairs of the Kingdom of Thailand, as the President of the Sixty-Second Annual Session of AALCO. We share South Africa's sentiment that your nominated presidency is a testament to progressive representation of women on an international platform. Our congratulation is also extended to His Excellency Mr. Kiyowa Kiwanuka, Attorney General, Ministry of Justice and Constitutional Affairs, Republic of Uganda as the Vice-President. We wish you both success and confidence in continuing the important task of leading AALCO's mandate.

We also wish to commend Your Excellency Secretary-General of AALCO for your hard work and the continued commitment for advancing AALCO's values and strengthening cooperation between AALCO Member States and other international institutions in the field of international law. Our appreciation and gratitude is also extended to the AALCO Secretariat for their tireless effort behind the scene in preparing for AALCO's Annual Session as well as the activities of AALCO through the years.

We wish to commend His Excellency Yasonna H. Laoly, Minister of Law and Human Rights of the Republic of Indonesia, the President of the Sixty-First Annual Session of AALCO for his guidance and leadership in bringing AALCO forward during his tenure.



We wish to take this opportunity to express our sincere appreciation to the Government of the Kingdom of Thailand for hosting the Annual Session, reflecting Thailand's strong support for AALCO, showcasing Thailand's generous hospitality. Indeed, the Brunei Darussalam delegation appreciate the warm reception extended to us throughout our stay here.

Brunei Darussalam would also like to extend a warm welcome to Burkina Faso as the 48th Member State to AALCO and as our AALCO seat neighbour.

Mr. Vice-President, since Brunei Darussalam became a Member of AALCO in 2003, we continue to place strong support for AALCO. We acknowledged the great value and importance of AALCO Annual Session, which serves as a platform for constructive deliberation on contemporary international legal issues in relevant areas such as Environment and Sustainable Development, International Trade and Investment Law, Law of the Sea and Cyberspace. AALCO has played a key role in the representative evolution of international law and promotes respect, build trust and upholds the rule of law.

We also acknowledge AALCO'S efforts in jointly organizing capacity-building programmes with International Government Agencies for Member States to develop and promote key areas in the field of law and justice. These initiatives foster mutual support and assistance amongst AALCO Member States and the International Government Agencies.

In closing, Brunei Darussalam looks forward to an insightful discussion on the substantive agenda items in this session and to the side events. We value the opportunity to learn from each other through the exchange of views, experiences and practices. Brunei Darussalam reaffirms our continued commitment to the work of AALCO as a consultative forum. We echo other Member States' immense value on the importance of convening the AALCO Annual Session and together AALCO Member States continue to forge ahead our collective commitment and advancing cooperation in the development of Asia and Africa's shared interest in international law matters. KAP KHUN KRAP. Thank you.

**Vice-President:** Thank you distinguished delegate from Brunei Darussalam for that statement. We shall now have statements from Member States the Republic of Cyprus and Burkina Faso. Thereafter we will have statements from Observer non-Member States and Observer inter-governmental organizations. For Observer non-Member States and Observer inter-governmental organizations your statements should run between 5 to 7 minutes. I now yield the floor to Cyprus.

**The Head of Delegation of Republic of Cyprus:** Thank you Mr. Vice-President, at the outset, I would like to congratulate you on your election as Vice-President of this year's AALCO meeting and to assure you of our support and collaboration to achieve the goals set forth for this Session. Our thanks also go to the Secretariat of AALCO and its Secretary-General for their hard work to prepare this session, and for all the efforts made to improve the work of the organization. Allow me also to extend my congratulations and my sincere appreciation to Thailand for hosting this session and the warm hospitality.

Excellencies, distinguished delegates, AALCO is a prestigious organization that brings together legal experts from Asia and Africa and promotes the progressive development of international law. Cyprus values its association with AALCO and recognizes its important role to the development of international law.

Cyprus is a consistent and staunch supporter of international law, and the principles enshrined in the United Nations Charter. The sovereignty, territorial integrity, and political independence of all countries, big and small, must be respected. Cyprus takes any violation of these core principles seriously.

As an island-state, and a maritime nation, Cyprus also pay great attention to the law of the sea. Cyprus reaffirms its commitment to the rules, objectives, purposes and principles enshrined in the UN Convention on the Law of the Sea (UNCLOS), which sets the universal legal framework within which all activities in the oceans and seas must be carried out and calls for the Convention's full and effective implementation. UNCLOS is rightly regarded as the Constitution of the Oceans and is the central pillar of global ocean governance, underpinning and safeguarding international peace, security and the sustainable development in the oceans and seas. Moreover, Cyprus strongly advocates for the peaceful resolution of disputes in accordance with international law as reflected in the Convention and the UN Charter and based on the principles of good faith and good-neighborliness.

The latest implementing agreement of UNCLOS is the BBNJ agreement, which proves that the international rules-based order with the United Nations at its center delivers. Cyprus has actively participated in the BBNJ negotiations, has signed this agreement in 2023, and its ratification remains a priority for our country as well as for all the member states of the European Union.

In concluding, let me emphasize the importance of the proposal for the creation of the Asset-Recovery Forum as expressed by the representative of the Presidency of last year's Annual Session. Thank you for your attention and I wish you all a very productive Sixty-Second Annual session.

**Vice-President:** Thank you distinguished delegate from Cyprus. I now invite the last speaker on my list from Member States the newest Member State of our Organization Burkina Faso. I now yield the floor to the distinguished delegate of Burkina Faso.

**The Head of Delegation of Burkina Faso:** Thank you Mr. Vice-President. Mr. Vice-President, Mr. Secretary-General of AALCO, distinguished delegates, I have already benefitted yesterday from a taste of speaking after the acceptance of Burkina Faso within this Organization. I thank you for giving me the floor once again to speak on behalf of my country.

First of all, allow me to add my voice to my predecessors in thanking once again the highest authorities of the Kingdom of Thailand for the warm welcome given to me in this beautiful country.

This is also an opportunity for me to congratulate you on your brilliant election as President and Vice-President of this Session, which you are leading brilliantly. May this success accompany you until the end of the work.

I thank from the bottom of my heart the Secretary-General of AALCO Dr. Kamalinne for the immense work he is carrying out and the diligence with which he led Burkina Faso's candidacy until its acceptance by the Member States.

My thanks go straight to all these Member States individually and collectively. Still called the country of honest men, rest assured that Burkina Faso will not disappoint you.

Mr. Vice-President inspired by the spirit of Bandung, Burkina Faso came to this Organization not to find solutions to all its problems but also to share its solidarity, its friendship, its cooperation with other countries and also to receive theirs.

My country is the concentrate of many problems but these problems are the sources of the resilience of our people who since its independence often face drought, the weakness of certain natural resources including water which is a source of life.

For more than sixty years our people have taken responsibility for progress, respect for international agreements, solidarity, friendship between peoples in the spirit of a world which always needs peace.

But for a decade, Burkina Faso has been facing international terrorism which has mourning it on a daily basis with several thousand deaths, the majority of them civilians, women, the elderly and children. In this regard, we rightly share the suffering of Palestine.

Mr. Vice-President, face of this tragedy, which is the same that Mali, and Niger are suffering in the absence of notable support, change of governments have taken place in these three countries which have now decided to combine a common fight against the terrorism and assume responsibility for their development. Since then our eyes have been opened more and the terrorism order has suffered heavy losses by the determination of our people who have contacted more sincere partnerships. The three countries have joined forces in a new configuration: the Confederation of the States of the Sahel. Since then, with a diversification of more sincere partners the fight against terrorism is more firm and our re-conquest of the territory has increased from 50% to 70%. Some of our old friendships have disappointed us and we have new ones, which impose fewer conditions on us to equip ourselves with our means, but also to assist our people in distress. This is one of the main expectations in our commitment within AALCO. We share with AALCO the major issues relating to human rights, sustainable development and the environmental question, convinced that the questions of terrorism and that of development are linked.

Mr. Vice-President, as landlocked country because of a division of the colonist who did as he pleased and in his interests, we believe that the law of the sea must be reformed in favour of landlocked countries around the water that Providence has graciously offered to the men.

We are therefore grateful for your support on all these essential issues for the development in the spirit of Bandung. We will work dynamically within the AALCO and we are committed to working towards the membership of Mali already here within this room and Niger in the very next few years.

Mr. Vice-President, before concluding let me invite all of the Member States present here to Festival of Film Show in Burkina Faso of Pan African movies (FESPACPO) and Saloon of Handicraft (SIA) and Saloon of Tourism (SITHO) in Ouagadougou next October, February and April coming. Burkina Faso is free. Anyone can come to Burkina Faso freely. We have security in our towns and do our activity.

Finally let me express the wish to see AALCO hold an important activity in my country to show that it is truly in tune with solidarity, fraternity and cooperation that we are in AALCO. Thank you Mr. Vice-President.

**Vice-President:** Thank you distinguished delegate of Burkina Faso for your maiden statement in AALCO. Again, we say welcome and we look forward to working and learning from you. I will now move on to Observer States, like I said 5 to 7 minutes. We will start with Uzbekistan. Uzbekistan I yield the floor to you.

**The Head of Delegation of Uzbekistan:** Thank you Mr. Vice-President. Mr. Vice-President, Excellencies, Ladies and gentlemen, I am honored to have the opportunity to represent the Republic of Uzbekistan at the AALCO for the first time, among distinguished delegations from Asia and Africa. I would like to express my sincere gratitude to the AALCO for extending an invitation to Uzbekistan to participate in these significant sessions.

AALCO plays a vital role in the development and codification of international law, contributing greatly to its evolution. By engaging with the ILC, actively participating in relevant UN bodies,

and representing the interests of Asian-African states, AALCO fulfills its mandate and ensures that international law reflects the diverse perspectives of its Member States. I wish you all the best as you deliberate upon the various dimensions of international law in your important work.

Mr. Vice-President, distinguished delegates, the current global instability is significantly impacting the economic landscapes of developing countries. Disruptions in global value chains, technology transfers, energy, food, and environmental crises, as well as trade marginalization and logistical challenges, are becoming increasingly acute.

To address these challenges, we emphasize the importance of the following measures:

- Integrating developing countries into a rule-based trading system by establishing regional legal frameworks at the initial stage.

- Encouraging interregional cooperation through agreements to reduce trade barriers and enhance market access for developing nations.

- Establishing regional digital trade platforms to propel forward small and medium businesses in developing countries forward.

- Facilitating the inclusion of developing countries in the global production network by reducing technical trade barriers.

We believe it is imperative to develop a comprehensive legal framework for cooperation in global value chains. This framework should include provisions for the harmonization of technical standards, mutual recognition of certifications, trade and investment facilitation measures, technology transfer cooperation, and digital aspects of global value chains.

Additionally, the legal document should include provisions for granting preferential market access to e-commerce businesses from developing countries. This could involve lowering tariffs on digital goods and services, simplifying customs procedures, and providing support for digital trade platforms.

Mr. Vice-President, distinguished delegates, developing countries are confronted with numerous economic challenges that can significantly impact their growth and development paths. These challenges often affect the level and effectiveness of foreign direct investments in these regions. Despite these obstacles, investments play a pivotal role in the economic advancement of these nations.

Uzbekistan has taken proactive steps in this regard by signing more than 50 bilateral investment agreements (BITs). We are currently in the process of revising some of our existing BITs to incorporate the latest developments in international investment law. We recognize the importance of the progress made by UNCITRAL Working Group III on ISDS reforms, particularly in the adoption of model provisions, mediation guidelines, and the Code of Conduct for Arbitrators. These developments are crucial in creating a balanced environment for foreign investment.

Moreover, these mechanisms could play a pivotal role in monitoring the current status of international investment flows, offering essential data to shape future government policies. Regulatory cooperation under these treaties could also involve proactively developing new regulations to support emerging industries and supply chains.

Mr. Vice-President, distinguished delegates, yet millions of people around the world still suffer from hunger and malnutrition we believe that the codification of food security law is essential in establishing a comprehensive legal framework to ensure access to safe, nutritious, and sufficient food for all individuals. Further improving the FAO's Food Security Act, we need to create the universal legal framework that would provide a set of principles, guidelines, and

regulations to address the complex challenges of food insecurity at both national and international levels.

Key components of the codification of food security law may include:

1. The recognition of food security as a fundamental human right, in line with international instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.
2. The establishment of regulations and standards to govern food production, distribution, and consumption in a sustainable, equitable, and responsible manner.
3. The incorporation of international trade agreements, agricultural policies, and food safety regulations to shape the global food system and promote food security outcomes.
4. The promotion of international cooperation and partnerships to share knowledge, resources, and best practices in addressing food insecurity, climate change impacts on agriculture, and the development of sustainable food systems.
5. The emphasis on transparency, accountability, and effective governance in managing food resources, ensuring equitable access to food, and preventing conflicts over food-related issues.

This legal foundation is crucial in shaping policies, programs, and initiatives aimed at achieving global food security goals and ensuring a hunger-free world for present and future generations.

Global climate change are felt in each of our countries. Rising temperatures, melting glaciers, floods, droughts, dust storms and many other natural phenomena continue to wreak havoc.

Water scarcity poses a significant threat to the livelihoods, economies, and ecosystems of Central Asian countries. Climate change further exacerbates water stress in the region, leading to increased variability in precipitation patterns and water availability. Water scarcity in Central Asia will be tripled by 2040. The economic damage may eventually reach 11% of the regional gross product. According to the United Nations, countries in the region lose up to \$2 billion annually due to shortages and inefficient use of water resources.

Central Asia is home to several major rivers, including the Amu Darya and Syr Darya, which flow through multiple countries and are vital sources of water for irrigation, hydropower, and domestic use. Effective governance mechanisms, based on international legal principles and agreements, are needed to ensure equitable access to water, prevent conflicts, and promote sustainable development.

At this point, we need legal solutions to these acute problems, including the tragedy of the Aral Sea. During the UN Summit on Sustainable development in September 2015, a special Trust Fund under the auspices of the United Nations for the Aral Sea and the Aral Sea region was established.

By the initiative of Uzbekistan President Shavkat Mirziyoyev the UN General Assembly adopted a resolution declaring the Aral Sea region a zone of environmental innovations and technologies at the seventy-fifth session on May 18, 2021.

As a next step we see a creation of international legal instruments, among the Central Asian countries like treaties on Mekong and Nile on the rational use of water resources of Transboundary Rivers among the Central Asian countries.

Another critical aspect is exploration and use of outer space in accordance with the fundamental principles of international law.

We believe the utilization of data from outer space, including satellite imagery, remote sensing data, and other forms of space-based information, has become increasingly important for a

wide range of applications, including environmental monitoring, disaster management, climate change analysis, and urban planning. However, as the demand for space-based data grows, it is essential to ensure that access to such data is governed by a robust legal framework that safeguards the interests of all stakeholders and promotes the peaceful and responsible use of outer space.

An international legal framework for data access from outer space should be guided by principles of transparency, equity, and cooperation. It should address issues such as data ownership, intellectual property rights, data sharing agreements, data security, and privacy protection. Moreover, the legal framework should uphold the principles of non-discrimination, equal access, and fair use of space-based data to ensure that all countries, regardless of their level of technological development, have the opportunity to benefit from the vast potential of outer space.

Mr. Vice-President, distinguished delegates, the AALCO will surely continue playing a crucial role in the development and codification of international law. I firmly believe that by following the founding principles of AALCO, it would be able to fulfil its role in serving the best interests of Asian and African regions. I sincerely believe in the success of this Session. I am grateful for your attention.

**Vice-President:** Thank you distinguished delegate from Uzbekistan. I now yield the floor to the distinguished delegate of Russian Federation.

**The Head of Delegation of Russian Federation:** Mr. Vice-President, Excellencies, distinguished colleagues. First of all, let me thank the Government of the Kingdom of Thailand for its hospitality and the AALCO Secretariat for this opportunity to speak here at the AALCO. We join delegations in congratulating you and Madam President on your election.

It is an honor for me to share some of the views of the Russian Federation regarding the current situation in the area of international law. I would like to point out that both at the international level in general and at the UN International Law Commission in particular, there is unfortunately still a tendency for domination of representatives of Western international law schools. This observation was well reflected by Charles Jalloh in his first report on the topic “Subsidiary means for the determination of rules of international law”, who found that among the 10 writers most cited by the International Court of Justice all 10 are representatives of Western schools. We hope that this imbalance will be cured and the voices from the South and East will be heard.

In this respect we are sure that the AALCO plays a crucial role through advancing the development of international law through Asian and African leadership. The Russian Federation as an observer-state in the AALCO attaches great importance to the work of this Organization.

Mr. Vice-President, we advocate for the equal participation of all States in the creation, interpretation and application of international law, and the further enhancement of its role in international affairs. All these elements are a solid part of the Russian foreign policy concept, signed by the President of the Russian Federation in March of the last year.

Mr. Vice-President, currently, the system of international law is facing multiple challenges. Approaches aiming at undermining the existing international legal foundations, primarily State sovereignty, pose a serious threat to the stability of international relations. The concept of a “rules-based liberal world order”, promoted by Western countries, is the concentrated neocolonial expression of such approaches. The advocates of this so-called “order” find ways to interfere in the internal affairs of other countries, which has led to the increased tension and escalation of violence in a number of regions, for example, in the Middle East. What this order

means is that a small group of these states establishes rules and then imposes them on other states as if they are universally recognized. Such a world order is contrary to the UN Charter, its norms and principles. A striking example of this is the use by some countries of unilateral coercive measures, so-called sanctions, including economic ones.

Mr. Vice-President, there is nothing in common between the “rules-based world order” and international law. In the “rules-based order”, one subject, the master, determines and controls the implementation of the rules. The collective West is using common colonial ways of pressure on sovereign states: illegal coercion, restriction of access to technology, appropriation of resources, disrespect of basic human rights, rising instability and even military interventions. That is why we would like to draw your attention to the draft resolution of the General Assembly “The eradication of colonialism in all its forms and manifestations”, prepared by the Group of Friends in Defense of the UN Charter. This draft resolution aims to protect the aspirations of representatives of the Global South and East to pursue an independent foreign policy course, preserve their national identity and distinctive values. We kindly ask our colleagues to support this initiative within the framework of the Fourth Committee of the UN General Assembly.

Mr. Vice-President, turning to issues of international justice, we regret to see how Western States misuse international judicial bodies by making them means of pressure on political opponents. Yet another new invention, tested for the first time in the Ukraine vs. Russia proceedings under the Genocide Convention, is the mass intervention in support of one of the parties.

At the same time, Russia manages to successfully counter these legal attacks, recently the ICJ issued two crucial decisions in favor of Russia. The Court dismissed almost all charges of Ukraine against Russia on the basis of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, the Court completely rejected the Ukrainian accusations of Russia's violation of the Genocide Convention. The only question under consideration by the Court is whether Ukraine itself committed genocide.

Dear colleagues, we advocate a lot for the integrity of the International Court of Justice because of something that has happened to another supposedly judicial institution, the International Criminal Court that turned to a political tool. From decade to decade, from one region to another, the ICC uses selective so-called justice to fuel conflicts on behalf of its western sponsors. Time and again, the ICC violates its own Statute and the customary international norms regarding immunities of State Officials. It pretends to be a universal body while in reality it is no more than a treaty-based body with limited membership. And to even more regret, it allows itself to engage in practices that in any national judicial system would be seen as corruption of court. A vivid example is the story of the illegal so-called “arrest warrants” against Russian officials. As they were issued, we witnessed a replacement of a Member of the Court’ deciding trial chamber, as well as the ICC donor conference held with the direct aim to fund the Ukraine investigation to ensure it goes into the direction wanted in London and Washington.

It is no surprise then that the ICC is not investigating crimes of NATO in Afghanistan or Iraq. Nor is it really willing to consider crimes against Palestinians. The current procedure aimed at questioning whether the Court has jurisdiction over these crimes, is nothing but farce. It should be kept in mind that the result of this procedure might be that only Hamas will be under the jurisdiction of the so-called tribunal, not the other side of the conflict. Accordingly, there should be no illusions that the ICC does something positive for the justice, and for the Palestinian cause in particular.

Mr. Vice-President, the ICC targeted Africa as well and we fully understand the efforts made a few years before in the African Union aimed at countering the destructive activities of the ICC. We appreciate the respective Strategy for the African withdrawal from this so-called Court. We hope for revival of this Strategy and its implementation.

Dear colleagues, given the publicity that currently surrounds the ICC, its activities are under increased scrutiny by academic circles, including in Russia. Let me draw your attention to an opinion on the illegality of ICC activities issued recently by the International Law Advisory Board under the auspices of the Ministry of Foreign Affairs of the Russian Federation. The Board is composed of the leading Russian experts on international law, independent from the government. Their academic opinion concludes that, given the magnitude of unlawful practices of the ICC, this body has lost international legitimacy, while its violations of international law constitute wrongful acts and should result in international responsibility. In conclusion, Madam President and dear colleagues, we are happy to join efforts with all those who stand for international law as the cornerstone of equal, respectful and mutually beneficial partnership between nations. We trust that AALCO and its Member-States are our natural allies in these endeavors. Let me wish this session every success. Thank you very much, Mr. Vice-President.

**Vice-President:** Thank you very much distinguished delegate from the Russian Federation. We are going to the Observer International Organizations. I will have the Hague Conference on Private International Law, followed by the Permanent Court of Arbitration and lastly the Asian Academy of International Law. I remind you that we are working for 5-7 minutes for each of the speaker. I yield the floor to the distinguished delegate of the Hague Conference on Private International Law.

**The Head of Delegation of the Hague Conference on Private International Law:** Mr. Vice-President. Thank you. At the outset, I wish to congratulate you and Madam President on your election. I would also like to express my gratitude to the Government of the Kingdom of Thailand for their warm and generous hospitality, including yesterday's splendid reception.

My thanks extend to AALCO for inviting the HCCH once again to this Annual Session. We at the HCCH truly value and appreciate the productive cooperation and exchanges we have with AALCO. I would also like to personally thank and express my gratitude to the Secretary-General, His Excellency Dr. Kamalinne Pinitpuvadol, and his team at the Secretariat for the very pleasant and fruitful relationship we have developed. I look forward to continuing to build on this excellent foundation and to deepening our cooperation even further.

Mr. Vice-President, yesterday and this morning, we heard several references to the fundamental importance of strengthening and respecting the rule of law, the benefits of international cooperation, the need for tolerance, mutual respect, sustainable growth, rule-based cross-border trade, and the value of diversity. These principles apply to relations between States but equally extend to cross-border relations between individuals, families, their children, and commercial operators.

This is where the work of the Hague Conference on Private International Law (HCCH) comes in. Our work covers three main areas in the civil and commercial field: international family and child protection law, transnational litigation and the authentication of public documents through the Apostille Convention, and international commercial, digital, and financial law. Across these areas, we have developed multiple Conventions that address essential PIL questions such as which court has jurisdiction, which law applies, and whether a foreign judgment in civil or commercial matters can be recognized and enforced in another State. Furthermore, where needed, our instruments provide effective cooperation mechanisms



between judicial and administrative authorities to address practical challenges in cross-border situations.

These Conventions matter – and they work. To date, we have 1,020 ratifications or accessions to our Conventions. That’s 1,020 times one of our Conventions has been brought into effect in a State or Contracting Party. This figure clearly underscores the relevance of HCCH’s work in today’s interconnected world. The most recent of these treaty actions is Bangladesh’s very welcome accession to the Apostille Convention, which now counts 127 Contracting Parties.

HCCH Conventions act as bridges – they connect different legal systems, but at both ends of the bridge, the domestic substantive law of the States remains largely untouched. Unification of private international law is thus achieved while respecting diversity and the unique legal traditions reflected in substantive laws. That is the beauty of private international law.

However, much remains to be done. Of the 48 AALCO Members, only 19 are also HCCH Members, with Bahrain on its way to becoming a new Member soon. Fortunately, HCCH Conventions are open to all States, even those that are not HCCH Members. Several AALCO Members are already party to one or more of our Conventions without being a Member of the HCCH. However, while they benefit from our work, they cannot participate in the development of new instruments because they are not Members.

With this in mind, I respectfully encourage all AALCO States to explore the work of the HCCH, discover the many practical benefits it offers to their people, families, children, their commercial actors, including foreign investors, and consider joining our Conventions. I also invite AALCO States that have not yet done so to consider becoming a Member of the HCCH to ensure they have a seat at the table, participate in negotiations, share their expertise, and ensure their interests are effectively represented. In sum, to ensure that their voice is heard within the HCCH – the only global organization dealing with private international law matters. Matters that are an integral, practical part of today’s world.

Mr. Vice-President, we stand ready to continue our cooperation with AALCO in general and to engage with its Member States interested in the work of the HCCH and discussing its relevance and benefits for them. I wish you a productive Sixty-Second Annual Session. Thank you.

**Vice-President:** Thank you very much. I will now call upon the distinguished delegate from the Permanent Court of Arbitration. I yield the floor.

**The Head of Delegation of the Permanent Court of Arbitration:** Thank you Mr. Vice-President. I also take this opportunity to congratulate you and Madam President on your election. Excellencies, esteemed Heads of Delegation, distinguished guests, ladies and gentlemen, good morning. On behalf of the PCA, I would like to thank the Secretariat of the Asian-African Legal Consultative Organization (AALCO) for kindly inviting the PCA to be one of the Observer Delegations in the Sixty-Second Annual Session of AALCO, and the Kingdom of Thailand for hosting us. This year, we engage with a theme that underscores the significance of collaboration and innovation in the development of international law: “Advancing the Development of International Law through Asian and African Leadership”. This theme resonates deeply within our current geopolitical landscape, as Asian and African States have emerged as pivotal actors in shaping the future of the international legal order, and are strategic for the work of the PCA.

The PCA is the world’s oldest institution devoted to the resolution of international disputes. Established by the Convention for the Pacific Settlement of International Disputes in 1899, as revised in 1907, the PCA provides a variety of dispute resolution services at the international level. While we are best known for arbitration, which is, of course, in our name, our Founding Conventions, namely the 1899 and 1907 Conventions, direct us to assist in a wide range of

dispute resolution mechanisms, including mediation, conciliation, and fact-finding commissions of inquiry in cases involving various combinations of States, State entities, international organizations and private parties.

The role of Asian and African states in the creation and growth of the PCA is not to be underestimated. Thailand – then the Kingdom of Siam – was actually among the first signatories to the PCA's Founding Convention during the Hague Peace Conference in 1899. As of today, we have 123 Contracting Parties, of which 29 come from Asia<sup>3</sup> and 24 are African States.<sup>4</sup>

On that note, in August 2023, the UN General Assembly passed Resolution 77/322 commemorating the PCA's 125<sup>th</sup> anniversary, and, in doing so, encouraged UN Member States who are not yet Contracting Parties to the PCA to accede to the PCA's Founding Conventions. The UNGA Resolution was adopted by consensus, after being co-sponsored by 121 UN Member States, including 20 AALCO Member States. The PCA is thankful for your support.

Beyond manifesting a State's commitment to the peaceful resolution of international disputes, benefits of PCA membership include (1) a role in guiding and shaping the development of the organization and its work; (2) the possibility of applying to the PCA's Financial Assistance Fund, which aims at helping developing countries meet part of the costs involved in international arbitration or other means of dispute settlement offered by the PCA; and (3) the right to appoint Members of the Court, who are potential arbitrators entitled to nominate candidates for election to the International Court of Justice and nominate candidates for the Nobel Peace Prize.

The PCA maintains its headquarters at the Peace Palace in The Hague, the Netherlands. Beyond our headquarters, the PCA has five international offices, three of which are in Asia and in Africa, namely Mauritius, Singapore, and Viet Nam. These international offices, alongside the PCA's host country agreements with some of its Contracting Parties, are instrumental in setting up a comprehensive legal and logistical infrastructure that facilitates the PCA's capability to fulfil its mandate in the peaceful resolution of international disputes.

In the Asian-African regions, the PCA has Host Country Agreements in force with the People's Republic of China, Djibouti, India, Malaysia, Mauritius, Singapore, South Africa, and Viet Nam. The PCA has concluded Host Country Agreements with a number of other countries whose entry into force is pending completion of constitutional procedures.

In addition to Host Country Agreements, the PCA has entered into cooperation agreements with other arbitration institutions and international organizations around the world in order to make PCA dispute resolution services more widely accessible. These agreements provide a framework for cooperation among institutions involved in the peaceful settlement of international disputes. The PCA has signed such agreements with four of the six arbitration centres established under the framework of AALCO, including the Asian International Arbitration Centre, the Cairo Regional Centre for International Commercial Arbitration, the Tehran Regional Arbitration Centre, and the Nairobi Centre for International Arbitration.

---

<sup>3</sup> The 29 Asian Contracting Parties are Bangladesh, Bahrain, Cambodia, China, Cyprus, Georgia, Iran, Iraq, Japan, Jordan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Mongolia, Pakistan, Palestine, Philippines, Qatar, Saudi Arabia, Singapore, Sri Lanka, South Korea, Thailand, Turkey, United Arab Emirates, and Viet Nam. *See* PCA List of Contracting Parties, available at <https://pca-cpa.org/en/about/introduction/contracting-parties/>.

<sup>4</sup> The 24 Contracting Parties from Africa are Benin, Burkina Faso, Cameroon, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Mauritius, Morocco, Nigeria, Rwanda, Sao Tome and Principe, Senegal, South Africa, Sudan, Suriname, Togo, Uganda, Zambia, and Zimbabwe. *See* PCA List of Contracting Parties, available at <https://pca-cpa.org/en/about/introduction/contracting-parties/>.

In conclusion, with its 125 years in the peaceful resolution of international disputes, the PCA is experiencing a moment of unprecedented growth. In 2023, we registered a record-breaking 82 new cases, contributing to a total of 246 administered proceedings, comprising 7 inter-State arbitrations, 2 other investor-State proceedings, 122 investor-State arbitrations arising under bilateral/multilateral investment treaties or national investment laws, 110 arbitrations arising under contracts involving a State, intergovernmental organization or other State entity, and 5 other proceedings. Notably, 64% of cases administered by the PCA in 2023 involved a party from the African region or the Asian-Pacific region, attesting to the key role that these regions play in the work of the PCA.

The PCA expresses its readiness to work together with AALCO and its Members States with their initiatives towards upholding justice and fostering the peaceful settlement of international disputes. With its 125 years of expertise in the field, the PCA is well-equipped to assist AALCO and its Member States in navigating the complex challenges of the current times.

On behalf of the PCA, let me seize this opportunity to once again express our gratitude to AALCO for its gracious invitation to its Sixty-Second Annual Session and to the Kingdom of Thailand for hosting us. At the same time, for the AALCO Member States who are not yet PCA Contracting Parties, the PCA remains at your disposal should Your Excellencies have any queries about PCA Membership and how we can be of assistance. Thank you very much Mr. Vice-President.

**Vice-President:** Thank you very much distinguished delegate of PCA. Last but not the least, we are going to yield the floor to the Asian Academy of International Law. You have the floor.

**The Head of Delegation of the Asian-Academy of International Law:** Mr. Vice-President, your Excellencies, distinguished delegates. The Asian Academy of International Law thanks AALCO for inviting AAIL as an observer to participate in the Sixty-Second Annual Session. This Annual Session is hosted at a time of unprecedented challenges to the peaceful co-existence of the global community. This year is also the 70<sup>th</sup> Anniversary of the promulgation of the Five Principles of Peaceful Co-existence and if I may it is highly appropriate that we all remind ourselves of the context in which these principles were formulated.

After World War II, many Asian and African countries gained independence from colonial rule. These newly independent nations aspired to build an international relationship based on equality. The then Chinese Premier Zhou Enlai first proposed the Five Principles of Peaceful Coexistence in 1953 in India. In June 1954, Premier Zhou visited India and Myanmar, and the leaders from these three States issued joint statements affirming the five principles as the cornerstone for guiding relations between China and the two countries. Importantly, later these principles not only became relevant to the formulation of Ten Principles of Bandung but also as a cornerstone for the development of international law and international relationship.

This Annual Session has put together some of the most topical issues with far reaching legal implications not just on the Asian and African states but also to the legal international community at large. The asset recovery forum is particularly important. As pointed out by the Sixty-First Annual Session President, the issues pertaining to this not only enable proceeds of crime and of corruption to be recovered, but it also will enable the cultural heritage that have been removed from their places of origin as a result of previous foreign occupation or colonisation to be restored to its rightful owners. The timely engagement with issues relating to the exploration and equitable use of outer space is pertinent to a long-term development of sustainable future of humankind. The ISDS reforms under study in the UNCITRAL Working Group III is particularly relevant to developing states and the side event of sharing by developing states are views that should and will help shape the next stages of ISDS reforms.

As an independent, non-profit making body, the AAIL cherishes every opportunity to provide a platform for exchange of views, research and capacity building on matters pertaining to the international rule of law. One of the key initiatives of AAIL is to organise part of the China-AALCO Exchange and Research Program on International Law, which has been held in part in Hong Kong since 2017. The program provides a unique opportunity for participants from AALCO Member States to engage in meaningful dialogue and exchange ideas, share experience and best practice amongst Member States of this Organisation. Some of the participants who attended the CAERP training have been invited to participate in other international law training that AAIL regularly organises.

The AAIL has been a staunch supporter of using mediation to resolve international investment disputes. Since 2018, we have been providing training in investment law and investment mediation and has worked with other international bodies such as ICSID and Energy Charter to provide such training.

Last year, we were honoured to host the first edition of the Hague Academy of International Law's Advanced Course in Hong Kong SAR. This is in pursuit of one of the aims of AAIL, i.e., to provide training opportunities in Asia, offering participants access to world-class legal expertise and resources.

We are pleased to see members of the CAERP alumni who continue to engage with each other and support the work of AALCO in the pursuit of allowing the perspectives of state practice to be better reflected in the international community especially in the formulation of international law.

In addition to our training programs, AAIL has formed two expert groups focusing on International Investment law and dispute resolution and Aerospace law. These groups provide a platform for experts to collaborate, share insights, and contribute to the development of international law in these specialized fields.

Our work at AAIL is driven by a vision of a more inclusive and participatory international legal order, where the voices of Asian and African countries are also heard and respected. Only then will international law be responsive to the unprecedented challenges and opportunities in our times.

Last but not the least, Mr. Vice-President, before I conclude, may I echo the views expressed by the distinguished delegate of South Africa in her statement yesterday. There remains areas of legal vacuum in the realm of international law that need to be filled so that women rights be better fostered and protected.

In closing, I would like to express AAIL's gratitude to AALCO for its unwavering support to our work, to the government of the Kingdom of Thailand for hosting this Annual Session in this beautiful, hospitable and gastronomically wonderful city of Bangkok. Mr. Vice-President, thank you for giving me the floor.

**Vice-President:** Thank you distinguished delegate from AAIL. We have now come to the end of our Second General Meeting. I thank you all distinguished delegates for your insightful contribution and active participation. Basically there is a great convergence of ideas and purposes in this room and that sets good foundation for our Third General Meeting. We have clearly a common purpose for which we are here. So we will take our lunch-break and reconvene at 1:30 PM. But before we take leave would just like to inform you all that we have a side-event going on starting in about seven minutes, a special event on "Protecting Civilians Against Digital Threats during Armed Conflict". It is co organized by the ICRC and Kingdom of Thailand. It is going to take place in room 3. Members of the Delegations are all welcome to this discussion. I thank you all for your participation. Looking forward to seeing you all

when we convene for Third General Meeting to discuss our first substantive item on the agenda, i.e., the Report on the matters related to the work of ILC at its Seventy-Fifth Session. So look forward to meeting with you at 1:15 PM. Thank you very much distinguished delegates. Enjoy your lunch.

**The meeting was thereafter adjourned.**



**IX. VERBATIM RECORD OF THE THIRD  
GENERAL MEETING OF THE AALCO MEMBER  
STATES**





**IX. VERBATIM RECORD OF THE THIRD GENERAL MEETING OF THE AALCO MEMBER STATES HELD ON TUESDAY, 10 SEPTEMBER 2024, AT 1:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: SELECT ITEMS ON THE AGENDA OF THE INTERNATIONAL LAW COMMISSION (ILC)**

**President:** First of all, good afternoon distinguished delegates and allow me to extend great thanks to our able Vice President for conducting this morning's deliberations. So let's begin with the third general meeting, our first substantive agenda item for the session on the topic of report on matters related to the work of the International Law Commission at its Seventy-Fifth Session. I wish to place on record that upon our invitation, we have the presence of several eminent members of the International Law Commission who will be enriching us with their insights. We are very fortunate to have Her Excellency Ambassador Vilawan Mangklatanukul from Thailand, Professor Masahiko Asada from Japan, Professor Phoebe Okowa from Kenya, and His Excellency Ambassador Hong Thao Nguyen from Viet Nam who will be joining us in person.

While we have Professor Bimal Patel from India and Professor Alioune Sall from Senegal and Professor Mārtiņš Paparinskis from Latvia. They will join us virtually. I thank each and every one of them for accepting our invitation.

First of all, I wish to kindly remind the delegates to refrain from making statements that are contentious, bilateral issues on matters pertaining to internal affairs of Member States. Thank you. All right, let's commence the session.

I'd like to invite now the AALCO Secretariat to make the introductory remarks on this agenda item.

**Secretary-General:** Madam President, Excellencies, distinguished delegates, ladies and gentlemen, I have the pleasure of welcoming you to the session on "Select item on the agenda of the International Law Commission". Under Article 1(d) of the AALCO Statutes, the Secretariat is mandated to examine topics on the agenda of the Commission and report the same to the Member States.

Over the years, our work on the ILC has resulted in major intervention in many areas of international law and enhanced the participation of Afro-Asian States in the codification and progressive development of international law. I note with pride that AALCO over the years has strengthened its engagement with the Commission and plans to continue this trend in the years to come by engaging in closer scholarly and intellectual collaboration with members of the Commission to understand the role of AALCO, which could play in each of the topics being deliberated by the Commission. AALCO, as a consultative body, examines topics on the agenda of the Commission and also communicates its comments and observations to Member States for deliberation at the plenary.

We value our engagement with the Commission and view the codification and progressive developments of international law from an Afro-Asian perspective to be an essential imperative for a just and democratic world order. For the Sixty-Second Annual Session, the document prepared by the Secretariat, AALCO/62/Bangkok/2024/SD/S1 focuses on the work of the Commission at the recently concluded Seventy-Fifth Session of the Commission. The topics discussed include the following:

Settlement of international disputes to which international organizations are parties, Subsidiary means for the determination of rules of international law, Prevention and repression of piracy and armed robbery at sea, Immunity of state officials from foreign criminal jurisdictions, Succession of state in respect of state responsibility, Sea level rise in relation to international law and Non-legally binding international agreement.

On this occasion, I am honoured to note, as the Chairman mentioned, the presence of seven ILC members who have taken time out from their busy schedule and join us at this session. I hope their view and perspective on the work of the ILC will help us engage more closely with the Commission in the years to come.

I take this opportunity to encourage all Member States to actively participate in deliberation on the topic and brainstorm on increasing Afro-Asian engagement with the work of the ILC. Thank you, Madam President.

**President:** Thank you, Secretary-General. So, let us now begin. I would like to invite the honourable members of the ILC to present their statements. Let us begin with Excellency Ambassador Vilawan Mangklatanakul, who will provide a brief overview of the ILC's current work and more specifically, share her views on the need for progressive development of international investment law. I would like to invite Her Excellency Ambassador Mangklatanakul to the podium. Thank you.

**Dr. Vilawan Mangklatanakul, Member, International Law Commission:** Madam President, Dr. Kamalinne Pinitpuvadol, Secretary-General, Excellencies, distinguished delegates, ladies and gentlemen, it is a great honour and privilege for me to have been invited to participate in this AALCO Annual Session, this time as a member of the International Law Commission. The seventy-fifth session of the ILC has come to an end, and I am pleased to say that this has overall been a productive session.

The Commission has before it the following topics on its substantive agenda, I know our Secretary-General mentioned it earlier, but I would like to reiterate it here again. The first topics are immunity of State officials from foreign criminal jurisdiction, succession of States in respect of State responsibility; sea-level rise in relation to international law; settlement of disputes to which international organizations are parties; prevention and repression of piracy and armed robbery at sea; subsidiary means for the determination of rules of international law; and non-legally binding international agreements. Additionally, it also deliberated on new topics to be included in the long-term programme of work.

Given the short time allocated to me, I do not wish to go into any detail on those topics. In this regard, the AALCO Secretariat has prepared the "Report on Matters Related to the Work of the International Law Commission at its seventy-fifth Session". This provides a concise summary of the Commissions' deliberations and decisions on those topics, which I am sure, has facilitated AALCO Members to have a very fruitful discussion at the current Annual Session. Moreover, several of my distinguished colleagues will be giving a presentation to you specifically on those topics, which are likely to be of special interest for Asia and Africa.

As you may have noticed from the topics on its current agenda, the Commission has remained true to the more traditional international law topics such as those related to the sources of international law and the law of immunities. However, times have changed since the International Law Commission was first established in 1947 and the needs of the international community are different today. Therefore, I am a strong advocate that the Commission must more readily take up the challenge of addressing more specialized, technical and contemporary topics that address pressing concerns of States.

In this regard, I am working on a proposal for the topic of the “Protection of Foreign Investment in International Law” to be added to the Commission’s long-term programme of work. Historically, the Commission has never engaged with international economic law save for two occasions. It considered the topic of the Most-favoured-nation clause during 1967 to 1978 and subsequently decided to revisit the topic in 2008 to address difficulties that had arisen in the interpretation and application of MFN provisions in investment treaties. However, concerns with the international investment regime is not so limited. The time is ripe, if not long overdue, for a more comprehensive study on the international protection of foreign investment.

For Asia, Africa and the rest of the developing world, Foreign Direct Investment (FDI) is not only a key driver of the economy but is a principal means for financing the 2030 Agenda for Sustainable Development. According to UNCTAD, the annual SDG investment gap in developing countries stands at about \$4 trillion. That means if the SDG goals for 2030 are to be met, some \$30 trillion of additional investment must be found during the period of 2022 - 2030.

While there is thus an urgent need to attract larger inflows of investment, States will also be facing increasing pressures to take regulatory action to meet new challenges particularly those related to climate change and public health. Therefore, it is crucial that international investment law reflect in a balanced manner the interests of foreign investors and host States and, particularly, that due account is taken of the right of the host State to regulate in the public interest.

However, the current international investment regime is facing a legitimacy crisis as it is often seen as favouring foreign investors especially the manner in which protection standards have been interpreted by arbitral tribunals. This is compounded by the fact that more and more cases involve challenges against a State’s regulatory measures ranging from emergency powers exercised during national economic crises, the regulation of public utilities and the regulation of harmful substances. Thus, there has been growing fear that international protection of foreign investment could unduly constraint the State’s right to regulate.

Indeed, the international investment regime is now at a crisis juncture. The international community has to some extent responded to growing calls for reform. In 2022, the International Centre for Settlement of Investment Disputes (ICSID) approved a comprehensive set of amendments to the Centre’s dispute resolution rules. At the UN, UNCITRAL Working Group III has committed itself to comprehensively reform of the investor-State dispute settlement (ISDS) mechanism which is due for completion in 2026. While these efforts are highly commendable, they have been limited to procedural aspects of dispute resolution.

The ILC being the only global, authoritative body with the appropriate mandate should therefore consider the progressive development of the substantive aspects of international investment law. With its regular dialogue with the Sixth Committee of the UN General Assembly, the Commission is best placed to embark on the difficult task of surveying the significant new developments in State practice as well as the decisions of international courts and tribunals. Thereby the inclusion of this topic in the programme of work of the Commission would give an opportunity for the progressive development of international investment law in light of various recent developments. It would allow the Commission to analyse interpretive issues relating to key principles in international investment law that will serve the interests of the international community by ensuring that the international protection of foreign investment will not undermine sustainable development.

Madam President, Asia and Africa stand to gain the most from such progressive development of the law. Out of the 2,615 international investment agreements in force, 1,947 of these

agreements are entered into by Asian and African States comprising 75 percent of all existing agreements globally. And out of the 354 disputes that are currently active, 113 of these have Asian and African States as the Respondent or 32 percent of active disputes globally. It is also worth noting that 21 of these cases involve claims for damages at an amount over \$100 million.

As a final note, I would like to emphasize the importance of the participation of AALCO Members in the work of the Commission to ensure that the perspectives of the two regions are adequately reflected. The input of States is crucial to the proper functioning of the Commission and I am adamant that the Commission's work should be firmly grounded in the practice of States. It is therefore most unfortunate that the number of States submitting comments has consistently been limited including an underrepresentation of views of Asian and African States. This situation is especially troubling since Asia and Africa account for more than half of UN Members. So I would encourage all of you to please use every opportunity to make your voices heard at all stages of the Commission's work. In particular, this includes providing comments on the choice of topics, then during and after the stage of first reading, and finally on the finished product, completed at second reading. Comments should be sufficient in detail and their reasoning made clear.

In closing, I would like to express my sincere appreciation to the Secretary-General for his commitment to increase AALCO's engagement with the ILC. With his exemplary efforts and renewed dedication of individual Members, I am hopeful that the work of the Commission will benefit from a more broad representation of views in order to cater to the diverse needs and realities of all regions of the world. If AALCO Members would find any inter-sessional activities related to the work of the Commission useful, I and I am sure, my distinguished colleagues also, would be more than happy to join in those activities. Thank you.

**President:** Thank you, Ambassador Vilawan for your presentation. The next ILC member that I would like to invite to the podium is Professor Okowa, who will focus her presentation on the ILC's current work on immunity of State officials from foreign criminal jurisdiction.

**Prof. Phoebe Okowa, Member, International Law Commission:** Madam President, Mr. Vice-President, distinguished delegates, colleagues, and Members of AALCO. Let me begin by extending my deepest gratitude to the Secretary-General Dr. Kamalinne Pinitpuvadol, the Secretariat of AALCO, and the Ministry of Foreign Affairs of the Royal Kingdom of Thailand for the kind invitation to participate in this important gathering and for facilitating my participation with such a warm welcome to Bangkok. Your tireless work in promoting dialogue and cooperation on critical legal issues in Asia and Africa, along with Thailand's commitment to global justice, is truly commendable. I am really deeply honoured to be here today.

Of the many topics on the International Law Commission's agenda during the current quinquennium, two stand out as having particular resonance with the concerns and aspirations of AALCO Members that is immunity from foreign criminal jurisdiction, and piracy and armed robbery at sea. In the limited time available today, I will only address the immunity topic.

The topic of immunity was added to the Commission's programme of work at its fifty-ninth session in 2007. Since then, there have been two Special Rapporteurs: Roman A. Kolodkin and Concepción Escobar Hernández. In May 2023, the Commission appointed Claudio Grossman as the new Special Rapporteur on the topic since Ms. Escobar Hernandez was no longer a member of the Commission.

From the outset, the Commission established several limitations on its approach to the topic. First, the project addresses only the immunities of State officials, excluding individuals such as agents of international organizations, who may enjoy immunities under other rules of

international law. Additionally, certain categories of State officials, such as diplomats and consular agents, are excluded as their privileges and immunities have already been codified in separate international treaties.

Secondly, the study is limited to immunities from criminal jurisdiction, not other types such as civil jurisdiction. Finally, it focuses on immunities from foreign criminal jurisdiction, specifically addressing immunities enjoyed by State officials before the authorities of foreign states, as opposed to those within their own State or before international courts or tribunals.

What amounts to an international tribunal of course remains contested. There was considerable debate within the Commission about whether the concept of international tribunals could be objectively determined. Some members expressed concerns that States might create essentially ‘bogus tribunals’ to circumvent the procedural safeguards outlined in the draft articles.

The entire topic on immunity is however permeated by concerns about asymmetrical exercise of power. The foreign criminal jurisdiction anticipated by the draft articles is most often exercised by Western States against government officials from non-Western countries, predominantly those in Asia and Africa. It is for this reason that a number of us in the Commission have felt quite strongly that this is a topic that AALCO Members States should engage with keenly to shape its content and ensure that robust procedural safeguards that are contemplated in the draft articles fully reflect their concerns

At the seventy-fifth session, the Commission considered the topic on its second reading, taking into account the views of States on the draft articles adopted at the first reading. One of the key issues was whether immunity should extend beyond the so-called “Troika”—namely, Heads of State, Heads of Government, and Foreign Ministers. The decision of the International Court of Justice in the *Arrest Warrant* case (DRC v. Belgium) had left open the possibility of broader immunity beyond those officials. However, the overwhelming majority of States that submitted written comments supported the Commission’s initial position that immunity should not extend beyond those key officials.

Of the States that supplied written comments, only two were from Africa, and two from Asia that is Cote d’Ivoire, Sierra Leone, Malaysia, and Japan. The limited participation of African and Asian States, including AALCO Members, in submitting comments is a matter of concern. A matter my colleague Madam Manglatanakul has already alluded to as well. Failure to engage with the Commission’s work is essentially a missed opportunity to influence the substantive development of international law. The Commission as a subsidiary organ of the General Assembly is required under its Statute to show appropriate deference to the wishes of States in the General Assembly. It follows that the Commission will invariably take on board the comments of those States who engage with the process, predominantly Western and Latin American States thus substantially marginalising the contribution of Asian and African States in shaping the content of the law.

At its next session, the Commission will address the remaining draft articles, particularly those dealing with exceptions to immunity. Under draft article 7, adopted on first reading, State officials who are ordinarily entitled to immunity cannot claim it if their conduct amounts to genocide, crimes against humanity, or war crimes. However, this exception did not extend to the crime of aggression, leaving open the possibility that a Head of State charged with aggression could still claim immunity before foreign courts.

The debates during the last quinquennium revealed sharp divisions among Commission members regarding the extent to which customary international law supports the exceptions to immunity proposed in draft article 7. Some members found the exclusion of aggression

particularly problematic, as it is primarily militarily powerful States that are likely to face charges of aggression.

Furthermore, the emerging regime of exceptions to immunity was seen as asymmetrical. Crimes typically attributed to officials in the Global South, such as war crimes and crimes against humanity, would be subject to foreign jurisdiction, while aggression—often associated with more powerful States—remains shielded by immunity.

However, the restrictive regime proposed in the draft articles is balanced by very careful procedural safeguards aimed at allaying the concern of States about the risks of jurisdictional overreach and politically motivated prosecutions. These safeguards, which were considered an exercise in progressive development rather than codification, include the requirement that questions of immunity be considered expeditiously, at an early stage of the proceedings, and by competent officials before the indictment of the official and the commencement of prosecution. It also included determination of immunity by a competent court and early notification to the official under investigation and who would ordinarily be entitled to a claim of immunity; and finally it included the possibility for the Forum State to decline jurisdiction and transfer the proceedings to the State of the official.

The founding members of AALCO from the very beginning understood that the collective action of the Organization would enhance and not diminish the influence of individual members. It would be immensely beneficial to the Commission's work if AALCO Member States, along with your Secretariat, could contribute information on your existing practices and views on what procedural safeguards would be most desirable. This is particularly important as the procedural safeguards are still being developed as part of the Commission's contribution to the progressive development of international law. Your engagement will help shape the direction of international law on this matter and many of us in the Commission from AALCO Member States would be particularly keen on proactive dialogue on these matters. That concludes my statement. Thank you very much Madam President.

**President:** Thank you Professor Okowa. The next speaker I would like to invite is Professor Asada to share his views on the recently added topic on the ILC's current work program of non-legally binding international agreements. Now I invite Professor Asada to the podium. Thank you.

**Prof. Masahiko Asada, Member, International Law Commission:** Thank you very much for your introduction, Madam President. Madam President, Mr. Vice-President, Secretary-General Kamalinne Pinitpuvadol, Excellencies, delegates, ladies and gentlemen. I am honoured to speak to you at this important gathering of AALCO. I am going to give you some information on what we, members of the ILC, discussed on the topic of non-legally binding international agreements this year.

This topic was approved as a current topic of the Commission last year, and Mr. Forteau of France was appointed as its Special Rapporteur. This year, the Special Rapporteur submitted his First Report on the topic, but did not propose any specific draft provisions. Instead, he expressed a desire to present an overall picture of the topic and to obtain consensus among the members of the Commission on the general direction of the deliberations before making any proposals. The First Report mainly discussed three substantive aspects: namely, the title of the topic, the scope of the topic, and the issues to be examined.

First, the question of title is whether to use the title of non-legally binding international agreements as originally proposed by the Special Rapporteur or some other title, such as non-legally binding international instruments. During the debate at the Sixth Committee last year,

not a small number of States argued that the title should use the word “instruments” or “arrangements” rather than “agreements”, because the term “agreements” has the connotation of a legally binding document. In fact, in a similar ongoing discussion at the Council of Europe’s CAHDI (Committee of Legal Advisers on Public International Law), the initial title “non-legally binding agreements” was changed to “non-legally binding instruments” last year.

In his First Report submitted after the Sixth Committee meetings, the Special Rapporteur argued for maintaining the original title, because the definition of a “treaty” in the Vienna Convention on the Law of Treaties refers to an “agreement governed by international law,” which implies the possible existence of agreements “not governed by international law”, and because there are non-binding documents named “agreements”. Additionally, using the term such as “instruments” would broaden the scope of the topic too much, as it may include unilateral instruments of States. While a number of members of the ILC concurred in the Special Rapporteur’s arguments, several members argued that the title should use either “instruments” or “arrangements”. In the summary of debate, the Special Rapporteur leaned toward maintaining “agreements”. At the same time, he indicated that a slightly different title of “legally non-binding international agreements” might also be a possibility.

Second, concerning the scope, the Special Rapporteur proposed limiting the scope to written agreements under international law, excluding unwritten agreements and agreements based on domestic law. He also indicated to exclude resolutions of international organizations, because they are unilateral acts rather than agreements. The Special Rapporteur also leaned towards excluding resolutions of international conferences, although this was more ambiguous. Regarding inter-institutional agreements or administrative arrangements concluded between foreign governmental departments, the Special Rapporteur suggests that they should be excluded from the scope, noting that such agreements are not necessarily made on behalf of the State.

In the ILC, there was general support for limiting the scope to written agreements under international law. However, with regard to resolutions of international organizations, some members, including myself, argued that they should be included. I criticized the Special Rapporteur’s position as overly formalistic because this is a unilateral act and resolutions of international organizations are very important and have substantive connotations in this topic. Despite this, the Special Rapporteur maintained the intent to exclude them in his summary of debate. There were also opinions that resolutions of international conferences and inter-institutional agreements with foreign governments should be covered.

Third, the Special Rapporteur indicated in his First Report three main issues to be examined under this topic namely, criteria for distinguishing between treaties and non-legally binding agreements; applicability of the law of treaties and other international law rules to non-legally binding international agreements; and possible legal effects that non-legally binding international agreements may entail. These are the three topics I intend to discuss.

First, with regard to the criteria for distinguishing between treaties and non-legally binding agreements, various views were expressed by ILC members, including subjective criteria (that is, intention of the parties), objective criteria (that is, the text of the agreement, circumstance surrounding an agreement’s formation, etc.), and a combination of these two types of criteria, as well as the element of subsequent practice. Analysis on a case-by-case basis was also underlined.

On the related issue of whether international agreements should be presumed to be legally binding or non-binding in the absence of contrary evidence, some Commission members argued against making any presumption regarding legal bindingness, while others held that an

international agreement should generally be presumed to be non-binding in the absence of any indication otherwise.

Second, concerning the applicability of treaty law or other rules of international law to non-legally binding agreements, it was generally agreed that although treaty law as such does not apply to non-legally binding agreements, it could be referenced by analogy or as a guide. It was suggested that non-legally binding agreements contrary to *jus cogens* would be void, and that even non-binding agreements generate a general obligation of good faith performance. Furthermore, it was pointed out that non-legally binding agreements could give rise to legal effects under general international law, such as estoppel or acquiescence, but it was also pointed out that these possible effects would arise because of the functions of these rules of international law, and would not be the legal effects of the non-legally binding agreements themselves.

Third, as for the potential “legal effects” of non-legally binding agreements, examples are mentioned in relation to treaty interpretation, this refers to article 31 paragraph 3, the identification of customary international law, and the identification of general principles of law, among others, and in that context a systematic exploration of these potential effects by the Special Rapporteur is encouraged, (this is what I encouraged).

On the other hand, reservations were also expressed about considering non-legally binding agreements as subsequent agreements in treaty interpretation, because doing so might be tantamount to assimilating these non-legally binding agreements to a source of international law and also because giving legal effects to non-legally binding agreements could hinder their use. Additionally, regarding the term “legal effects” of non-legally binding agreements, there was a suggestion to use alternative terms such as “legal implications” or “legal consequences” instead, as distinguishing between the term “legal effects” and the term “legally binding force” can be challenging.

Finally, concerning the form of the outcome document, there was considerable support for the Special Rapporteur’s proposal for draft conclusions, but it was also suggested that it could be in the form of guidelines attaching model provisions as an annex. The Special Rapporteur is still in favour of the former, draft conclusions as the latter draft guidelines has the connotation of prescription, which he wants to avoid.

This is the general picture of the discussions of the topic in the ILC this year, as I observed it. Finally, in the webinar held by the UN Secretariat the other day, Mr. Forteau hinted that he intends to cover the questions of the scope and the criteria for distinguishing treaties and non-legal international agreements in his Second Report to be presented next year. I hope my presentation is helpful to the AALCO Members as they consider the ILC related agenda item.

In light of what my colleague Ms. Manglatanakul and Ms. Okowa said about the scarcity of inputs from AALCO Member States, I look forward to receiving precious information on State practice on this topic from Asian and African States in the coming next few years. Thank you very much.

**President:** Thank you very much Professor Asada. The next ILC member who shall be presenting to us information on the work of the ILC is Professor Nguyen. He shall be discussing the contributions of the ILC members from the Asia-Pacific Group to the work of the Commission.



**Amb. Hong Thao Nguyen, Member, International Law Commission:** Her Excellency, Madam President, Mr. Vice-President, His Excellency Secretary-General of AALCO, distinguished delegates, ladies and gentlemen.

It is a great pleasure to attend the Sixty-Second Annual Session of AALCO in Bangkok, Kingdom of Thailand. I would like to express my gratitude to the Ministry of Foreign Affairs, Thailand and the AALCO Secretariat under the leadership of Dr. Kamalinne Pinitpuvadol for their hospitality and kind arrangements.

Distinguished delegates, despite the liquidity crisis facing the United Nations, which prevented the International Law Commission (ILC) from exchanging views with the African Union Commission on International Law and the Asian-African Legal Consultative Organization at its seventy-fifth session. However, this temporary challenge has not hindered the close cooperation between our organizations in the progressive development and codification of international law.

Distinguished delegates, there has been a substantial turnover in the membership of the ILC. Of the 34 members, 20 were elected this term; the last is the election of Mr. Ma Xinmin from China, in July who filled the vacant seat left by Mr. Huang Huikang, a respectful person. The Asian and African representation in the Commission has been increased notably, now accounting for half of the Commission's members. The new members have brought a fresh perspective to the Commission's work. For the first time in the Commission's history, women are in the majority in the bureau (3 out of 5), including Mme Mangklatanakul, the Vice-Chair, and Mme Okowa, the Chair of the Drafting Committee. Both come from Asia and Africa, holding important positions within the Commission and successfully fulfilling their relevant tasks.

Now let me concentrate on the other work of the Commission. Regarding the topic of "Prevention and Repression of Piracy and Armed Robbery at Sea," the Asia-Pacific Group members advocated for greater regional diversity in the Commission's work by highlighting various Asia-Africa practices. They recommended including numerous regional mechanisms and forums combating piracy and armed robbery at sea in the report. Beyond the framework of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, it would be beneficial to add the Regional Forum of the Association of Southeast Asian Nations (ASEAN), the Council for Security Cooperation in the Asia Pacific, the ASEAN Association of Heads of Police, and the ASEAN Coast Guard Forum. Additionally, several guidelines have been adopted in Asia to combat piracy and armed robbery at sea, including: Guide for Tankers Operating in Asia against Piracy and Armed Robbery Involving Oil Cargo Theft; Regional Guide to Counter Piracy and Armed Robbery against Ships in Asia.

The Asian and African members emphasized that piracy and armed robbery at sea are fundamentally distinct concepts. The differences between them, such as the location of the crime and the relevant jurisdiction, affect the applicable law, forms of cooperation, and suitable prevention and repression measures. Therefore, it is crucial to avoid imposing universal jurisdiction or a single regime for both issues and to refrain from creating new laws for States. These matters should be addressed in a coordinated manner, considering both their commonalities and differences. The general obligation is to prevent and repress piracy and armed robbery at sea in accordance with international law. This involves, first, taking effective legislative, administrative, judicial, or other appropriate measures, and second, cooperating to the fullest extent with other States and competent international organizations at international, regional, and sub-regional levels.

Asian and African remains steadfast in its commitment to advancing the work of the International Law Commission. The APG members have consistently demonstrated a strong dedication to the progressive development and codification of international law, contributing valuable insights and perspectives that reflect the diverse legal traditions and practices of our region. The Asian-African Members have committed to continuing its active participation in all areas of the Commission's agenda, ensuring that our contributions help shape a just and equitable international legal order.

We look forward to collaborating with AALCO in the spirit of mutual respect and cooperation, confident that our joint efforts will lead to outcomes that benefit not only our respective states but the international community as a whole. Thank you for your kind attention. I wish you all have a productive Sixty-Second Session. Thank you.

**President:** Thank you Professor Nguyen. Now we move on to the participation of ILC members virtually. I would like to announce that Professor Sall will be giving his presentation in French so those who are non-French speaking there will be translation for which you shall be needing your headphones. My mistake the first ILC Member shall be Professor Patel who will focus on the topic of Accountability for Crimes Committed against UN Peacekeepers, which be followed by Professor Sall. Now, we shall hear the video presentation of Professor Patel.

**Prof. Bimal N. Patel, Member, International Law Commission:** President of the Sixty-Second Session, Your Excellencies, AALCO Secretary-General Dr. Pinitpuvadol, legal advisers, fellow members of the UN International Law Commission and participants. I am grateful to AALCO for its invitation and I will present a proposal, which I have made at the ILC for study, namely, accountability for crimes committed against UN Peacekeepers.

The concept of peacekeeping has developed through the practice of the United Nations as a most positive contribution of the UN for the maintenance of international peace and security. As the world celebrates seventy-five year of peacekeeping, we all are reminded that peacekeepers often serve in complex and deteriorating security environments where they are targeted by hostile actors and face asymmetrical threats. Of the 4,370 UN peacekeepers who have lost their lives serving under the UN flag, 1,601 died due to illness, 1,403 in accidents and 1,130 to malicious acts. The UN Security Council, the General Assembly, the Secretary-General and several mechanisms have expressed serious concern regarding challenges in bringing to justice the perpetrators of crimes committed against peacekeepers.

In this regard, the low rate of prosecution of such crimes contributes to an environment of impunity and undermines the safety and security of personnel. Rising impunity affects 123 troop and police contributing countries and adversely impacts peacekeeping. As distinguished delegates may recall, to prevent aggravation of this trend further, the Security Council unanimously adopted resolution 2589 (2021), co-sponsored by more than 80 member States, on strengthening accountability for crimes committed against peacekeepers, in which it called for a renewed focus on measures to bring to justice the perpetrators of such acts. Several mechanisms of the UN including the Group of Friends focusses on a substantive discussion on providing legal frameworks to support the concept of accountability for crimes against peacekeepers.

Why we need to address this issue urgently? Peacekeeping has evolved from a primarily military model of observing cease-fires and the separation of forces after inter-State wars, to a complex model of many elements – military, police and civilian – working together to help lay the foundations for sustainable peace. This transition from ‘traditional UN peacekeeping operations’ to the contemporary robust peacekeeping requires an examination of international

law protection entitled to personnel involved in peacekeeping operations as this evolution has given rise to an array of complexities in the application of governing international law and the legal gaps can be filled only through detailed study of state practice, jurisprudence and emerging doctrine.

There are gaps in the existing legal framework. The 1994 Safety Convention and 2005 Optional Protocol on the subject have been unable to address the challenges. Peace operations have undergone a rapid evolution, shifting from ‘traditional peacekeeping’ to ‘multidimensional operations’ with increasingly ‘robust mandates’.

The period has also witnessed a notable escalation in fatalities resulting from malicious acts. It is now imperative to recognize the emerging trends in peace operations, underscoring the necessity for a review of the legal aspects pertaining to accountability for crimes committed against peacekeepers. There is a need to clarify the International Humanitarian Law (IHL) protection entitled to Peacekeepers. It is imperative to identify elements of distinction between UN peacekeeping acting under the Security Council mandate and in the interest of the international community, and state or non-state actors who pursue their own positions. Peacekeeping Ministerial Meeting in Accra, Ghana in December 2023, lead to few conclusions that

1. While the Safety Convention does define certain crimes, it does not encompass contemporary threats like disinformation or misinformation campaigns, which could indeed jeopardize the safety and security of peacekeepers,
2. The importance of establishing a consistent and clear definition for what constitutes a crime against peacekeepers and emphasizing the need for updated legal frameworks to address evolving challenges. There are also significant challenges in procedural law affecting investigation and prosecution.

First, Article 9 of the Safety Convention, which provides for the definition of crimes against United Nations and associated personnel obliges the State parties to penalize the offence under domestic legislation. Second, from criminal law and procedural perspective, the United Nations does not have the authority or capacity to conduct criminal investigations in respect of alleged crimes committed against peacekeepers occurring in the host State’s territory. Third, the United Nations may only conduct internal investigation for administrative purpose and does not have the legal authority to compel witnesses to cooperate in its investigations and there may be obstacles regarding the admissibility of United Nations investigation reports under the criminal procedure laws of member States.

The Safety Convention, which emerged in the aftermath of crisis and conflicts of early 1990s – Gulf War, Baltic Crisis, Rwanda, has been unable to attract wide ratification due to:

1. Lack of legal clarification which is crucial for the implementation of the Convention in domestic courts,
2. Clarity on the exact scope of the Convention, and
3. Non-inclusion of some international engagements that are undertaken by the UN. The legal challenges to peacekeeping are real and these need to be addressed.

It is in this regard, I am reminded that we can also undertake such a study because various mechanisms have been seeking comments and clarifications, for example, are there any SOPs for dealing with cases of accountability? Do these SOPs vary from mission to mission? Is there adequate political support and advocacy for promoting accountability? Are there any external

challenges to promoting accountability and are any policies being evolved to address these issues? Whether all crimes against peacekeepers should come under the ambit of accountability; not just crimes that led to fatalities; What are the mechanisms to prosecute criminals after missions had closed; how could Member States contribute to promote accountability and are there any Mission level mechanisms to enhance the capacities of host States?

Distinguished delegates, the legal needs, interests and concerns felt by States and the international community for identifying, assessing and taking measures of accountability towards the peacekeepers, remain one of the most important steps forward for the overall protection and safety of the UN peacekeepers. Consequently, the efforts of International Law Commission in clarifying, codifying and progressively consolidating international law in this area will be of direct practical value. The world is celebrating seventy-five years of the International Law Commission and also seventy-five years of UN Peacekeeping. A study on this vital aspect will be one of the long-lasting tributes to all United Nations personnel serving in peacekeeping operations, including those who have sacrificed their lives in the line of duty for the cause of peace.

Alongside my statement on the above specific topic, with a view to strengthen contribution of AALCO to the work of the ILC, it is my honour and pleasure to brief and kindly request distinguished delegates,

To send their comments and observations on four topics currently on the ILC active agenda

- a. Immunity of State officials from foreign criminal jurisdiction by 15 November;
- b. General Principles of Law by 1 December;
- c. Sea-Level rise in relation to international law by 1 December and
- d. non-legally binding international agreements by 31 December to the United Nations Codification Division.

This will help ILC to analyse national and regional content and approaches to make the ILC work as much universal as possible.

I would like to inform that subsequent to my appointment as the Chairman of the Working Group on Succession of States in respect of State Responsibility an active topic on the ILC agenda, I briefed the Sixth Committee members on 5 September as how I wish to approach to complete the work on the topic. I am very much looking forward for learned and practical views of Member States on this topic during the Sixth Committee debate next month. The Commission will also consider a proposed item next year concerning survey of international law in relation to the work of the ILC which is vital for strengthening the rule of international law-based world order and active participation of AALCO Members and all African and Asian states will be highly valuable.

As distinguished delegates may recall, the International Law Commission celebrates seventy-fifth anniversary in the service of the humanity through means of international law. Commemorative event on this occasion is an important mean to promote study of international law. I am pleased to inform that Rashtriya Raksha University, an Institution of National Importance of India, organized a commemorative event in March 2024 and an event to strengthen international treaty framework, in collaboration with the AALCO, generously funded by the Ministry of External Affairs of India. As we gather here, University of Johannesburg in collaboration with RRU Centre of International Law is organizing a

commemorative event on 28 November. During the international law week, there will be a similar event in the UNHQs. A few more such online or hybrid events in various AALCO members would be very useful.

To further strengthen the interaction and better awareness on the work of the Commission for the benefit of the Member States, it would be useful if the AALCO Chair through its Permanent Representative to UN Geneva organize an annual interactive session between the representatives and the ILC members and the same may be considered as a side-event during the international law week in New York too.

I am also pleased to inform, that subsequent to the appeal by the ILC and the UN Secretary-General, ILC Trust Fund has been established to support the work of the Special Rapporteurs and Chair, especially from developing countries. I take this opportunity to express deep gratitude to Austria, Czech Republic, Cyprus, Finland and UK for their generous contribution to the same and as a member of the Commission appeal AALCO Member States and observers to contribute to the ILC Trust fund. I also like to make an appeal to contribute to the international law seminar which enables young lawyers, especially from developing countries, to familiarize themselves with the work of the Commission and many international organisations based in Geneva. Since its inception in 1965, 1,334 participants, representing 178 nationalities, have taken part in the Seminar. Some 814 participants have received a fellowship. Several national and sub-regional societies and associations of international law in Africa and Asia are playing their own role to promote dissemination and wider appreciation of international law among faculty, students and legal community and I take this opportunity to thank them through you and also appeal distinguished delegates for more support to such institutions of learning of international law.

Importance of international law as a common language for addressing contemporary and futuristic issues and challenges for the promotion of cooperation and understanding in inter-state relations for peaceful co-existence, sustainable development and peaceful settlement of disputes of the whole humanity is felt more and more at all levels and I thank Member States and AALCO for promoting this mission by all possible ways and means.

Distinguished delegates, my written statement, in all UN official languages, will be given to the AALCO Secretariat. Thank you for your kind attention.

**President:** Thank you very much. The next ILC member is Professor Sall. He will share his views on the rule of law and role of the ILC. It will be delivered in French so there will be English translation.

**Prof. Alioune Sall, Member, International Law Commission:** Ladies and gentlemen, members of the delegations, dear participants. Before starting my presentation, I would like to thank the Ministry of Foreign Affairs of the Kingdom of Thailand for its invitation to participate in the Sixty-Second Annual Session of the Consultative Legal Organization for the countries of Asia and Africa. Unfortunately, for personal reasons, I could not make the trip to Bangkok. I would like to apologize to you for not being able to share, in person, my reflections on the contribution of the International Law Commission to the strengthening of the rule of law.

Praised as a “unspeakable human” and considered as a “necessary condition for the existence of a legal system”, one might think that the rule of law is one of those expressions whose fortune is explained by the poverty of their content. To identify this concept, let us first agree on its elementary features: the submission of all subjects to the law and the guarantee of respect for the law by the establishment of a jurisdictional authority. Within the framework of the

United Nations, these two elementary pillars of the rule of law are at the service of the goals of the organization: international peace and security, development and promotion of human rights.

The International Law Commission, by its mission consisting in working on the codification and progressive development of international law, adjusts these two pillars of the rule of law to the goals of the organization, thus strengthening the rule of law at the international level. This is the meaning that must be given in particular to the resolution of September 24, 2012 adopted by the general meeting and relating to the rule of law.

Among the Commission's achievements which fall within the domain of the rule of law, we can in particular cite, the draft articles on responsibility for internationally illicit fact or the draft articles on imperative standards of international law, or even other works related to the codification of international criminal law.

At present, and in the same perspective, several essential subjects are on the Commission's agenda. These topics are essential and meet several United Nations goals: human rights security and promotion, as well as development. All these projects are the subject of discussions with the States, which are regularly called upon to improve the work of the Commission, within the framework of the Sixth Committee of the General Assembly.

I will conclude by quoting Professor Matthew Kramer, a philosopher of experienced law, for whom the rule of law “[is] nothing more and nothing less than the state of affairs resulting from the existence of a functional legal system”.

I would like to end my remarks with two considerations:

- First, the completeness of a legal system is never achieved. In other words, the rule of law is a permanent quest, a goal towards which one tends and which is never perfectly acquired.
- Secondly, the vitality of a legal system is also measured by the degree of involvement of the subjects it governs, as well in the development of the rule of law, as in the debates which arouses the practice of these rules.

The International Law Commission, so diverse and lively, is one of these places to discuss the standards of international law. This subsidiary body of the General Assembly, through its mandate, its work and the place of debate it constitutes, strengthens the rule of law at the international level. Thank you for your kind attention.<sup>1</sup>

**President:** Thank you very much Professor Sall. The last speaker is Professor Mārtiņš Paparinskis. You will address us also through video on the topic of compensation for damages caused by internationally wrongful acts, which has recently been added to the Commission's long-term work program.

**Prof. Mārtiņš Paparinskis, Member, International Law Commission:** Good afternoon, Your Excellencies, ladies and gentlemen, let me begin by thanking the AALCO Secretary-General, Dr. Kamalinne Pinitpuvadol, for his very kind invitation and apologize that I am not being able to be with you this afternoon in Bangkok.

I will speak to you briefly about the topic of compensation for the damage caused by the Internationally Wrongful Acts that the International Law Commission decided to include in the long-term programme of work this year and also to include the syllabus for the topic that I had prepared in Annex 1 to the report. So essentially my talk will draw upon and summarize

---

<sup>1</sup> The statement was delivered in French. The Secretariat acknowledges with gratitude the English translation provided by the author.

some of the pertinent issues in that syllabus. The topic of compensation falls within the line of thought and work of the International Law Commission on Law of International Responsibility, particularly that concluded in the 2001 International Law Commission's Articles on Responsibility for Internationally Wrongful Acts.

Now, the topic of compensation is of long-standing pedigree in public international law and it has been addressed by the Commission in Article 36 of the 2001 Articles in terms probably reflective of customary international law. But it bears noting that in 2001 when the Commission addressed these matters, it could draw upon relatively few then recent reasoned inter-State judicial decisions regarding compensation and therefore adopted a somewhat prudent and minimalistic approach. The situation has however changed in the intervening twenty years and we now can benefit from very rich judicial, State and institutional practice, including three very thoroughly reasoned inter-State judgments by the International Court of Justice, two of which have been decided in disputes between African states as well as rich practice of regional human rights bodies, again including the African regional practice.

The argument for addressing the topic of compensation is essentially twofold. First, it would enable the Commission to go in greater detail and focus on this important aspect of the law of State responsibility that could not be addressed in such detail at a generalist setting, and secondly, it would build on the practice and the rich tapestry of issues raised by judicial and State practice of the last two decades.

The topic, as I noted, is situated within the broader stream of thinking of the International Law Commission's work on responsibility and adopts the same intellectual assumptions. The key of them is the distinction between primary rules, obligations that states have in various settings of international law, and secondary rules that follow from the breach of those primary rules. My topic would be limited to the latter context, so only compensation for the breach of our primary obligations.

I will also assume that secondary rules do not vary with the character and nature of primary rules in the absence of *lex specialis*. I propose to focus on compensation as the title suggests. I would not address restitution or satisfaction.

I would address matters in part one of the 2001 Articles, such as attribution, breach, and circumstance precluding wrongfulness. I would not address matters within part three, such as implementation, invocation, and countermeasures. However, the topic would cover compensation both in the inter-State setting and in situations when it is invoked by non-State actors.

I propose to address matters relating to identification of rules of compensation, addressing damage, causality, role of equity, as well as comparative aspects, as well as application, considering valuation, lost profits, and interest. So the overall claim, in short, is that there seems to be a shared interest by States in providing clearer rules for enabling sharper and more predictable navigation of the different settings within which compensation may arise, judicially and otherwise. It is, in my view, the International Law Commission, whose work has been front and centre in these rich developments I have alluded to, and therefore it is the commission that would be best placed, of course, building on the helpful work by tribunals and courts, as well as specialized institutions, but nevertheless best placed to address these matters at the general and universal level, as it did in the 2001 Articles.

The final point that I want to make relates to the form of output, where I would suggest principles. Principles seem to me an appropriate form, reflecting the practical output designed

to assist the states in these matters, but also recognize the underlying customer international law character of these rules. Thank you for your attention.

**President:** Thank you very much. With that, we conclude the ILCs presentations and I think they were all very enriching. We truly thank the ILC members for taking time out of their very busy schedules to come and share their work. They are working very hard for us so I think the overall message is that we need to give them the input that they require to their work efficiently. So I stress that very important issue. So now, we will quickly move to the statements from the floor. I think we are open for both Member States and Observers. Kindly please limit your interventions to five minutes or less. If you have longer statements, you can register them with the AALCO Secretariat. So on my list I have Malaysia. Japan, Islamic Republic of Iran. I will give the floor to Malaysia.

**The Delegate of Malaysia:** Madam President, Excellencies, ladies and gentlemen. Malaysia wishes to express its gratitude to the AALCO Secretariat for the Report on the matters related to the work of the International Law Commission (ILC) at its 75th Session. Malaysia attaches great importance to the ILC agenda and its mandate on the development and codification of international law, and will present brief comments on the selected topics in the Report.

On the topic of “Immunity of State Officials from Foreign Criminal Jurisdiction”, Malaysia would like to extend her appreciation to the Commission for the work accomplished, whereby proposals were made for consideration on the second reading in relation to Draft Articles 1 to 6 in furtherance of comments and observations made by States as well as the Sixth Committee. In light of the recent request by the Commission for Governments to submit their comments and observations on draft articles 7 to 18 and the draft annex of this topic, Malaysia wishes to share our comments and observations on these draft articles through four (4) key issues.

First Issue: Crimes under international law in respect of which immunity *ratione materiae* shall not apply - issues of application of International Treaties to non-State parties.

Immunity *ratione materiae* protects State officials from being prosecuted in foreign courts for acts performed in an official capacity. Although draft article 7 provides the exception to this rule, definitions such as genocide, war crimes, and crimes against humanity are enumerated in the Rome Statute of the International Criminal Court, in which not all States are signatories. The same applies to the International Convention on the Suppression and Punishment of the Crime of Apartheid (“Apartheid Convention”) and the International Convention for the Protection of All Persons from Enforced Disappearance (“ICCPED”). Thus, Malaysia opines that clarifications must be sought from the Commission on how best to invoke draft article 7 in respect of such circumstances, including the possible inclusion of provisions on reservations made by the state parties.

Second Issue: Application of the procedural aspect and safeguards of the draft articles in light of the significant distinction between the two types of immunity namely immunity *ratione personae* and immunity *ratione materiae*.

There is a necessity for the Commission to provide clear and coherent explanation on the application of the procedural provisions vis-à-vis the two types of immunity namely immunity *ratione personae* and immunity *ratione materiae*. This took into account that no distinction was made to the procedure of invoking the two different types of immunity by the State of the official, particularly on draft articles 9, 11 and 14.



Third Issue: Application of draft article 13 (request for information) in relation to the immunity of State officials from foreign criminal jurisdiction.

We believe that it may be prudent to incorporate elements of confidentiality at a starting point for the examination of any request for information, taking into consideration the potential sensitivities of information that may be requested and/or exchanged between States on the application or invocation of immunity. Apart from that, Malaysia opines that the draft article itself is silent on the ability of the requested State to assess whether to formulate conditions as part of the process of “considering in good faith” a request for information that could facilitate the transmission of such information.

Fourth Issue: Proposal to suspend national proceedings pending an international dispute settlement in draft article 18.

Malaysia notes that the Commission omitted the initially proposed provision in draft Article 18, which would have required the suspension of jurisdiction by the forum State when a dispute is referred to arbitration or the International Court of Justice, due to a lack of supporting precedents. While the Commission recognized that this procedural safeguard could encounter serious difficulties in some State legal systems, Malaysia believes that suspending domestic proceedings should be carefully negotiated between parties to ensure fairness and balance in the treatment of State officials under foreign criminal jurisdiction.

In relation to the topic “Sea-level rise in relation to international law”, Malaysia would like to record her appreciation to the co-chairs of the Study Group on sea-level rise in relation to international law, constituted by International Law Commission (ILC) for the comprehensive preparation of the additional paper on two sub-topics, namely on matters regarding statehood and the protection of persons affected by sea level rise.

With regard to the issue of preservation of statehood, Malaysia believes the crux of preservation of statehood would be the preservation of its baselines. Preservation of baselines can be attained by coastal States taking reasonable measures under international law to deposit its coordinates or charts with the Secretary-General or to conclude boundary agreements with neighbouring countries. In this context, Malaysia observes that any protection or recognition to “presumption of continuity of statehood” by any coastal States should be backed by evidence in the form of measures that had been undertaken by Member States under international law, in particular the United Nations Convention on the Law of the Sea 1982 (UNCLOS), to preserve its statehood, as well as scientific evidence of imminent threat of sea level rise to its statehood.

In light of this, Malaysia supports the admittance of continuity of statehood for Member States directly affected by sea-level rise, which had taken initiative to preserve its baseline either by depositing its coordinates or charts with the Secretary-General or established maritime boundary by way of treaties between neighbouring countries. In such instances, maritime boundaries are fixed in perpetuity and therefore warrants protection of statehood, regardless of sea level rise.

In this respect, Malaysia encourages the Study Group to explore precautionary solutions for States directly affected by sea-level rise to preserve statehood as paramount priority in its study and addressing gaps, if any, for the implementation of such precautionary solutions. Whilst Malaysia supports the Study Group continuous efforts to analyse the legal implications to the statehood issue, Malaysia is of the view that analysis should be exercised with caution in order to avoid any State from differing the performance of existing obligations under UNCLOS under the pretext of sea-level rise.

With regard to protection of persons affected by sea-level rise, Malaysia reaffirms her views that any future obligations in terms of protection and assistance to the persons affected by sea-level rise should be based on the principle of common but differentiated responsibilities, the national capacity of the non-affected States, humanitarian principles and case-by-case basis. In this regard, Malaysia will offer her assistance or protection to persons affected by sea-level rise in accordance with its sovereign responsibility within its own territory, as recognized by international law, and this includes protecting national security, public order (*“ordre public”*), morals, rights and freedom of her citizens.

On the topic of “Settlement of Disputes to Which International Organizations are Parties”, Malaysia supports the recommendation to employ a variety of dispute resolution mechanisms i.e. negotiation, mediation, conciliation, arbitration, judicial settlement, and other peaceful means as the means to resolve the dispute. In this regard, Malaysia alludes that the choice of method should be tailored to the specific circumstances of each dispute to ensure effective resolution of disputes. This also aligns with our commitment of ensuring justice for all parties.

Be that as it may, Malaysia is also of the view that immunity poses significant challenges in disputes involving international organizations. The need to balance immunity with accountability is a complex issue that requires careful consideration of the Member States. While immunity is crucial for the effective functioning of these organizations, Malaysia believes that it should not obstruct access to justice. Hence, any mechanisms to address these challenges, including potential amendments to the Statute of the International Court of Justice, should be carefully explored to address these challenges and consequently ensuring fair and effective dispute resolution for all parties involved.

In light of the above, Malaysia believes that in depth analysis of these issues is necessary in refining the guidelines and ensuring that all relevant parties, including Member States, have equitable access to justice.

Madam President, on the topic of “Prevention and repression of piracy and armed robbery at sea” Malaysia would like to take this opportunity to make few observations on articles 2 and 3 of the draft articles which have been provisionally adopted by the Commission. On draft Article 2 regarding the definition of piracy, Malaysia believes that the Commission could offer further clarification on the interpretation of the term “for private end”, particularly when the crime of piracy is committed for ideological or political ends. Malaysia views that such clarification is crucial taking into consideration the differing views and debates currently ongoing on this issue and the fact that piracy itself is a crime that could attract the exercise of universal jurisdiction.

In respect of draft Article 3, it is observed that the Commission decided to use the words “Armed robbery at sea” instead of “Armed robbery against ship” at the chapeau of the said draft article to avoid restrictive definition. It is further stated in the commentary to the said draft article that armed robbery at sea does not necessarily involve two ships, which means it covers such act committed by persons already on board the ship. The commentary however does not specify whether an act of such nature committed against other sea transportation, oil platform etc. are included in the definition. Nevertheless, from the plain reading of the draft Article itself, the term “directed against a ship or against persons or property on board such a ship” denotes that the definition does not expend to these entities similar to the definition of piracy. Thus, Malaysia will express its view to seek Commission’s further explanation on this issue to avoid any uncertainty in the upcoming Sixth Committee Meeting of the 79<sup>th</sup> Assembly session.

Malaysia also observes that the commentaries for the newly introduced draft articles 4, 5, 6 and 7 are yet to be made available by the Drafting Committee. These commentaries serve as crucial tool in assisting states and international organizations to understand the reasoning behind the

drafting as well as the application of the draft articles. As such, Malaysia intends to reserve our comments and observations on draft articles 4, 5, 6 and 7 for future session of the Assembly.

With regard to the final form of the draft Articles, Malaysia notes that there are differing views among the members on whether the draft articles could be a basis of a binding instruments or be treated as guidelines aimed at harmonising national laws and identifying lacunae in the area of law. Notwithstanding Malaysia's position that Malaysia is open for the draft Articles to be treated as guidelines for states, Malaysia believes that it is still premature at this stage to determine the final form or status of the draft articles.

Regarding the topic of "Subsidiary means for the determination of rules of international law", Malaysia notes the ILC had provisionally adopted draft conclusions 6, 7 and 8 and their commentaries as well as provisionally adopted draft conclusion 4 (Decisions of courts and tribunals) and draft conclusion 5 (Teachings), as orally revised, which had only been taken note of during the seventy-fourth session and also adopted commentaries. Malaysia would like to express its views and concerns on the draft conclusions 6 to 8.

#### Draft conclusion 6: Nature and function of subsidiary means

Malaysia notes that the earlier text of draft conclusion 6 which was proposed by the Special Rapporteur in his Second Report was drafted differently, which had attempted to distinguish the scope of subsidiary means from the sources of international law, i.e. those referred to under subparagraphs 1(a) to (c) of Article 38 of the Statute of the International Court of Justice ("ICJ Statute"). In that regard, Malaysia is of the view that the said earlier draft text included certain ambiguity on the nature and role of such subsidiary means that may have been addressed by the revised text of draft conclusion 6, which has now been provisionally adopted by the ILC.

With regard to Article 38(1) (d) of the ICJ Statute of which this topic has its origins from, there are only two subsidiary sources for the determination of rules of law, whereby the first is judicial decisions and the second subsidiary source is the teachings of highly qualified publicists of the various nations. Based on this origin, Malaysia is of the view the draft conclusion 6 provides better clarity and certainty on the nature and function of subsidiary means. In essence, Malaysia is of the view that paragraph 1 effectively carves-out subsidiary means (as categorised under conclusion 2) from being a source of international law. Nevertheless, the said paragraph also expressly reflects the important role and function of subsidiary means in assisting the determination of existence and content of rules of international law.

However, Malaysia is of the view that the usage of the term "materials" in paragraph 2 of draft conclusion 6 may cause uncertainty and ambiguity on the scope or category of such subsidiary means. In particular, it is noted that although the term is used in the commentary of draft conclusion 5 on teachings, the fact that such term was not reflected in any of the preceding draft conclusions may result in another category of subsidiary means, other than that already provided under draft conclusion 2. Nevertheless, Malaysia supports the inclusion of draft conclusion 6, as provisionally adopted by the ILC.

#### Draft conclusion 7: Absence of legally binding precedent in international law

Malaysia notes draft conclusion 7 deals with the question of precedent in international law which confirms and established that, as a general rule, there is no system of legally binding precedent, or *stare decisis*, in international courts or tribunals under international law. Although the decisions of international courts or tribunals do not create binding precedent, they play a crucial role in shaping and interpreting international law. Be that as it may, it is accepted that

as a matter of practise, courts or tribunals routinely take into account the legal reasoning contained in the decisions of other courts and tribunals, although they are not obligated to apply them. The general rule, in international adjudication involving States, is that decisions of courts are binding only on the parties to the case pursuant to Article 59 of the ICJ Statute.

With regard to the formulation of the key elements of the first sentence of draft conclusion 7, the ILC selected the term “may”. The idea is that the possibility exists for an international court or tribunal to follow other decisions on points of law, but also clarifies that doing so is not mandatory. Second, the term “points of law”, which is a reference to the legal reasoning and legal conclusions, was used to describe what could potentially be followed. The formulation “points of law” explains that the object is not the decision, as such, but the reasons in support thereof.

Based on the above, Malaysia concludes that the general proposition contained in draft conclusion 7, that there is no system of legally binding precedent in international law remains valid. However, in some circumstances, the obligation to follow prior decisions is established in either a specific instrument or a specific rule of international law.

#### Draft conclusion 8: Weight of decisions of courts and tribunals

Draft conclusion 8 outlines additional criteria for assessing the weight of decisions of courts and tribunals in the determination of the existence and content of rules of international law. The scope of application of the term “decisions of courts or tribunals” is intended to apply to decisions of all types whether of international courts and tribunals or those of national courts.

It is also worth noting that the three specific factors that follow in this conclusion are meant to serve as a form of guideline instead of being mandatory elements. Moreover, these listed criteria are merely illustrative of the most likely scenarios to arise. Most importantly, these factors set out in draft conclusion 8 are to be read together with those in draft conclusion 3.

Subparagraph (a) of draft conclusion 8 emphasizes the importance of considering a court or tribunal’s specific competence when assessing the weight of its decisions in relation to a particular international law rule. The ILC viewed that the decisions issued by bodies with specific competencies, however they may be characterized, deserve to be considered when interpreting instruments concerned, even if such decisions or interpretations need not be followed by other tribunals.

Subparagraph (b) focuses on the weight of a decision based on its place within a body of concurring decisions. The ILC noted that, while a single decision can be authoritative, a series of consistent rulings on the same issue can strengthen the precedent.

Meanwhile, subparagraph (c) focuses on the importance of assessing whether the reasoning behind a judicial decision remains relevant in light of subsequent developments. It recognises that legal principles and circumstances can change over time, affecting the weight given to previous decisions. “Subsequent developments” such as new treaties, changes in state practice, or decisions from other courts that may challenge the reasoning of an earlier decision should be considered.

Based on the foregoing, Malaysia is of the view that draft conclusion 8 offers a helpful guidance in evaluating the weight to accord to the decisions of courts and tribunals as subsidiary means for the determination of rules of international law. While the listed criteria may require careful consideration based on the specific context of each case, they provide a good starting point. We also believe that, as international law continues to evolve, it will be important to monitor the

application of these criteria and assess whether they remain effective in addressing the challenges of contemporary legal practice.

Malaysia wishes to draw the attention of the Sixth Committee to the fact that States only have the benefit of studying the present draft conclusion within the context of what has now been provided by the ILC. It is in Malaysia's view that the entire draft conclusion should be read in its entirety to ensure that all concerns have been addressed as a whole since they are interrelated to one another. For this reason, Malaysia would like to reserve the right to make further statements on all the draft conclusions once the entire draft is completed. Malaysia also remains committed to further engaging in the development of this topic in a supportive and constructive manner.

Madam President, last but not least, in relation to "Non-Legally Binding International Agreements", Malaysia appreciates the opportunity to engage in discussions on the important and timely topic of non-legally binding international agreements. We commend the efforts of the Special Rapporteur in preparing the First Report, which provides a thorough analysis of the origins and scope of this topic. Malaysia looks forward to engaging further on this matter, particularly at the forthcoming United Nations General Assembly (UNGA)-ILC discussions.

The primary goal of the ILC on this subject is to provide clarity on the legal nature, regime and potential effects of non-legally binding international agreements. Malaysia recognises the importance of establishing clear criteria to differentiate non-legally binding agreements from treaties, as these instruments often play a key role in facilitating international cooperation and securing flexible undertakings without necessarily imposing overly burdensome legal obligations. Our practice, which includes the use of MOUs, Joint Communiqués and Declarations, demonstrates how non-binding instruments foster commitments of a "soft law" nature, primarily through political commitments and intergovernmental collaboration.

Malaysia's Federal Constitution mandates that all international agreements, whether binding or non-binding, undergo a streamlined executive approval process. This ensures consistency in Malaysia's foreign policy and guarantees that all commitments align with the nation's best interests. Indeed, the legal status of non-binding agreements is primarily determined by the intent of the parties, a principle Malaysia will continue to highlight in ongoing discussions.

Malaysia's active involvement in its regional partnerships also provides valuable insights into how non-binding agreements can be successfully utilised. For example, ASEAN's body of non-binding instruments demonstrates how flexibility, rather than rigid legal obligations, can be an effective tool in fostering regional trust and collaboration. That said, finding legal certainty regarding the effects and practical implications of entering into such non-legally binding international instruments is crucial for the sustainability of the relationship between the contracting parties. This is a key aspect Malaysia anticipates the ILC will address in its ongoing work.

In conclusion, Malaysia remains fully committed to supporting the ILC's efforts on this topic. We look forward to contributing constructively to the development of practical and inclusive standards that address the needs of the international community, and we appreciate AALCO's continued efforts in highlighting this important work. Madam President, distinguished delegates, Thank you.

**President:** Thank you very much. It is 3 PM so will take a small coffee break. Please be back on time at 3:30 PM. We adjourn for the Coffee break outside. A link for downloading the photos of our meetings sessions including yesterday's inaugural session as well as the dinner reception

will be sent on your email by the AALCO Secretariat. So if you would like to download photos kindly follow the link that will be sent to you in due course. Thank you so much.

**The Meeting was thereafter adjourned for Coffee Break.**

**President:** Thank you very much. Allow me to resume our continuing discussions on the ILC report. I do encourage States to make their statements in full cognizant of the time. I do allow some flexibility and this is really up to the delegates to see how things go. I look forward to listening to your comments. I would appreciate if Member States stick with the appropriate time. The next speaker on my list is Japan followed by the Islamic Republic of Iran. I give the floor to the distinguished delegate of Japan.

**The Delegate of Japan:** Thank you Madam Chair. I would like to thank the ILC Members for updating the current work of the ILC on very important topics. Allow me to express our appreciation to the AALCO Secretariat for its comprehensive report on the work of the ILC and for encouraging the Member States to submit their comments and observations to the ILC. Given that state practice is the very basis for the progressive development of international law and its codification, Japan would like to reiterate its view that more and more Asian and African perspectives should be reflected in the work of the ILC. In this regard, facilitating engagement between the Member States and the ILC is essential, and Japan remains open to all options of ways and means to achieve this goal.

In this connection, Japan commends the AALCO Secretariat's proposal to provide a valuable platform to share Asian and African state practice and perspectives concerning the topic "non-legally binding international agreements." Given the practical implications, Japan would like to echo the Secretariat's appreciation and highlight the Special Rapporteur's emphasis on drawing from geographically representative state practice as the primary basis for the study.

Excellencies, distinguished delegates, now, let me pick another concrete topic which is currently being discussed in the ILC and on which international cooperation is crucial, i.e., the issue of sea-level rise.

Japan recognizes that climate change-induced sea-level rise is a serious and imminent problem, particularly for those States that are most affected by the phenomenon. Japan commends the progress of the ILC's continued and dedicated work on this pressing issue for the international community as a whole, which has a direct relevance to the question of peace and security around the world. It is crucial for the international community to cooperate with the efforts in preserving the territorial integrity and safeguarding the people of those States that are affected by sea-level rise.

For this reason, Japan welcome the AALCO Secretariat's keenness to advance discussions on the implications of sea-level rise to questions of statehood in international law. Japan is prepared to work together with the international community on this issue, based on the outcome of future deliberations at the ILC and the position of each State.

In conclusion, Japan reiterates its full support for the work of the ILC and commits to working and discussing with other States on the topics under consideration. Thank you Madam Chair.

**President:** Thank you very much for your statement. The next speaker is the Islamic Republic of Iran followed by the Kingdom of Thailand. I now give the floor to the distinguished delegate of Iran.

**The Delegate of the Islamic Republic of Iran:** *Bismillahir Rahmanir Raheem*. Thank you Madam President. First, I would like to congratulate you and your Vice-President for your election and for your leadership of this important forum of AALCO.

Madam President, my delegation would like to thank the Secretariat for the comprehensive report on “Matters related to the work of the International Law Commission at its Seventy-Fifth Session”. Before considering the details of the topic under discussion, allow me to express the necessity of promoting the role of Asia and Africa in the work of the Commission. We are of the conviction that Member States of AALCO can have a more emphatic presence in the Commission by introducing their highly qualified jurists and the Commission should also for its part, pay attention to the necessity of active engagement of Asian and African members in specific topics.

In this context, we would like to reiterate the importance of the inclusivity of the work of the Commission and relevance of equitable geographical distribution in terms of appointment of Special Rapporteurs and assignment of responsibilities to the members of the Commission. Without doubt, Asian and African members in particular deserve a more robust engagement in the work of the Commission.

Madam President, regarding the first topic of the ILC, that is, “Settlement of disputes to which international organizations are parties”, in the previous products of the ILC, “international organizations” is defined as an “intergovernmental organization”. Therefore, consistency requires that the Commission should build on its previous definitions of international organizations and integrate the elements that were generally accepted as constituting international organizations. We should reiterate here the necessity to determine how the topic relates to the law of immunities. The notion that an international organization enjoys jurisdictional immunities, have consequences for the settlement of disputes to which it is a party. A key question appears to be as to what extent an international organization should continue to rely on its jurisdictional immunity when it has neither established appropriate means of dispute settlement nor waived its immunity.

Madam President, we agree with the Special Rapporteur that any disputes to which international organizations are parties should be addressed. However, these should be limited to legal disputes and policy disagreements should be excluded from the scope of the topic. Distinction needs to be made between legal disputes that are political in nature or have a political aspect and those that are not legal in nature at all. Therefore, purely political differences of opinion fall outside the scope of the topic.

Concerning the definition of “means of dispute settlement” in guideline 2, we propose the addition of “good offices”, which is a popular means of dispute settlement often, resorted to at high levels with the relatively passive engagement of a third party.

Madam President, concerning the second topic, i.e. “Subsidiary means for the determination of rules of international law”, It is well understood that Article 38 of the Statute of the ICJ reflects customary international law and that “subsidiary means” are axiomatically supplementary, ancillary, auxiliary and secondary sources of law. With regard to the nature and scope of subsidiary means, the argument concerning the non-exhaustive nature of Article 38 of the ICJ’s Statute is not persuasive and lacks sufficient reasoning. Furthermore, the “practice of States” could constitute a rule of customary international law if it is consistent and widespread based on *opinio juris*. In such situations, the subsidiary means would also overlap with international custom at some point and under certain circumstances.

Unilateral acts of States, and resolutions and decisions of international organizations are, as two distinct sources of obligations, considered as additional subsidiary means. As regards the binding nature of UN General Assembly resolutions, it is necessary to look at its content and the conditions of its adoption; it is also necessary to see whether an *opinio juris* exists as to its normative character or a series of resolutions may show the gradual evolution of the *opinio juris* required for the establishment of a new rule.

Madam President, concerning the third topic, that is, “Prevention and Repression of Piracy and Armed Robbery at Sea”, my delegation believes that piracy is a major security challenge in international waterways. Piracy and armed robbery threaten maritime security and freedom of navigation and increase the cost of shipments carried by sea, thus having adverse consequences on worldwide trade. Piracy is a serious crime affecting the community of nations. Given the foregoing, my delegation believes that the element of “threat” in draft article 3 (a) concerning the definition of armed robbery at sea should be included in draft article 2 (a).

Regarding topic, *i.e.* “Immunity of State Officials from Foreign Criminal Jurisdiction”, as reflected in the Special Rapporteur’s first report, Iran is of the conviction that certain State officials are entitled to absolute immunity *ratione personae*, from foreign criminal jurisdiction. Such immunity covers both acts performed in their official capacity and their private acts. The principle of immunity of the “troika” (Head of State, Head of Government and Minister of Foreign Affairs) which is well established and recognized under customary international law is the key guarantee of stability in international relations and an effective tool for the smooth exercise of activities of the State. This immunity ceases to apply to their private acts as soon as they leave office. However, they continue to enjoy immunity for the acts performed in their official capacity without time limit although we do believe that immunity is not impunity.

Regarding the topic, *i.e.* “Sea-Level Rise in Relation to International Law”, the topic is of considerable importance for Small Island States and others that could be adversely affected by sea-level rise. The principle of territorial integrity of States is of fundamental importance in international law. The nature and status of this principle as well as the practice of States and international organizations indicate that no derogation is permitted from this principle.

Finally, Madam President regarding the topic, “Non-legally binding international agreements”, there does seem to be certain questions surrounding the issue of non-legally binding international agreements, the first being the very title. In the practice of the Islamic Republic of Iran, “instruments” generally refer to both legally binding and non-legally binding written arrangements; since terminology is an important aspect of such instruments, words such as “agree”, “conclude”, “entry into force” or “shall” are normally avoided to denote the intent of the parties as to the non-legally binding character of the instrument.

On the final outcome of the work of the Commission, what has been presented us so far by the Special Rapporteur leads us to the conclusion that “Guidelines” are the most appropriate format. Madam, let me, once again, thank the AALCO Secretariat for its continued work on the topic of ILC and thank you for your excellent chairmanship. Thank you!

**President:** Thank you very much for your statement. Before I give the floor to the next speaker, I will read out the list that I have so far. Thailand followed by India, Viet Nam, China, Indonesia, Korea and the Non-Member State of the Russian Federation. So I think we are okay on time. I now give the floor to the distinguished delegate from the Kingdom of Thailand.

**The Delegate of the Kingdom of Thailand:** Madame President, Mr. Secretary-General, Excellencies, distinguished delegates. I wish to convey my heartfelt appreciation to the Secretariat for their comprehensive report on this agenda of item, as well as for their insightful



comments and observations for AALCO Member States. We also wish to congratulate all members of the International Law Commission as well as the UN Secretariat for a productive 75th Session, which resulted in tangible outcomes. We recognise that the Bureau of the 75th session comprises outstanding lawyers, three of whom are women and two from AALCO Member States. We acknowledge the presence of ILC Members here with us today.

Madam President, allow me to make two general points.

First, Thailand attaches great importance to both AALCO and the ILC, as well as the relationship between the two legal bodies. Since AALCO's inception in 1956, it routinely comments on issues under the ILC's consideration, providing valuable input from the Asian and African perspectives. This is clearly enshrined in AALCO's Statute. In this connection, Thailand regrets that the Commission this year was unable to hold its traditional exchange of views with AALCO, due to technical issues. Thailand hopes that such exchanges of views can be organised at future sessions, which will complement the contributions of Asian States to the work of the ILC.

Furthermore, another possible avenue to strengthen the relationship between the two bodies is for AALCO to hold an Annual Workshop in collaboration with the ILC on preparing responses to questions posed by the Commission to States. This way, AALCO can be the bridge between its Member States and the Commission to identify specific questions that States need to respond to. This will help increase channels for State engagement beyond the Sixth Committee.

Second, Thailand would like to congratulate two new members of the Commission, which were elected in this session, namely Her Excellency Ambassador Orosan, and His Excellency Ambassador Xinmin Ma, who had been elected to fill vacancies. With extensive qualifications in international law and diplomacy, they will bring valuable experiences and contributions to the work of the Commission.

While their qualifications are not in doubt in any way, it has come to our attention that the Commission itself has the authority to fill in the vacancy as stated in Article 11 of the Commission's Statute. This is conducted through a closed system of elections with no fixed timeline. Given that members are ordinarily elected by UN Member States through a long process of scrutiny and campaign, there seems to be a discrepancy between the procedures for regular elections and elections triggered by vacancies. Therefore, in the interest of transparency and inclusivity, the Thai delegation suggests that AALCO Member States discuss the issue of vacancy election reforms, and that the Commission discuss possible ways to establish clear rules on filling vacancies in the future.

Now, turning to substantive issues under the ILC's consideration, I wish to make four points.

First, Thailand follows the topics on the ILC's current and long-term programme of work with great interest. Thailand is pleased to see the topic of non-legally binding international agreements included in the current programme of work. This topic is highly relevant to States, which deal daily with non-legally binding agreements as a tool of international relations.

I wish to thank Professor Asada for sharing his insights and highlighting the importance of this topic, especially for Asian and African States.

Second, the topic of sea-level rise in relation to international law has a real and direct impact on States and individuals. Thailand suggests that the ILC Draft Articles on the Protection of Persons in the Event of Disasters may also apply to sea-level rise as a slow onset disaster. Thailand encourages AALCO Member States to engage in discussions on how the draft articles

and a future Convention that may be adopted based on them may best protect persons from sea-level rise.

Third, on the topic of prevention and repression of piracy and armed robbery at sea, Thailand studies with great interest the Special Rapporteur's second report, which provides extensive description on Asian and African regional approaches to combating piracy. We look forward to seeing the Commission map out the structure and content of this topic in sessions to come.

Lastly, we welcome the topics included in the Commission's long-term programme of work. Thailand thanks Professor Paparinskis for his well-researched proposal and his illustrative exposition on the topic. We believe that the topic of compensation for damage caused by internationally wrongful acts will be useful in clarifying the law on compensation, and completing the picture first painted by the ILC Draft Articles on Responsibility of States for Internationally Wrongful Acts. Furthermore, Thailand highlights the topic of Protection of Foreign Investment in International Law, which appears a ready and well-suited area for codification and progressive development given the proliferation of investment treaties and divergent interpretations of provisions therein by arbitral tribunals, as helpfully made clear by Ambassador Mangklatanakul in her presentation. Therefore, the Commission's work on this topic to build a more clear and coherent body of law will be of benefit to all nations, especially Asian and African nations that rely on stability and settled terms to conduct trade.

Madame President, Thailand urges AALCO Member States to continue its active engagement with the International Law Commission, to reinforce our collective voice and lead in advancing the codification and progressive development of international law. Thank you.

**President:** Thank you very much. I now give the floor to the distinguished delegate of India.

**The Delegate of the Republic of India:** Thank you Madam President. At the outset, our delegation would like to express our gratitude and appreciation to the comprehensive report prepared by the AALCO Secretariat on Matters related to the Work of the International Law Commission at its 75<sup>th</sup> session. We take note of the ILC Report A/79/10.

On the topic of 'Immunity of State Officials from foreign criminal jurisdiction' we appreciate the work of the Commission and taken note of the Special Rapporteur's report by examining the draft articles 1 to 6 as adopted on the first reading. We encourage the efforts of the Commission, which, while drafting and debating these draft articles, aimed at promoting trust, mutual understanding and cooperation based on good faith between the Forum State and the State of the official and offering safeguards against possible abuses and politicization in the exercise of criminal jurisdiction over an official of another State.

We acknowledge the need to guarantee respect for the principle of the sovereign equality of States, which is the foundation of immunity of State officials from foreign criminal jurisdiction – so much so the immunity belongs to the State and for the official acts performed/done in exercise of State authority. This topic holds great significance as it is directly related to the performance abroad of the officials of a State. The topic is complex and politically sensitive. Consideration of this topic requires a balanced approach taking into account the existing laws and practices on the related issues.

We would like to reaffirm our earlier views concerning the possible approach of the Commission towards finding a solution to reconcile the divergent views of its members and other stakeholders on draft Article 7 in its next reading on the topic.

Madam President, India attaches great importance to the topic of 'succession of States in respect of State responsibility'. Given the complex nature of the topic, it is important to have

clear and fair rules in place to govern the consequences of State succession, including in relation to State responsibility. We recognize that the substantive aspects identified by some of the members' during the deliberations seems to have not been addressed fully, including the questions of: whether it was responsibility or the rights and obligations that arose therefrom that would be transferred upon a succession of States; whether a parallel with cases of succession of State debts was appropriate, etc.

We take note of the members' views to prepare a summary report with an aim to conclude the work of the Commission on this topic and also taken note of the recommendations of the Commission's Working Group for the next session.

Madam President, turning to the topic on 'Sea-Level Rise in relation to International law', we would like to note that as a country having one of the long coastal lines, India is aware of the impact of sea-level rise, and the immense challenge of understanding complex legal and technical issues associated, in particular, law of the sea and international law, in general.

India has taken note of the additional paper to the second issues paper, as prepared by the co-chairs, which was deliberated by the Study Group in the last session. In this regard, we appreciate the in-depth analysis of the topic and the views expressed by members of the Study Group as well as the Member States sharing their practices, in particular on the statehood and the protection of persons affected by sea level rise.

On the issue of statehood, we are of the view that greater caution needs to be exercised in considering the presumption of continuing statehood in favour of the States directly affected by sea-level rise, in particular from the perspective of criteria stipulated in the Montevideo Convention, 1933. Further discussions are required on the implications of sea-level rise to questions of statehood in international law.

Concerning the issue of protection of persons from sea-level rise, the cooperation between States would be of vital significance in handling the case of cross-border movement of people affected by sea-level rise.

Madam President, as to the topic "Prevention and Repression of Piracy and Armed Robbery at Sea" we appreciate the efforts put in by the Special Rapporteur towards proposing Draft Articles 4 to 7 dealing with general obligations; obligation of prevention; criminalization and establishment of national jurisdiction .

It is well known that piracy is no longer confined within the bounds of high sea. Pirates are moving from the high seas to the coasts and are operating even in the internal waters and in the territorial seas of coastal States. The international community, therefore, needs to ensure greater coordination of anti-piracy operations and capacity building between States. We believe that future work of the Commission on this topic will be fruitful in addressing these challenges.

We are of the view that issue concerning piracy at sea should be addressed primarily within the framework of the United Nations Convention on the Law of the Sea (UNCLOS). As regards the issue of armed robbery at sea, we are of the opinion that the same should be addressed while taking into account existing applicable international law, regional approaches, State practice, and legislative and judicial practice under national legal systems.

Madam President, on the topic of "Settlement of disputes to which international Organizations are parties", we appreciate the efforts of the Special Rapporteur - Mr. August Reinisch in compiling his second report on the topic and the proposed 4 draft Guidelines concerning the scope of the draft guidelines and presenting the empirical finding on the mode of dispute settlement.

We note that owing to the diversity of international organizations and their diverse legal relationships with other entities through constituent instruments and headquarters agreements, as well as other treaty or contractual arrangements, it would not be appropriate to aim at any form of uniform treaty language. Instead, the route taken to elaborate it as set of guidelines would be apt or with Conclusions, and the Commission may consider making careful recommendations for the settlement of disputes taking into overall nature of international organizations, in general.

Madam President, on the topic, Subsidiary means for the determination of rules of International Law”, we would like to express our appreciation for the efforts of the Special Rapporteur, Mr. Charles Chernor Jalloh, for his second report on the topic proposing 3 draft conclusions and for making suggestions for the future programme of work on the topic. The function of subsidiary means is to assist in the determination of rules of international law. In this context, it must be explored whether the subsidiary means are limited only to judicial decisions and teachings of the most highly qualified publicists of the various nations or whether they also encompass additional subsidiary means, taking into account the practices of States and international courts and tribunals.

On the topic, “Non-legally binding international agreements” we welcome the Special Rapporteur’s first report and its focus on discussing general issues with a view to provide legal clarification on legally binding agreements without taking a position on State’s use of such instruments. We have taken note of Commission’s discussion regarding the criteria for distinguishing treaties from non-legally binding agreements, their potential legal effects, and elements of national practices that should be examined and looking forward to discussions on this topic. Thank you Madam President.

**President:** Thank you very much. I now give the floor to the distinguished delegate from the Socialist Republic of Viet Nam. You have the floor.

**The Delegate of the Socialist Republic of Viet Nam:** Madam President, distinguished delegates, first and foremost, our delegation wishes to express its sincere gratitude and appreciation for the comprehensive report prepared by the AALCO Secretariat concerning the select items on the agenda of the International Law Commission (ILC) during its seventy-fifth Session. Regarding the topic on “Sea-Level Rise in Relation to International Law,” we welcome the Additional paper to the Second issues paper on the topic prepared by Ms. Galvão Teles and Mr. Ruda Santolaria - Co-Chairs of the Study Group during the 75th Session of the ILC. As a country specially affected by sea-level rise, Viet Nam places a paramount attention on the legal examination of the sea-level rise phenomenon and its far-reaching consequences for the development of states and the overall stability and security of international relations. Viet Nam reaffirms the fundamental principles of international law, particularly regarding sovereignty, sovereign rights, and territorial integrity. As sea levels rise, these principles must remain central to any discussions or legal developments on the issue. We also acknowledge the responsibility of states to safeguard human rights for populations affected by sea-level rise. However, in the absence of specific international legal instruments governing this matter, the application of existing human rights provisions must be approached with care, ensuring compliance with each state’s international commitments. Furthermore, we would like to underscore the principle of common but differentiated responsibilities, emphasizing the necessity of fostering international cooperation. We advocate for the creation of both international and regional cooperative mechanisms to ensure the protection of those impacted by sea-level rise. We urge the Study Group to concentrate its efforts on the legal and technical dimensions of the issue, refraining from proposing policy or administrative solutions, which fall outside its purview.

Madam President, turning to the topic of “Prevention and repression of piracy and armed robbery at sea,” we would like to express our appreciation for the Second report of the Special Rapporteur, Mr. Yacouba Cissé, which reflects the research and academic views on the definitions of “piracy” and “armed robbery at sea” by individual experts and scholars, as well as the bilateral and multilateral or multinational practice of states in combating piracy and armed robbery at sea. We highly appreciate the continued inclusion of this topic on the Commission’s agenda, as it establishes a foundation for codifying regulations aimed at preventing and suppressing piracy on the high seas and in areas beyond national jurisdiction. Viet Nam strongly supports the promotion of international cooperation in the prevention of piracy on the high seas and in maritime areas beyond national jurisdiction. It is essential that all regulations and measures aimed at preventing piracy are aligned with the United Nations Convention on the Law of the Sea (UNCLOS), often referred to as the “constitution of the ocean,” which provides a comprehensive and robust legal framework governing all maritime activities. Furthermore, Viet Nam advocates for continued research to codify regulations on combating armed robbery at sea. Such efforts must ensure strict adherence to the fundamental principles of international law, particularly the United Nations Charter and UNCLOS. In this process, it is critical to uphold respect for the sovereignty, territorial integrity, sovereign rights, and jurisdiction of coastal states.

Madam President, regarding the topic of “Immunity of State Officials from Foreign Criminal Jurisdiction,” we commend the first report of the Special Rapporteur, Mr. Claudio Grossman, and his dedicated efforts in advancing this important topic. Viet Nam underscores the paramount importance of addressing the issue of immunity of state officials from foreign criminal jurisdiction. We commend the Commission’s efforts in tackling this complex subject, as it plays a crucial role in fostering amicable relations among states, stabilizing international relations, and promoting the peaceful settlement of international disputes. It is essential that the Draft articles reflect the collective views of the international community, taking into account diverse legal and cultural perspectives. In this regard, Viet Nam emphasizes the importance of maintaining a careful balance between the principle of sovereign equality of states and the need to strengthen accountability for the most serious crimes under international law. I thank you for your kind attention, Madam President.

**President:** Thank you very much for your statement. The next speaker is the People’s Republic of China so I invite the distinguished delegate of China to make their statement.

**The Delegate of the People’s Republic of China:** Thank you Madam Chair.

Madam President,

The Chinese delegation would like to express its sincere gratitude to the distinguished members of the International Law Commission (ILC) for their introductions of the current topics under discussion, which are informative and thought provoking. ILC is playing an essential role in the codification of international law and has significant influence in shaping the direction of the development of international rule making. Currently, 14 of the ILC members are from AALCO Member States, which reflects the increasing influence of Asian and African countries.

The Chinese candidate, Mr. Ma Xinmin, Director-General of the Department of Treaty and Law of the Ministry of Foreign Affairs was recently elected as a member of the ILC in a by-election. Mr. Ma is committed to providing contributions to the work of the ILC and to the legal affairs of the United Nations. China would like to thank the members of the Commission from the Asian and African States for their invaluable support during the by-election.

Now, I would like to take this opportunity to share China's views on the work of the ILC

#### Working methods of the ILC

In performing its functions, the ILC should be guided by the following principles:

##### Ensuring diverseness

The outcome of ILC's work should reflect a wide range of State practices and *opinio juris*, and the diversity of civilizations as well as legal systems. In particular, the ILC should pay more attention to judicial practices and academic results in multiple languages originating from Asia, Africa and other regions, instead of limiting itself to the West or English materials.

##### Problem orientation in topic setting

The ILC should focus on issues in the diplomatic practice of various countries, issues of common interests and concerns of the international community involved in global threats and challenges, and issues that are unclear despite the rules of existing international law.

##### Consensus based decision-making

The ILC should continue its tradition of making decision through consensus, seeking common ground while reserving differences.

##### Immunity of State officials from foreign criminal jurisdiction

The immunity of State officials from foreign criminal jurisdiction is an important issue for the dignity and safety of State leaders and for the stability of international relations. The draft articles adopted by the ILC on first reading provoked great controversy within the Commission as well as in the Sixth Committee of the UNGA. The nature of this topic is politically sensitive nature of the topic; the ILC should consider all the divergent views and refrain from taking any decision before reaching consensus.

China believes that officials enjoying immunity *ratione personae* should not be limited to the so-called "troika" (Heads of State, Heads of Government and Ministers for Foreign Affairs). With the development of diplomatic practices, other high-ranking officials of States are increasingly involved in international exchanges, and they often exercise functions on behalf of the State. Therefore, the scope of immunity *ratione personae* should not be limited only to the "troika", taking into account the above-mentioned situation.

Furthermore, there is no consensus and consistent practices among States on exceptions to immunity *ratione materiae* enjoyed by State officials neither on the scope of such exceptions. In order to avoid politically motivated derogations from the immunity of State officials and to prevent the use of judicial means to interfere in the internal affairs of other States and infringe upon their sovereignty, the issue of exceptions to immunity *ratione materiae* should be dealt with the utmost caution and based on consensus, otherwise it might open the door to political abuse.

##### Non-legally binding international agreements

This topic is of great theoretical and practical significance in the backdrop of the decline of States' willingness to contract binding treaties. "Non-legally binding" does not mean that the agreements are ineffective. Documents such as joint declarations and joint *communiqués* between heads of State or Government are often more important and effective than some treaties. China would like to emphasis the following points.

First, State practices in this regard should be limited to that of States and intergovernmental organizations and broadly accepted.

Secondly, the key issue of this topic is the differences between treaties and non-legally binding international agreements. To determine whether a certain document constitutes a treaty, the priority is to look at the intention of the contracting parties, and whether the parties intend to create rights and obligations that are legally binding. In principle, a document that contains no specific rights and obligations does not constitute a treaty. Other indications include subject and legal basis. The subject of a treaty can only be a State, or an intergovernmental international organization and the treaty should be concluded based on international law. Non-legally binding agreements reached between States are political agreements or commitments that may constitute soft law, which also has a certain normative value and effectiveness.

Thirdly, the outcome of the topic should be a guideline or conclusions, but not draft articles.

For the other topics, including settlement of disputes to which international organizations are parties, subsidiary means for determination of rules of international law, prevention and repression of piracy and armed robbery at sea, succession of State responsibility, Sea-level rise in relation to international law, for the sake of time, we will not go into details and our views will be submitted in written to the Secretariat.

Settlement of disputes to which international organizations are parties

China supports the study of this topic and would like to share our views as follows:

First, on the scope of disputes. The scope of the disputes should not cover “non-international” disputes of a private law nature. If such disputes are included, the direction of the study of the topic will be drawn too far into the area of human rights protection, thus deviating from the original purpose of the project, which was to focus on international dispute settlement to which international organizations are parties.

Secondly, on the methods of dispute settlement. In the part of the draft entitled “Accessibility of means of dispute settlement”, special emphasis is made on arbitration and judicial settlement. In practice, negotiation and consultation, as means of dispute settlement are used more frequently. China has reservations as to whether it is necessary to suggest that international organizations should choose more specific modes of dispute settlement.

Subsidiary Means for Determination of Rules of International Law

The commencement of the study of this topic will enable the ILC to cover all forms of sources of international law as provided for in Article 38 of the Statute of the ICJ. The ILC is expected to conduct the study of the topic in a rigorous and cautious manner, based on Article 38 of the Statute and extensive State practice, in order to ensure the scientific and rational nature of its conclusions.

On the nature of subsidiary means. China agrees that subsidiary means are not sources of international law *per se*. Judging from the language of Article 38, paragraph 1, of Statute of ICJ and its drafting history, subsidiary means, unlike treaties, customary law and general principles of law, are regarded only as tools and instruments for determining or ascertaining the existence of a source of law or its content.

Regarding the decisions of courts and tribunals, China agrees that the so-called doctrine of *stare decisis* does not exist in international law. In view of the shortcomings in the consistency and stability of decisions made by international judicial bodies, China believes that, when referring to or citing decisions of international courts or tribunals, we should exercise the

utmost caution and scrutinize the specific facts and legal standards of the cases in question and avoid citing cases that are highly controversial or do not appropriately reflect existing international law.

#### Preventing and combating piracy and armed robbery at sea

China is of the view that the relevant work should be conducive to stepping up the fight against piracy, maintaining the safety of sea lanes, upholding the United Nations Convention on the Law of the Sea regime, while balancing the exercise of universal jurisdiction of all States, the sovereignty, sovereign rights and jurisdiction of coastal States and the exclusive jurisdiction of flag States.

Regarding preventing and combating piracy and armed robbery at sea, China believes that it is the most feasible option for coastal States to take effective legislative, administrative, judicial or other measures and to be responsible for the relevant prosecutions and trials. In combating piracy in the exclusive economic zone of a coastal State, States should strengthen cooperation with the coastal State without jeopardizing the sovereign rights and jurisdiction of the coastal State in the exclusive economic zone.

#### Sea-level rise in relation to international law

Sea-level rise is a common challenge facing the international community, and its impact on international law involves the interpretation, application and development of existing international law, which has far-reaching implications. Regarding this topic, China would like to share its views as follows:

First, in terms of working methods, the Study Group should maintain due prudence. Sea-level rise has a bearing on the maritime rights of States and the global maritime order, and is a very important and complex issue, not simply a question of the law of the sea. The expected outcome of the topic is a research report, considering that current State practice in dealing with sea-level rise is far from universal and uniform. The Study Group should reasonably incorporate and reflect in a balanced manner the concerns of the States concerned in order to ensure the credibility and representativeness of the study.

Second, the study should strictly stick to its mandate. It should focus on the possible legal implications of sea-level rise and should not change the existing legal regime by expanding the interpretation and modification of the law. In accordance with its mandate, the ILC should not propose amendments to existing international law, such as the United Nations Convention on the Law of the Sea. For example, on issues related to marine features, sea-level rise may affect the legal status of marine features, but it does not affect the criteria for the identification of islands, rocky reefs and low-tide elevations, the latter of which are clearly outside the mandate of the Study Group.

Thirdly, sea-level rise may have an impact on the baselines of the territorial sea. At present, there are different views on whether to adopt fixed or variable baselines. Sea-level rise was not considered during the negotiation of the Convention. The Convention is not the whole of the law of the sea. Therefore, whether fixed baselines can be adopted in the context of sea-level rise should be based not only on the Convention but also on other rules of customary international law. Considering the actual threat posed by sea-level rise to the survival of Small Island States, maintaining a relatively stable baseline system is in the overall interest of the international community.

#### Succession of States in respect of State responsibility



China is of the view that it is quite challenging to continue the study of this topic because of the scarcity of State practice, the particular political and geographical context of each State and the difficulty of examining the *opinio juris* of States. Some States, including China, had expressed concern in that regard during the consideration of the ILC's report in the Sixth Committee of the GA. China will continue to closely follow the work on this topic.

**President:** Thank you very much for your statement. Now I invite the distinguished delegate from Indonesia to deliver their statement.

**The Delegate of the Republic of Indonesia:** Thank you Madam President. Indonesia commends the continuous works of the International Law Commission (ILC) particularly in several topics of interest of Indonesia. At this very opportunity, we would like to deliver comments particularly on the topics of Sea-Level Rise (SLR).

Indonesia, as the largest archipelagic State in the world with over 17,000 islands, is affected by the phenomenon of SLR. Recognizing the impacts of SLR, Indonesia strongly believes in the importance of discussing this issue within ILC.

In 2017, Indonesia with several states successfully advocated for the inclusion of the SLR topic on the ILC's agenda, demonstrating our commitment to addressing this critical challenge.

We understand that the impacts of SLR pose significant risks, including the potential loss of sovereignty and sovereign rights.

Indonesia closely follows the discussions on SLR within the ILC and emphasizes the need for careful consideration of the legal implications of SLR, particularly concerning boundaries and delimitation. It is imperative that the ILC ensures that any outcomes from these discussions:

1. Do not undermine the legal regime established under the United Nations Convention on the Law of the Sea;
2. Respect the legal certainty, security, and predictability;
3. Uphold the stability of existing maritime boundary agreements, regardless of sea-level rise

Furthermore, Indonesia stresses the importance of maintaining the charts and lists of archipelagic baselines that have been submitted to the Secretary-General of the United Nations as part of these discussions.

Indonesia remains committed to constructive engagement on this very issue and looks forward to working with other Member States. With that, I thank you Madam President.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate from the Republic of Korea.

**The Delegate of the Republic of Korea:** Thank you, Madam President, for giving me the floor. My delegation would like to extend our appreciation to the AALCO Secretariat for preparing the report on the ILC as well as the ILC Members for their excellent presentation.

We would like to comment on the topic of “Subsidiary Means for the Determination of Rules of International Law,” with particular reference to the recent judgment of the International Court of Justice (ICJ) on the delimitation of the continental shelf beyond 200 nautical miles. Judicial decisions play a crucial role, potentially as a subsidiary means for the determination of rules of international law. In this regard, the Republic of Korea reaffirms its respect for the decisions of international courts and tribunals, which are essential for upholding the rule of law in international relations. However, we must also recognize that international law does not

know the rule of *stare decisis*. As such, decisions of the ICJ are only binding between the parties involved and are confined to the specific case in question. At times, different courts and tribunals have made divergent conclusions on essentially identical legal questions. Dissenting or separate opinions have, in certain instances, gained greater acceptance over time, proving to be more persuasive than the majority opinion. This underscores the importance of carefully assessing each judicial decision to determine its significance as evidence of general rules of international law. This equally applies to the recent ICJ judgment concerning the delimitation of the continental shelf beyond 200 nautical miles.

It is worth noting that one of the judges, a former President of the Court, referred to this decision as “disquieting” in his dissenting opinion. In this context, we wish to reaffirm the position of the Republic of Korea on the issue of the continental shelf beyond 200 nautical miles, as expressed in our statement at the Sixty-First Annual Session of AALCO in 2023. The Republic of Korea’s stance remains aligned with its rights and obligations under the United Nations Convention on the Law of the Sea (UNCLOS). States have the right to assert the outer limits of their extended continental shelf, even within 200 nautical miles of another State’s baselines. We do not consider the proposition that States may not assert such claims within 200 nautical miles to have attained the status of a general rule of international law. Should such a rule ever emerge, it would be inapplicable to the Republic of Korea, as we have always opposed it. Thank you, Madam President.

**President:** Thank you very much for your statement. We have now exhausted the list of statements requested by Member States so I would now like to give the floor to non-Member States. The Russian Federation is registered on my list so I would now like to invite the distinguished delegate from the Russian Federation to make a statement. You have the floor.

**The Delegate of the Russian Federation:** Thank you Madam President, let me share some views of the Russian Federation concerning the current work of the ILC. First of all, I would like to give some comments of a general nature.

We pay much attention to the fruitful cooperation with our colleagues from Africa and Asia on the topics on the ILC agenda. We hope that together we will be able to change this tendency and make provision of article 38.1.d of the ICJ Statute applicable in practice: teachings of the most highly qualified publicists of the various nations should be considered.

Another issue of primary concern for us is the speed at which the Commission is dealing with the topics. We are noticing that there is an ongoing attempt to artificially accelerate the work of the ILC. Of course, we are not against the fast and efficient work, but for us the primary goal is to get qualitative “products” of this body tasked with codification and progressive development of international law, the speed of its work being an issue of a secondary character. The Commission is currently dealing with a number of very important topics, such as Subsidiary means for the determination of rules of international law or Immunities of state officials from foreign criminal jurisdiction, the latter topic having serious implications for the States. These topics cannot be considered in a rush.

History of work of the ILC shows that some of its significant products were a result of profound deliberations, which took quite a lot of time (for instance, work on topic of treaties took 17 years. Now I would like to share with you some comments concerning the topics that are currently on the agenda of the ILC.

With regards to the topic “Succession of States in respect of State responsibility” we took due note of the Commission’s decision to establish a Working Group at the 76<sup>th</sup> session (2025) for the purpose of drafting a report that would bring the work of the Commission on the topic to

an end. We are of the opinion that this was the right decision, as practice of states in this area is extremely poor and inconsistent. We also fully support the appointment of Mr. Bimal N. Patel as the Chair of the said Working Group.

As for the topic “Subsidiary means for the determination of rules of international law”, apart from what I have already said before, I would like to express support for the outcome of the Commission’s discussions at this year’s session. We applaud the Commission for clearly stating, “subsidiary means are not a source of international law”. Indeed, States can become bound by an international legal obligation only through their own consent. Judicial decisions and teachings cannot themselves give rise to new rules of international law, but may only assist in identifying their existence and content. For the same reasons, we also support the consensus seen in the Commission on the idea that there is no system of legally binding judicial precedent in international law.

As for the topic “Immunity of State officials from foreign criminal jurisdiction” we should note that it is quite sensitive for the States and has an intrinsic risk of being politicized and should be dealt with extreme caution. It especially concerns draft article 7 that is going to be considered next year when Mr. Grossman is expected to prepare his second report. We realize that there are divergent views on the content of this draft article, but we strongly believe that it does not reflect customary rules of international law, nor does it constitute progressive development of international law in a desirable direction and it is a matter of particular regret that the Commission adopted draft article 7 by vote.

We hope that our partners from Africa and Asia would support the deletion of exceptions from immunity and this draft article completely and mention this in their statements in the Sixth Committee this year. This is especially important, as it is the Western states that primarily tend to apply such “exceptions to immunities of state officials”, and the Asian and African countries that suffer the most from it. Among the recent examples is a new decision by a French court to disregard the immunity of the President of Syria. We are convinced that such decisions do not constitute a “trend” in international law, but rather violate international law and must be treated as such.

We continue to closely follow the developments of the Study Group on the topic “Sea-level rise in relation to international law” and we are looking forward to studying the joint final report on the topic to be prepared in 2025, comprising the work on this topic undertaken so far in the Commission. We are aware of the fact that this topic is especially important to some of the states that are affected by this natural phenomenon the most, including from the region of AALCO Member States.

We took note with some caution the inclusion of topics “Due diligence in international law” and “Compensation for damage caused by internationally wrongful acts” in the long-term programme of work of the Commission. Although, we hope that the current programme of work of the Commission, especially in light of the liquidity crisis, will not compel ILC Members to rush and produce raw “products”.

We remain concerned with the deadlock within the General Assembly regarding products of the ILC. While some matters, such as “Crimes against humanity”, are artificially sped up, others remain without action for years. Draft articles on the responsibility of international organizations are particularly striking examples. This topic undoubtedly deserves being regulated by international conventions that might become another cornerstone of international law compared to the Vienna Conventions on the Law of Treaties and on Diplomatic Relations. We call for result-oriented discussions in the Sixth Committee in this regard.

Thank you for your attention Madam President.

**President:** Thank you very much for your statement. So now, I have exhausted the list of speakers that had registered their intent to make statements. Are there any other pressing issues that delegates would like to raise on this particular agenda item? If there is none, I guess we have concluded proceedings of our second day successfully. I thank all seven members of the International Law Commission especially the four that are there with us in person. I think we have greatly benefited from your frank and honest overview of the work that you do and we highly appreciate the efforts that you put in to creating international law that is very inclusive and very perceptive to the needs of States. We encourage you for the work ahead and there is a lot to do. A big round of applause for our ILC members.

So tomorrow, there is a very interesting agenda. Something about the future. The legal issues in outer space, which will begin with our fourth general meeting tomorrow, Wednesday 11 September. We start promptly at 9 AM. So again, I request all delegations to assemble here in this hall so that we can start the day promptly on time. Before we leave, I would like to make a few announcements. Firstly, the Drafting Committee was scheduled to meet at 5 PM but since we are doing very well on time, I propose that the Drafting Committee meet right after. If anybody needs refreshments or toilet break, they may do so. The head of the Drafting Committee can meet us in about 5 minutes in the room behind us so I encourage and invite all delegates to participate in the Drafting Committee this evening. The second announcement is that the People's Republic of China has kindly offered to organize a reception for all AALCO delegates this evening, which will begin at 7:30 PM onwards at the great hall located at this hotel. So all delegations are invited. With that, I thank you all for the wonderful day and have a very good evening.

**The meeting was thereafter adjourned.**

**X. VERBATIM RECORD OF THE FOURTH  
GENERAL MEETING OF THE AALCO MEMBER  
STATES**



**X. VERBATIM RECORD OF THE FOURTH GENERAL MEETING OF THE AALCO MEMBER STATES HELD ON WEDNESDAY, 11 SEPTEMBER 2024, AT 09:00 AM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: LEGAL ISSUES IN OUTER SPACE**

**President:** So a very good morning to all delegates. I hope you had a good rest and ready for the deliberations of the day. So I would like to call the meeting to order. We start today's proceedings with the fourth general meeting. So now the next substantive topic on the agenda is the topic of "Legal Issues in Outer Space." Once again, I appreciate keeping the statements to around five to seven minutes. But since we have not too long of a list today, so if you need to complete your statement, please do so. The list of speakers today, I will read that out. The United Republic of Tanzania, Islamic Republic of Iran, Thailand, Malaysia, India, Kenya, People's Republic of China, Uganda, Japan, and Türkiye. So before we begin with the remarks from delegates, I'd like to invite the AALCO Secretariat to make their introductory remarks. You have the floor.

**Mr. Yong Zhu, Deputy Secretary-General of AALCO:** Thank you, Madam President, Excellencies, distinguished delegates, ladies and gentlemen. It is my privilege to introduce the topic of "Legal Issues in Outer Space". This topic, proposed by the Republic of India during our Sixty-First Annual Session in Bali, Indonesia, in October 2023, reflects the growing significance and urgency of addressing the complex legal challenges that have arisen due to the rapid advancement and proliferation of space activities by various States and non-state actors.

The existing legal framework, while providing a foundation for the peaceful exploration and use of outer space, has been challenged by the unprecedented growth and diversification of space activities in recent years. The increasing participation of private actors, the development of new technologies, and the potential for space militarization have exposed gaps and ambiguities in the current legal regime. These developments highlight the urgent need for States to engage in collaborative dialogue to create progressive governance frameworks for outer space, ensuring adherence to the principles of peace and inclusivity.

As a forum for legal consultation and cooperation among Asian and African States, AALCO is well-positioned to contribute to this dialogue and promote the development of a comprehensive and adaptive legal framework for outer space activities. By incorporating this topic into its agenda, our Organization has recognised the critical importance of addressing these challenges and the need for a concerted effort by the international community to ensure that the exploration and use of outer space continue to benefit all of humanity while upholding the fundamental principles enshrined in the 1967 Outer Space Treaty and other relevant international instruments.

Based on the statements made by Member States during the Sixty-First Annual Session and significant recent developments, the Secretariat has suggested the following issues for focused deliberation at this Annual Session:

1. Peaceful uses and exploration of outer space

2. Space resource utilization
3. Capacity-building in space law

As the topic “Legal Issues in Outer Space” was recently introduced to AALCO’s work programme, the Secretariat’s brief on this topic provided a comprehensive overview of the foundational knowledge and current developments on these three legal issues in outer space. We look forward to engaging in productive discussions and working together to address the legal challenges and opportunities presented by the ever-evolving landscape of outer space activities. I thank you.

**President:** Thank you very much, the Secretariat, for that introduction. Now, I’d like to invite the distinguished delegate of the United Republic of Tanzania to deliver their statement. You have the floor.

**The Delegate of the United Republic of Tanzania:** Madam President, first and foremost, allow me to once again congratulate you with your entire team for such a smooth running of the meeting. It is through your coordinated efforts that we are able to have this platform to share various issues of our common interests. Madam President, there is no doubt that the issue of outer space has increasingly become a matter of serious global concern common to the international community.

Since the issue of outer space touches both the safety and security aspects of the States, the global concern signifies that the same cannot be underrated. As such, we applaud the choice of this crucial topic by AALCO in this meeting as it reflects the contemporary global challenges and needs. Given the critical nature of the matter, we, the members of AALCO need to treat this matter as such in playing a crucial role for the development of international law and specifically international space law.

As you may recall, the Outer Space Treaty came into force on the 10<sup>th</sup> of October, 1967, during the time of the Cold War and when actors in space were solely States. The situation has changed. Now, there are more than State Parties which are involved now in space activities. And this is the time that we reiterate the position that the space should be used for peaceful purposes and it should remain a common heritage of mankind.

Madam President, notably that the United Republic of Tanzania has not signed the treaty yet, but the Government led by Her Excellency President Samia Sulu Hassan has initiated internal process that will lead to the United Republic of Tanzania signing the treaty. That will make Tanzania an active part of and participate not only in signing on but also subscribing to the principles enshrined in the treaty and other treaties on outer space, but also in calling for enhancement of programmes of capacity building in space law in Asia and Africa.

It is critical that we develop a new generation of professionals, scholars, and experts in space law through courses offered by our universities and we request the assistance of AALCO and other Member States in achieving that objective. Madam President, Tanzania, at the appropriate time, will request the assistance of AALCO in developing our national space law and policy, but also other partner States, Member States of AALCO and the United Nations Office for Outer Space Affairs, UNOOSA. The United Republic of Tanzania reaffirms her unwavering commitment to the full and effective implementation of the Outer Space Treaty despite the challenges which are a result of the new developments, which remains a fundamental instrument in safeguarding the outer space as a common heritage of mankind to be used in the



best interest of all the humanity and not just a nation or a group of nations. And as such, the United Republic of Tanzania will continue to collaborate with the international community and especially AALCO in a dialogue aimed towards that common goal of ensuring that the space remains a common heritage of mankind and is used solely for peaceful purposes. I thank you for your kind attention.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of the Islamic Republic of Iran to take the floor.

**The Delegate of the Islamic Republic of Iran:** Thank you so much, Madam President. First and foremost, let me congratulate you on the assumption of your presidency at this important AALCO meeting. At the outset, allow me, Madam President, to thank the Secretariat for the enlightening report containing the document AALCO/62/BANGKOK/2024/SD/S20, which provides a clear picture of the background of the topic as well as the most important headlines for deliberations.

Madam President, global security, economic development, and prosperity of States is ever increasingly dependent on the use of outer space. For Iran, as a developing country with space potential, a free, peaceful, safe, and accessible outer space for all is of vital importance, and it is necessary that it should remain as such. The Islamic Republic of Iran reaffirms its unwavering commitment to the principles outlined in the United Nations Charter and the international legal framework governing the activities of States in the exploration and use of outer space.

Our position on outer space has been consistent and clear. We believe that outer space is the common heritage of mankind and must be used, explored, and utilised for exclusively peaceful purposes and for the benefit of all countries, irrespective of their degree of economic or scientific development and without discrimination of any kind. In this regard, all States with major space capabilities have a special responsibility to contribute positively and actively to the objective of the exclusively peaceful use of outer space and the prevention of an armed race in outer space.

Iran strongly supports the facilitation and encouragement of international cooperation in the realisation of the legitimate right of all States to have equal access to outer space without any discrimination on the basis of equality and in accordance with international law. All efforts should be made with a view to using outer space solely for the purposes of the well-being and prosperity of all nations around the world.

Madam President, the international community still faces security challenges and threats emanating from the ever-increasing weaponization and militarisation of outer space. Some countries have adopted controversial space policies, and a certain country has announced space as the new war-fighting domain and conducted activities which have given gravity to those threats in infringement of the existing international law. Securing and sustaining freedom in space for all States should be the goal of space security. Seeking space hegemony and superiority is a misapprehended, self-defeating route and an illusion which contributes to the weaponization of outer space and sets the ground for armed conflicts in this domain. The outer space should be a domain for peace and cooperation and not a domain for confrontation and conflict.

Madam President, in recent years a certain state as the first country to test anti-satellite weapons and create more space debris than any other countries has expanded its plan and measures to achieve military and strategic superiority to gain control of space. Through the integration of commercial military space systems, security legal challenges are expanding. As a result, hostile actions against other countries are growing. As an example, I should refer to the illegal operation of the broadband satellite internet service known as Starlink within the territory of the Islamic Republic of Iran by a mega constellation operator known as SpaceX with U.S. support. Starlink receivers have begun to be smuggled into Iran in hopes of providing a backup internet.

In accordance with Article VI of the 1967 Outer Space Treaty, “States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the Moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty”.

Madam President, to sort out such problems, AALCO can effectively play its pivotal role in the field of outer space through conducting research and proposing guidelines for regulating the activities of States and make States prepared to shoulder more responsibility especially from a legal perspective to preserve outer space for peaceful uses exploration and exploitation.

Madam President, last but not least, regarding the current high discussion of potential legal models for activities and in the exploration and exploitation and utilisation of space resources in COPUOS, the Islamic Republic of Iran emphasised that exploration and exploitation and utilisation of space resources must be conducted solely for peaceful purposes serving collective benefits of all nations regardless of their economic or scientific progress in accordance with the relevant international law.

Bearing in mind the concept of the common heritage of mankind and the impact of exploiting space resources, including lunar mineral resources, on the environment of outer space and human life, it is necessary to establish a new legal framework that guarantees the sustainability of space activities with regard to circumstances that conditions the needs of all States. Therefore, we believe that in this regard, an inclusive approach and international arrangement to ensure fair distribution and utilisation of space resources is necessary. We believe AALCO can play an effective role in the legal elaboration of the legal ambiguities associated with the allocation of benefits of space resources. We continue to support a collaborative and transparent approach to ensure equitable utilisation of space resources for the benefit of all mankind. I thank you, Madam President.

**President:** Thank you very much for your statement. Now would like to invite the distinguished delegate of Thailand to deliver their statement.

**The Delegate of the Kingdom of Thailand:** Madam President, distinguished delegates, thank you for granting the Thai delegation the opportunity to share our perspectives with you on the development and implementation of space law. As space activity rapidly expands, so too must the legal frameworks that govern them. Thailand recognises the importance of establishing a robust and comprehensive space law that not only aligns with international law but also addresses the unique challenges and opportunities of our emerging space sector.

Thailand is committed to the principle that space should be used for peaceful purposes and the shared benefit of all humankind as well as be free for exploration and access. Our efforts to develop the draft bill on space activity are grounded in these principles, ensuring that our law supports sustainable space activity by contributing to global stability. Madam President, our approach to space law focuses on three key areas.

First, alignment with international frameworks. Thailand reaffirms its commitment to the Outer Space Treaty and other relevant international instruments. Our Draft Bill on space activity will ensure that our space activities are conducted in accordance with these instruments, reinforcing the principle of non-appropriation and peaceful use of outer space. In this context, Thailand emphasises that the interpretation and application of both existing and future instruments, as well as any emerging norms, be aligned with international law, including the UN Charter.

Second, promoting responsible and sustainable use. As a nation with growing capabilities in space technologies, we emphasise the importance of utilising space technology to drive economic and social development. Our legal framework will ensure that space activity contributes to national growth while considering the potential impacts of space utilisation beyond Earth. Additionally, we underscore the need for responsible stewardship of outer space. Our legal framework will address the long-term sustainability of space activities, aiming to prevent harmful contamination and ensure the preservation of the space environment for future generations.

Finally, fostering international cooperation. Thailand believes that collaboration is essential for the advancement of space exploration and utilisation. Our space law will facilitate partnership with other States and International Organisations, promoting the sharing knowledge, technology, and benefits derived from space activities.

Madam President, in conclusion, Thailand is committed to the international community in developing space law. In order to create a peaceful, sustainable, and just future in space, we are prepared to participate internationally in space law and work together. Thank you.

**President:** Thank you very much for your statement. Now, I would like to give the floor to the Distinguished Delegate of Malaysia.

**The Delegate of Malaysia:** Madam President, Mr. Vice-President, distinguished delegates, ladies and gentlemen. In respect of the issues proposed by the AALCO Secretariat to be considered by the AALCO Member States under this agenda item, Malaysia observes that those issues are the same as the issues that have been discussed at the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space (“LSC COPUOS”). Malaysia is of the view that although AALCO may be used as a platform to deliberate on issues pertaining to international law, including international space law, it is essential for the AALCO Secretariat to ensure that this additional agenda item will not be a duplication of an existing agenda item that is being deliberated at the LSC COPUOS which may result in a waste of resources.

Apart from the general comments on the inclusion of this additional agenda item to be discussed at this Annual Session, Malaysia would like to share our views on matters concerning the peaceful uses and exploration of outer space. In recent years, access to and operations in outer space is fundamentally and rapidly changing, which in turn leads to new risks and challenges. For instance, with the increasing number of objects launched into space, as well as

the increasing numbers of new Government and private actors in space activities, there is a greater need for governance to ensure the safety, security and sustainability of outer space.

In line with the United Nations General Assembly resolution 77/121, Malaysia strongly supports any effort or initiative encouraged by COPUOS to maintain peaceful uses of outer space. It includes the implementation of the Guidelines for the long-term sustainability of outer space activities as well as preventing an arms race or deployment of any type of weapon in outer space. Malaysia also wishes to highlight that with regard to the exploration of space, Malaysia successfully launched and registered two satellites last year, namely A-SEANSAT-PG1 (PG1) and SpaceANT-D.

Madam President, Malaysia affirms that all States should have equal rights to engage in the exploration, exploitation and utilization of space resources while upholding the principle of non-appropriation, as stipulated in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (“Outer Space Treaty”). Therefore, the discussions under these matters should be inclusive, and transparent, considering the needs of all Member States.

In this respect, the principle of non-appropriation of outer space, the Moon and other celestial bodies by claim of sovereignty, which is based on the rule of customary international law and as embedded in the Outer Space Treaty and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (“Moon Agreement”), shall be of utmost importance in paving the way forward for the discourse on space resources utilization.

Malaysia underscores that the Moon Agreement is the only United Nations treaty on outer space which unequivocally provides for the exploitation of natural resources on the Moon by its States Parties via the establishment of an international regime to govern such exploitation for the key purposes of the rational management, expansion of opportunities in the use and equitable sharing of the natural resources.

The Outer Space Treaty and the Moon Agreement have been adopted based on the key principle that the exploration and use of outer space, the Moon and other celestial bodies are to be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development and shall be the province of all mankind. Malaysia, therefore, believes that this principle aims to ensure that no State shall be discriminated against in the exploration and use of outer space and that all States are entitled to share the benefits therefrom. Malaysia reiterates our statement made at the sixty-third Session of LSC that any future legal framework should adhere to international laws and embody the principles of equity, collaboration, and consensus-building, ensuring that no nation is unfairly disadvantaged or left behind. Such a framework should align with existing international legal principles and prioritize the sustainability of space and its resources. Malaysia emphasizes the necessity of good governance to ensure the sustainability of space resources, particularly non-renewable resources and the space environment, while safeguarding the best interest of humanity.

Madam President, Malaysia wishes to highlight its firm commitment and effort to ensure safe and peaceful uses of outer space by actively engaging in programmes organized by the United Nations Office for Outer Space Affairs (“UNOOSA”), as well as organizing collaborative activities at the national level aimed at strengthening its capacity-building efforts in law enforcement and regulation of space activities so that it is in line with the Malaysian Space Board Act 2022 [Act 834]. In this regard, Malaysia has been continuously involved, engaging

and contributing to the international and regional efforts pertaining to space activities and request that more opportunities and particular attention be given to the needs of the developing space-faring nations. This is to ensure that all Member States, regardless of their economic and financial status, will be given equal opportunities and access to space.

Malaysia also endeavours and looks forward to working together with all other Member States of COPUOS in the future. On that note, Malaysia successfully hosted the first Expert Exchange Seminar on Space Policy on 25<sup>th</sup> and 26<sup>th</sup> October last year in Kuala Lumpur. The theme of the seminar was “Empowering ASEAN Space Capacity towards the New Space Economy”, with participation from representatives of UNOOSA, various space-related agencies in ASEAN countries, namely the Philippines, Indonesia, Thailand and Singapore, as well as participation from the various government departments in Malaysia. Malaysia has also been given the opportunity to organize the Technical Advisory Mission (“TAM”) under the UNOOSA Space Law for New Space Actors Project twice, the first TAM in November 2022 and the second TAM in May 2024.

With that, I thank you. *Terima kasih.*

**President:** Thank you very much for your statement. Now I would like to call on the distinguished delegate of India to deliver their statement.

**The Delegate of the Republic of India:** Thank you, Madam President. We thank the Secretariat and the Member States for continuing the discussion on the topic – ‘Legal Issues in Outer Space’ introduced at the last Annual Session. Space is vital for the social and economic development of any nation. Space activities must be carried out in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international cooperation.

Madam President, India is a party to all the major international treaties/regulations related to outer space, including the Outer Space Treaty, the Rescue Agreement, the Liability Convention and the Registration Convention. India also implements outer space-related non-legally binding instruments, including the UN Space Debris Mitigation Guidelines. An increasing number of manmade objects in outer space demands that associated risks and threats must be minimal, which requires developing dedicated Space Situation Awareness (SSA) capabilities. India has undertaken several efforts to strengthen its SSA capabilities and aims for further enhancement through relevant data sharing and collaborations.

Transparency and Confidence Building Measures (TCBMs) play a crucial role in ensuring peaceful uses of outer space. Enhancing cooperation and collaboration with other space-faring nations for the exchange of data, knowledge, best practices and experience is likely to yield substantial benefits in ensuring safe and sustainable space operations. The UN and IADC Space Debris Mitigation Guidelines, SOPA (Space Object Proximity Awareness), and COLA (Collision Avoidance) Analysis have been useful in addressing the sustainability issues in outer space. However, further legally binding measures must be developed to address the new challenges.

Madam President, we firmly believe that exploration and use of outer space must be for the benefit and interest of mankind. With the increased participation of private entities, there is growing interest in the utilization of outer space. However, it is crucial to ensure that the vulnerability of outer space is minimal and that the long-term sustainability of outer space

activities is maximum so that the benefits of space remain accessible even for our future generations. Therefore international legal framework must be strengthened to meet the new challenges and developments in outer space.

As technological advancements make the exploitation and utilization of space resources feasible, there is an urgent need to put in place an international legal regime for the regulation of space resources. We believe that the Legal Sub-Committee of Committee on Peaceful Uses of Outer Space is the appropriate forum for this exercise. We are hopeful that the working Group on legal aspects of space resource activities will make significant progress to achieve its mandate.

Madam President, India initiated a major space reform in 2020 to enable the participation of the private sector in space activities. A regulatory mechanism for authorization and monitoring of space activities by non-governmental entities has been put in place, through the Indian National Space Promotion and Authorization Centre (IN-SPACe), which ensures authorization of space activities being undertaken. Indian Space Policy 2023 addresses the overarching requirements for safe and sustainable operations. IN-SPACe engages with emerging space actors to ensure authorization of space activities, of which assessment of compliance with space debris mitigation guidelines is an integral part. India has been actively engaged in capacity building in space law, through hosting several national and international workshops and seminars on various issues.

As more and more States and new actors venture into space, it is important that all actors familiarize themselves with the law governing activities in outer space. For a better understanding and to equip themselves to significantly contribute to the law-making process, capacity building in space law is inevitable. We are confident that AALCO will be an important platform to discuss the legal issues of outer space to pursue the common interests of Member States as well as to enhance transparency and confidence-building measures, with a view to ensuring the safety of all space-based assets and activities.

Thank you, Madam President.

**President:** Thank you very much for your statement. Now, I would like to give the floor to the distinguished delegate of Kenya. You have the floor.

**The Delegate of the Republic of Kenya:** Thank you, Madam President, for the opportunity to make this statement, and on behalf of Kenya, I wish to state as follows. We would first wish to thank the AALCO Secretariat for the introductory remarks on this subject matter. Distinguished delegates, globally, space exploration continues to grow in leaps and bounds, since the 1950s where the growth was driven by the space race, after the October 4<sup>th</sup> 1957 launch of the first satellite Sputnik 1 by the former USSR. Kenya's involvement in space activities dates back to the 1960s when the Kenyan and Italian Governments collaborated to establish a satellite launching and tracking base in Malindi - Kenya. Over 20 sounding rockets and 9 satellites were launched from the facility between 1967 and 1988. The offshore Launch Platform is no longer in use, but the ground segment is still active as the Luigi Broglio Space Station, which conducts tracking and telemetry of objects launched from different sites globally.

Over the years, space-related technology has become embedded into our daily lives, from how we communicate (satellite communication) to how we travel (navigation), our financial systems (PNT Satellites), to addressing societal needs such as crop monitoring, disaster

management, weather prediction, climate monitoring, amongst other applications. Developing and emerging space-faring nations are becoming more active by engaging in meaningful international collaboration and cooperation to grow their space sectors.

As a developing country, the Space economy is critical as it offers Kenya opportunities for technology development, economic growth, international cooperation and addressing our societal needs. Kenya recognizes space technologies as a critical factor in the fulfilment of all 17 UNSDGs. Given the capital-intensive nature of the space industry, Kenya will require significant investment, technical expertise, and infrastructure in order to establish a fully indigenous space sector. To this end, Kenya has scaled up on building human capacity and planning on strategic investments to bolster the development of the Kenyan space economy. On the finance and investment front, Kenya is exploring the use of alternative financing mechanisms to build and support the sector. Additionally, with the growth of the space sector there is work in developing the necessary policy and regulation mechanisms through enabling and progressive institutional, legal, and regulatory frameworks.

Madam President, the Kenya Space Policy 2015 has been a guiding light for the industry as a whole providing the necessary framework for the achievements so far realized. Currently the updated Kenya Space Policy 2024 is going through approval processes and will form the basis of the next phase of development of the Kenyan Space industry. And just to note that Kenya is a signatory to four international space treaties.

Since the implementation of the Kenya Space Policy 2015 from 2016, various aspects of the space sector, including the establishment of the Kenya Space Agency in 2017, through an Executive Order, as a successor of the National Space Secretariat. Other developments include enhancement of space education, satellite development, space science challenges, and development of technology transfer frameworks. The Policy also outlines Kenya's space ambitions, such as the development of a space launch capability and the establishment of space research and development centres.

Kenya became a space fairing nation when its first satellite, named 1st Kenya University Nano Satellite - Precursor Flight (1KUNS-PF), was deployed into orbit from the International Space Station in 2018. The satellite was a technology demonstrator and was equipped with low-resolution cameras tasked with capturing mapping images of Kenya and neighboring East African countries within its orbit. Designed with a lifespan of one year, 1KUNS-PF was deorbited in June 2020.

On 15<sup>th</sup> April 2023 - Taifa-1, Kenya's first operational earth observation satellite, was launched into the Low Earth Orbit, aboard a SpaceX Falcon 9 rocket from Vandenberg Space Force Base in California, USA. Taifa-1 provides Kenya with data sovereignty, providing critical support for the agricultural, disaster management, environmental monitoring and urban planning sectors.

Distinguished delegates, Kenya notes that the five United Nations treaties and principles on space-related activities form the primary legal framework towards creating a safe, secure, and sustainable environment for the development and implementation of space-related activities. Kenya is also finalizing the Kenya Space Bill, 2024, in conformance with the state obligations articulated in the Outer Space Treaty, and this marks a crucial step in advancing our space sector.

Madam President, I reaffirm Kenya's commitment to meaningful partnerships with the international space community for the promotion of space science and technology for sustainable socio-economic development at national, regional, and international levels. In this regard therefore, Kenya looks forward to concrete proposals from interested global Space Agencies that wish to partner with us in capacity building in the peaceful uses of outer space.

I thank you, Madam President.

**President:** Thank you very much for your statement. Now, I would like to invite the distinguished delegate of the People's Republic of China to make their statement.

**The Delegate of the People's Republic of China:** Thank you Madam President. Maintaining outer space for peaceful purposes is the goal and objective of the Outer Space Treaty and is in the common interest of all countries. The OST specifically prohibits the placing of nuclear weapons or any weapons of mass destruction. This legal regime shall universally apply to outer space activities and to the subjects of outer space activities. Actions such as placing weapons in the outer space and building a military alliance in outer space are clearly contrary to the goals and objectives of the OST. The draft Treaty on the Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects (PPWT), which is jointly proposed by China and the Russian Federation, has found an effective and feasible international law way for preventing arms race in outer space and ensuring the peaceful use of outer space, which is conducive to realizing the goals and objectives of the OST.

Madam President, in recent years, the legal models for space resource activities have received extensive attention from the international community and constitute one of the most important legislative processes of the COPUOS. However, the principles in outer space law, such as OST, are rather general, we need to develop a better legal framework for activities of space resources. This year, China submitted the submission to the Working Group on Space Resources, presents the following views: the fundamental principles in OST shall apply to any space resource activities; Reaffirming the Principle of non-appropriation; Encouraging space resource activities for scientific investigation; Enhancing the coordination of space resource activities; sufficient supervision of space resource activities; Protecting sustainability of space resource activities; Ensuring the space resource activities are carried out for the benefit and in the interests of all mankind.

Madam President, in recent years, China's space industry has made a series of new advances. China upholds the concept of a community with a shared future for mankind, carries out international cooperation on the basis of equality, mutual respect, peaceful use and inclusive development, and shares the opportunities and dividends of space development with other countries, especially developing countries. Among the Members of AALCO, 4 countries' projects have payload-carrying cooperation with China's Chang'e 6 and Chang'e 7, and a number of countries have signed agreement of International Lunar Research Station projects with China. China attaches great importance to and actively carries out capacity-building and academic exchange activities in space law. As the host country, China actively support the Asia-Pacific Space Cooperation Organization, and the Regional Centre for Space Science and Technology Education in Asia and the Pacific (China), which is established by Beihang University, in fulfilling their mandates, and promote a greater role for them in strengthening the capacity-building of all countries in space developments.



China looks forward to working with Asian and African countries to continue to strengthen exchanges and cooperation in the field of outer space, to make greater contributions to the peaceful uses of outer space and the global governance of outer space based on the OST, and advocates a community with a shared future for mankind in outer space.

Thank you, Madam President.

**President:** Thank you so much for your statement. Now, I invite the distinguished delegate of Uganda to make their presentation.

**The Delegate of the Republic of Uganda:** Thank you very much, Madam President, Excellency, I want to thank the Secretariat for the comprehensive brief that has provided us with sufficient knowledge to engage on the legal developments in outer space and for focusing this session on three issues namely; Peaceful uses and exploration of outer space, Space resource utilization and Capacity-building in space law.

Your Excellency, Uganda is a State Party to the Outer Space Treaty (OST) of 1967, having acceded to it in April 1968. This Treaty is the cornerstone of international space law, establishing the fundamental principles for the peaceful use of outer space. As issues of weaponization of outer space emerge, it is incumbent upon the international community to embrace ethical standards for the use of outer space in order to achieve sustainable peaceful use of the outer space, bearing in mind the provision on the demilitarisation of outer space. These ethical issues have been discussed at the UN for a before. It is my firm belief that as AALCO we should interest ourselves in these previous discussion and engage in further dialogue with a view to coming up or influencing the coming up with ethical standards for those engaged in outer space activities.

Secondly, Asia and Africa are particularly confronted with capacity gaps and may not have the potential to fully exploit and benefit from outer space in view of the limited capacity in technology. There is an urgent need for a concerted effort to strengthen the capabilities of Asia and Africa through capacity building. Exploitation of outer space should also result into tangible benefits for the people of Asia and Africa. Indeed, I wish to re-echo the words of Mr. Semakula Kiwanuka, then chair of the Fourth Committee (Special Political and Decolonization) of the UN in 2000, “Space applications could connect people, help manage the exploitation of natural resources, protect the environment and minimize the effects of natural disasters. But to keep people from developing countries to benefit from those uses, efforts should be increased to provide education, training, awareness raising and assistance in obtaining technologies.”

Madam President, Uganda indeed looks to AALCO to assist in developing the legal, regulatory framework in this space and ensure that this remains for a peaceful purpose and is managed as a common good for the whole world. I thank you, Madam President.

**President:** Thank you very much for your statement. I would now like to invite the distinguished delegate of Japan.

**The Delegate of Japan:** Madam President, distinguished delegates, Japan recognizes the importance of upholding the rule of law in outer space to ensure the safety, security, sustainability, and stability of outer space activities. Japan also acknowledges the importance of international cooperation, including capacity building in space law, in ensuring the safety,

security, sustainability, and stability of outer space. In this regard, information sharing and exchanges on national space legislation are important to enhance space activities pursuant to the treaties and other international norms. The “National Space Legislation Initiative (NSLI)” under the activities of the Asia-Pacific Regional Space Agency Forum (APRSAF) provides a regional opportunity to contribute to these objectives.

As the host country of the APRSAF and a participating country of the Initiative, Japan will actively promote the activities of the Initiative to further enhance the development of national space legislation in the Asia-Pacific region. Furthermore, since 2021, Japan has been supporting the capacity-building of emerging spacefaring nations in the Asia-Pacific region by assisting in the drafting of national space laws and regulations in line with international space law through UNOOSA’s Space Law for New Space Actors. As part of this initiative, Japan and UNOOSA hosted a capacity-building support program in Tokyo in January 2024 for government officials from seven countries in the Asia-Pacific region. Participants learned important elements of authorization, licensing and continuing supervision of space activities.

Madam President, Regarding international norms for exploration and use of space resources, Japan signed the Artemis Accords as a political commitment to establish a set of principles for the exploration and use of outer space by civil space agencies. In developing an international framework for such activities, it would be beneficial to refer to the concepts of the Artemis Accords to secure the sustainability of future space exploration without discouraging innovation.

Thank you very much, Madame President.

**President:** Thank you so much. The list of speakers are as follows, Türkiye, Korea, Bangladesh, South Africa, Indonesia, and I have a non-member organisation, the Asian Academy of International Law. So, I think we are doing well on time.

I really want to guarantee the fundamental right to a coffee break. We will break at 10.15. We're trying. So, I now give the floor to the distinguished delegate of Türkiye.

**The Delegate of the Republic of Türkiye:** I would like to congratulate you, Madam President, and Mr. Vice-President, and the esteemed Secretary-General, again, as well as the Secretariat of AALCO for the able leadership and hard work in organising this session. Madam President, there is no doubt that the exploration of the outer space realm and its technology is an ever-evolving nature. Türkiye is supportive of gradual and inclusive efforts with the aim of developing rules of responsible norms and behaviours.

In this regard, I would like to reiterate that Türkiye is party to the main UN treaties governing the outer space realm, particularly the Outer Space Treaty. We also co-sponsored several UN General Assembly Resolutions, notably destructive direct ascent anti-satellite missile testing and reducing space threats through norms, rules, and principles of responsible behaviours. As such, we have closely engaged in the open-ended working group in Geneva on reducing space threats through responsible behaviours, which was formed pursuant to UN General Assembly Resolution 76/231 and prolonged by UN General Assembly Resolution 78/20.

Madam President Türkiye will support the continuation of this initiative in the future as well. Türkiye also cooperates with other countries in the field of peaceful use of the outer space through bilateral agreements in that regard. Madam President, as we already stated during

AALCO's Sixty-First Annual Session last year, we would like to underline once again that whatever discussions to be made here can only be complementary to the UN process, not to duplicate nor be binding on our respective positions that we pursue in relevant UN platforms.

Madam President, I thank you for your kind attention.

**President:** Thank you very much for your statement. Now I invite the distinguished delegates of the Republic of Korea to make their statement.

**The Delegate of the Republic of Korea:** Thank you, Madam President, for giving me the floor. We would like to begin by thanking the AALCO Secretariat for preparing this agenda item. International norms, including treaties and other documents, along with the efforts to establish them, are the foundation for the sustainable exploration and use of outer space.

In this context, we appreciate the international community's engagement in discussions at the UN Committee on the Peaceful Uses of Outer Space and the UN Group of Government Experts. One of the most pressing legal issues in outer space today is the question of space resources. We welcome the ongoing work of the working group under UN COPUOS to develop a draft set of recommended principles for the equitable and sustainable use of these resources.

For effective governance of outer space, the faithful implementation of existing norms and agreements is crucial. All nations must uphold the principles of the Outer Space Treaty, including Article IV, which prohibits the weaponization of outer space. By doing so, we can help prevent a new arms race.

The Republic of Korea is committed to the peaceful exploration and use of outer space. To that end, we established the Korea Airspace Administration, KASA, in May of this year. KASA will serve as a focal point for outer space activities. KASA will facilitate enhanced cooperation with the international community. The Republic of Korea is currently engaged in a lunar exploration programme. Our Korea Pathfinder Lunar Orbiter, also known as Danuri, is studying the moon and identifying potential landing sites. We plan to launch a lunar lander in 2032. These endeavours will be conducted in accordance with international law. We appreciate the contributions by leading space-faring nations and international organisations in capacity building in space law.

By working together with others, we wish to ensure that the exploration and use of outer space will benefit all of humanity. Thank you, Madam President.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of Bangladesh to take the floor.

**The Delegate of the People's Republic of Bangladesh:** Thank you, Madam President, Excellencies, Distinguished Guests. We thank the AALCO Secretariat for preparing a comprehensive Brief on "Legal Issues in Outer Space". Bangladesh launched its first geostationary communication broadcasting satellite in 2018, which has been providing telecommunication, broadcasting, VSAT facilities, DTH, banking services, distance learning, telemedicine services, etc. The issue of launching an earth observation satellite remains under consideration.

Bangladesh consistently advocates for the peaceful uses of outer space and is opposed to its weaponization in any form. We consider the five founding UN space conventions and other relevant non-legally binding documents to constitute the existing legal framework for international space governance. We recognize the need for further elaboration and codification of international law to address emerging issues concerning the outer space, including growing private sector engagements for commercial purposes.

Madam President, Bangladesh stresses that Article IV of the Outer Space Treaty, 1967 explicitly prohibits the placement of nuclear weapons or any other kinds of weapons of mass destruction in orbit around the Earth, on celestial bodies, or in outer space in any other manner. We continue to join calls for commencing negotiations on a legally-binding instrument under the aegis of the Conference on Disarmament on the Prevention of an Arms Race in Outer Space. To this effect, Bangladesh supported consideration of a draft legally binding instrument with a broader scope than the Outer Space Treaty, 1967, as proposed by the Russian Federation and China back in 2008. Earlier this year, Bangladesh, along its principled position, associated with the draft UN Security Resolution tabled by the US and Japan reaffirming the aforementioned provision of the Outer Space Treaty, 1967.

Bangladesh also attaches importance to the ‘non-appropriation’ principle enshrined in the Treaty as it concerns space resource activities by both States and private sector. We acknowledge the groundwork done by the Working Group on Legal Aspects of Space Resource Activities under UNCOPUOS and look forward to its recommendations on promoting responsible behaviour in respect of outer space mining and other activities.

Madam President, Bangladesh emphasizes the need for protecting the space environment through enhanced transparency and confidence building measures, such as information sharing, risk reduction notifications and voluntary visits to space-related facilities. We recall the urgency of sustained initiatives aligned with UNCOPUOS and IADC guidelines to mitigate space debris, particularly for preventing harm to small satellites deployed by developing countries. We reaffirm the underlying spirit of the UN Declaration on International Cooperation in the Exploration and Use of Outer Space for the benefit and in the interest of all states, taking in Particular Account the Needs of Developing Countries. In this context, we appreciate the customized support we receive from regional forums like the Asia Pacific Space Cooperation Organisation (APSCO) or early warning platforms such as UN-SPIDER.

In conclusion, we support the proposal for AALCO complementing efforts by UN-OOSA to contribute to capacity building of developing countries members on outer space law, with particular focus on national legislative exercises in compliance with relevant international obligations.

I thank you.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of South Africa to deliver their statement.

**The Delegate of the Republic of South Africa:** Madam President, distinguished delegates, this year South Africa celebrates 25 years since the launch of its first satellite into outer space. Launched on 23<sup>rd</sup> February 1999, this milestone marked our historic and ground-breaking journey in launching an African-made satellite. It further solidified our commitment to becoming a responsible and peaceful user of outer space, which position we maintain.

South Africa currently has 12 satellites in orbit and is working on launch capability from its territory. These contribute to the sustainable development of our country and region as they monitor human activity in coastal seas, earth observation, communications, and mineral resource management. It is crucial to ensure that outer space activities are conducted in accordance with international law, such as the main UN space treaties, which are the *lex specialis* and relevant soft law instruments.

Compliance with these laws and principles is essential for maintaining stability and security in outer space for the benefit of all humankind. We are vehemently opposed to unilateral actions in outer space. Where there are gaps in the law, South Africa supports the negotiation of legally binding instruments and such rules and norms which conform with the principles espoused in the main UN space treaties.

Madam President, in accordance with Article VI of the Outer Space Treaty, States pay international responsibility for national space activities, which includes those of non-governmental entities. In this regard, States have a duty to register, authorise, and continuing to supervise the space activities of such entities, including in orbital transfers of ownership. National legislation must promote adherence to UN main treaties on space and ought not to extend State sovereignty to the common heritage of mankind.

South Africa itself is in the process of crafting a new national space legislation, which will reflect technological and principled advancements since the enactment of its initial space legislation in 1993. Madam President, as space resource extraction becomes feasible, we urgently require a framework for space resource extraction in line with Outer Space Treaty Article II, which contains the principle of non-appropriation. We believe that the Moon Treaty, while not in force, provides a good basis for the development of an international equitable benefit sharing regime.

Closer study of in-situ resource extraction should also be conducted with a view to fostering international cooperation and not competition in space exploration and exploitation. We therefore urge more African and Asian countries to become UN COPUOS's members and to play an active role in its legal subcommittee.

Madam President, South Africa is particularly concerned about issues related to the dark and quiet skies and the impact of mega-satellite constellations on astronomical observations, such as the Square Kilometre Array, the largest telescopic array which South Africa partially hosts on its territory. Earth orbits are limited natural resources that require preservation. Space debris and congestion must be addressed with urgency, and so the long-term sustainability of outer space must be prioritised to ensure equitable access to space for all countries, regardless of their level of development. We welcome the establishment of the African Space Agency, hosted in Cairo, Egypt, as one of the flagship programmes of the African Union Agenda 2063.

This serves as an important role for regional cooperation in outer space. South Africa has, in various international fora, expressed concern about developments that could prompt a new arms race, both on Earth and in outer space. We have cautioned against any action that could lead to the weaponization of space, and this includes the placement of weapons of mass destruction.

It is for this reason we remain supportive of the establishment in the Conference on Disarmament of a subsidiary body that would deal with the prevention of an arms race in outer space. And while we support, Madam President, the adoption of transparency and confidence-building measures as a means to increasing trust and confidence among States, these should not substitute a legally binding regime that would prevent altogether outer space from becoming the next theatre of conflict and war. South Africa welcomes the proposal for AALCO to further study legal issues in outer space, and supports the Secretariat's comments and observations. This includes the proposal to host regional seminars and workshops, thereby fostering capacity-building and knowledge-sharing among Member States.

I thank you, Madam President.

**President:** Thank you very much, and now I would like to give the floor to the distinguished delegate of Indonesia.

**The Delegate of the Republic of Indonesia:** Thank you, Madam President. It is an honour for my delegation to participate in the deliberation under this agenda item. My delegation believes that the discussion of AALCO on this agenda item will spark new lights and perspectives that reflect the objective of this organisation.

Being the world's largest archipelagic nation, Indonesia heavily relies on space technology for remote sensing, telecommunications, sciences, and navigation. This underscores our emphasis on satellite programmes to address our society's infrastructure needs in space technology. Supporting our satellite programme, Indonesia is also planning to build a launching facility in the equatorial region, which could support both equatorial and polar orbit satellite launching services. Accordingly, Indonesia continues to strengthen national space-related regulations, which are now being drafted concerning space port operations.

Madam President, Indonesia is of the view that outer space activities have implied on several legal issues. Therefore, we would like to further highlight several legal issues in outer space as follows.

First, on the issue of peaceful use and exploration of outer space, we will emphasise on a) the definition and limitation of outer space, b) the use of geostationary orbit and non-geostationary orbit, c) small satellites and mega constellations, and d) space security. Number two, space resource utilizations, and number three, capacity building in space law.

First, on the issue of definition and delimitation of outer space, we are on the view that there is a need to define and delimit outer space for the purpose of defining the exact boundary between air space and outer space. This is essential in clarifying the issues of the sovereignty, establishing a legal certainty of the scope of applications of outer space law and air law, strengthening the implementation of the international law, responsibility of States, and reducing the possibility of disputes among States.

Second, regarding the geostationary orbit, the Space Treaty 1967 stipulates that outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind and on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies. Article 44 of the ITU Constitution and Convention recognise that GSO has limited natural resources that should be utilised in a rational, equitable, and efficient manner, irrespective of their technical

development in outer space technology. Therefore, we should consider GSO as a specific area and special part of outer space, which needs special technical and legal governance as well. To ensure the application of principle of equitable access for all states, particularly the needs of developing countries and countries which have special geographical conditions, my delegation believes that GSO should be regulated by a *sui generis* regime.

Third, with regard to the non-geostationary orbit, we recognise that there is no specific international regulation on satellite constellations, particularly mega constellations of satellites. We are of the view that mega constellations should be regulated, which guarantees rational, fair, equitable, and efficient access for other countries to the orbit. Such spatial regulatory should also include ways and means to ensure the rational and equitable use of the low Earth orbit and frequency spectrum.

Fourth, on the issue of space security, we recognise that this discussion often ends in disagreements or deadlocks. Article IV of the Outer Space Treaty partially restricts the use of mass destructive weapons in outer space. However, we notice that there is an ongoing trend to weaponize outer space using other forms of space objects or systems that endanger the security in space. In this regard, we encourage Member States to exercise due regard for any attempts that potentially hamper the space assets and their services. Indonesia remains convinced that the establishment of a legally binding and multilateral instrument of the prevention of an arms race in outer space, or PAROS, is of utmost importance.

Madam President, on the issue of space resource utilization, we observe that this is a very complex exercise. We should discuss this issue through an interdisciplinary approach of branches of international law. We also believe that many international models and international jurisprudence and processes could be utilised to assist in creating a governance-based resource use, both for scientific and commercial purposes. Indonesia believes that such arrangements should be in line with the Outer Space Treaty of 1967 and other UN treaties. Furthermore, we are of the view that the definition of the limitation of outer space is an essential element for the issue of exploitation, exploration, and utilisation of outer space resources.

On the capacity building in space law, considering the complexity of legal issues in outer space, its activities, Indonesia encourages AALCO to establish a programme for capacity building in space law on a regular basis. We also encourage the exchange of experts related to this issue of space law. On the other hand, we strongly encourage the younger generation involvement in the space programme, which is not only limited to space science, technology, and applications, but also to enhance the understanding on the legal aspects and space activities.

As an example, Indonesia has successfully involved in the university students in developing nano-satellites, namely Surya Satellite-1, and launched it to the orbit with the support from Student Satellite Collaboration Programme between Indonesia and Japan Aerospace Exploration Agency, coordinated by the United Nations Office for Outer Space Affairs. However, considering the significant increase in global space activities and their legal issues, such capacity in space technology should not only need to be maintained, but also supported by enhancing the knowledge in legal aspects as well.

Madam President, to conclude our statements, Indonesian delegation will continue to provide the strong support and contribution to the work and deliberations of these organisations. We also support the deliberation of legal issues in outer space as an agenda in the next year session.

With that, I thank you very much, Madam President.

**President:** Thank you very much. I have now exhausted the list of Member States, and I would like to invite the Asian Academy of International Law to make their statement.

**The Delegate of the Asian Academy of International Law:** Thank you, Madam President, for giving me the floor. Asian Academy of International Law very strongly appreciates the timely inclusion of outer space issues in AALCO's agenda. At the inception of the space age, the world has expressed the belief that the exploration and the use of outer space should be carried out for the benefit of all peoples, all humankind.

This belief found expression in the Outer Space Treaty, together with the phrase, "irrespective of the degree of economic or scientific development", in order to safeguard the interests of the developing countries. However, more than 50 years after the entry into force of this treaty, which is the cornerstone of space law, there are indicators that the exclusive interests of some States started to encroach upon the inclusive interests of the whole. For example, some initiatives have shaken and weakened the principle of non-appropriation in space law.

We are talking a lot about the rule of law. The rule of law is not zero-sum game. It should be win-win cooperation. For example, colonial land grabs, once fashionable or even dominating, were eventually defeated by the historical trend of decolonisation and independence. AALCO is one of the successful outcomes of the Bandung Conference, a clear victory for independence and decolonisation. Accordingly, AALCO is the most suitable body in front of COPUOS to defend the interests of the developing country, to carry on the spirit of Bandung, and, if necessary, to prevent the re-colonisation of the last frontier of the human activities, outer space.

The lesson learned from climate change has demonstrated that if the world does not act promptly to curb the damaging trend, we will have to pay a much heavier price for subsequent ratification. It is now the time to act. Without going into detail, the cardinal principle of the province of humankind should not be distorted, deviated, and even disregarded, and should be defended, displayed, and developed in order to maintain outer space as a global commons.

Thank you, Madam President.

**President:** Thank you very much for your statement. I thank all delegates for your very enlightening statements on this very important topic. We have concluded our deliberations on the topic this morning, and we will have a 15-minute coffee break.

If you do not finish your snacks or coffee, I think it is okay to bring it into the room and continue, but I would like to really start at 10.45 with the Law of the Sea. Thank you very much. We will have a coffee break.

**The meeting was thereafter adjourned.**



**XI. VERBATIM RECORD OF THE FOURTH  
GENERAL MEETING (CONTINUED) OF THE  
AALCO MEMBER STATES**



**XI. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTINUED)  
OF THE AALCO MEMBER STATES HELD ON WEDNESDAY, 11 SEPTEMBER 2024,  
AT 10:45 AM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: THE LAW OF THE SEA**

**President:** We would like to start the next session for the rest of this morning. I hope delegates are trickling in. We will proceed with our item “The Law of the Sea”. For our deliberations today, we are very fortunate to have H.E. Judge Kriangsak Kittichaisaree, Member of the International Tribunal for the Law of the Sea (ITLOS). He is also the President of the Chamber of Fisheries Disputes. He has accepted to participate in the Session virtually. He had prior engagements and could not attend personally. He wants to share his insights on current developments in the law of the sea from the lens of an ITLOS judge. So, to begin the session, I would like to the AALCO Secretariat to make introductory remarks on this topic.

**Secretary-General:** Thank you Madam Chair. Madam President, distinguished delegates. The Law of the Sea has been one of the oldest topics on the agenda of AALCO. Introduced in the work programme of AALCO in 1970 on the recommendation of the Republic of Indonesia, the topic has been discussed in depth within AALCO over the years. The historical role played by AALCO in representing the positions of Asian and African States on crucial aspects of the Law of the Sea is well-acknowledged today. Concepts like Exclusive Economic Zone, the status of archipelagic States and the rights of land-locked States, which were codified in UNCLOS, owe their origins to discussions and deliberations at AALCO forums reflecting our commitment to advancing rule of law to the seas and oceans of the world.

Continuing this glorious tradition, we continue to engage with emerging areas of the subject including aspects pertaining to the protection of the marine environment and the challenges posed by climate change to the Law of the Sea regime. In this regard, I am happy to note that the topic ‘The Law of the Sea’ was proposed to be included in the agenda of the Sixty-Second Annual Session of AALCO by the Government of the Kingdom of Thailand with a specific focus on four sub-themes, namely,

- a. Issues related to the ITLOS Advisory Opinion on the Request submitted by the Commission of Small Island States on Climate Change and International Law (COSIS).
- b. Issues relating to challenges and best practices in implementing UNCLOS provisions with a focus on the regulation of marine scientific research in the EEZ and enhancing participation of AALCO Member States in activities in the International Seabed.
- c. Issues relating to maritime security and safety including the issue of piracy and robbery at sea, illegal migration, human trafficking and safety of navigation at sea and IUU fishing.
- d. Issues related to the sustainable use of marine resources in relation to the BBNJ Agreement.

The brief prepared by the Secretariat briefly captures each of these four sub-themes and Member States are encouraged to deliberate on the same in light of national policies and emerging challenges. It is my hope that the AALCO Secretariat will continue its legacy of

engaging with Law of the Sea issues and emerge as a leading global voice reflecting the cause of ocean conservation and marine protection. I thank you Madam President.

**President:** Thank you very much, the Secretariat for the introductory remarks. Now, we will listen to the pre-recorded presentation from H.E. Judge Kriangsak Kittichaisaree, Member of the International Tribunal of the Law of the Sea.

**H.E. Judge Kriangsak Kittichaisaree, Member, International Tribunal for the Law of the Sea:** Excellencies, distinguished colleagues, greetings from Hamburg, Germany, the seat of the International Tribunal of the Law of the Sea.

The most important development in the law of the sea this year is certainly the advisory opinion of ITLOS on climate change and international law. Many members of AALCO as well as the African Union took part in this case, but their positions were not exactly the same, having been dictated by their respective national interests.

The Tribunal relies on scientific evidence; in particular, the reports of the Intergovernmental Panel on Climate Change (IPCC) to conclude that anthropogenic greenhouse gas emissions into the atmosphere constitute “pollution of the marine environment” within the meaning of Article 1, paragraph 1, subparagraph 4, of UNCLOS.

The Tribunal held that the Paris Agreement complements UNCLOS but has its own separate legal regime. UNCLOS imposes upon States a legal obligation to take all necessary measures to prevent, reduce and control marine pollution from anthropogenic greenhouse gas emissions, including measures to reduce such emissions. Failure to comply with this obligation entails international responsibility for the State concerned.

This obligation is one of due diligence, with a very stringent standard, especially in case of transboundary pollution. The tribunal specifically upholds the principle of Common but Differentiated Responsibilities and Respective Capabilities, or CDR-RC.

The Tribunal also refers to the precautionary approach for States to take adequate account of risks involved in the activities under their jurisdiction or control, even if scientific evidence of such activities are insufficient.

Also, it is not enough for a State to become a party to treaties such as the UNFCCC or the Paris Agreement. States must do more in ongoing activities to cooperate by participating meaningfully in the formulation and elaboration of rules, standards and recommended practices and procedures based on scientific knowledge. The results of any such cooperation may be relevant in assessing States’ compliance with “the obligation to cooperate”.

The tribunal also identifies obligations as regards greenhouse gas emissions from various sources as well as the duties to adopt national legislation and establish international rules and standards, to be followed by their enforcement.

The tribunal relies on the drafting history of Article 202(a) of UNCLOS to opine that climate finance for developing States is not an act of charity, but a legal obligation under UNCLOS itself. This is very important. Bearing in mind since the year 2009, developed States have pledged to provide US\$100 billion annually for climate finance to support developing States adaptation and mitigation in the face of climate change. However, there is a significant shortfall in meeting this pledge. After this advisory opinion, climate finance will have to be considered in a new light.

This advisory opinion will certainly help shape the advisory opinion of the International Court of Justice on *Obligations of States in Respect of Climate Change*.

It will also provide legal bases for future litigations at competent international and domestic courts, including through the polluter-pays principle, bearing in mind that States producing the least amount of greenhouse gas emissions are disproportionately vulnerable to climate change.

Excellencies, distinguished colleagues, recently, deep seabed mining to realise the Common Heritage of Mankind under Part XI of UNCLOS has been a subject of international controversy. Some States or groups of States want its moratorium, others want to proceed with full-scale exploitation of the deep seabed resources, and yet others prefer to take the middle-of-the-road approach. In case of any dispute, the Seabed Disputes Chamber, of which I am a member, is ready to settle it.

On issues related to maritime security and safety, the meeting may wish to discuss the international law applicable to, firstly, irregular migration from Africa to Europe via the Mediterranean Sea and the Rohingya boat people in Southeast Asian waters; and, secondly, the novel use of autonomous, unmanned ships, vehicles, systems or equipment's especially their legal status, navigational rights and immunity as government-owned assets.

Finally, as President of the Tribunal's Chamber for Fisheries Disputes, I wish to remind the meeting that the Tribunal has compulsory jurisdiction over disputes concerning Article 73(3) of UNCLOS, which prohibits imprisonment for violations of fisheries laws and regulations in the Exclusive Economic Zone. Excellencies, dear colleagues, thank you very much for your kind attention.

**President:** Thank you very much for that very informative presentation by H.E. Judge Kriangsak Kittichaisaree, Member of the International Tribunal of the Law of the Sea. Now, we open the floor for statements on the topic 'The Law of the Sea'. Since the introduction of this agenda item was the initiative of Thailand, I will invite the distinguished delegate of Thailand to make their statement but before that let me read the list of Member States that have registered their intent to deliver statements. The next speaker will be South Africa followed by Tanzania, Malaysia, India, Iran, Kenya, Japan, Viet Nam, Korea, Indonesia, China, People's Republic of Bangladesh and the Republic of Türkiye. So now, let me give the floor to the distinguished delegate of Thailand to make their statement.

**The Delegate of the Kingdom of Thailand:** Madam President, Dr. Kamalinne Pinitpuvadol, Secretary-General, Excellencies, distinguished delegates. At the outset, my delegation would like to thank the AALCO Secretariat for the excellent paper on the Law of the Sea, which serves as a basis for our deliberation today. Several contemporary issues were covered which are of practical relevance.

The law of the sea is a key pillar in the body of international law ensuring order, productivity, and peaceful relations on the sea. AALCO Members, many of which are coastal States, face numerous maritime issues that impact their economies, security, and sustainable development goals. Indeed, the world's major bodies of water and sea-lanes are a lifeline upon which we depend for connectivity, commerce, resources and livelihood.

As the most comprehensive international legal instrument on this subject matter, the significance of the United Nations Convention on the Law of the Sea (UNCLOS) to our oceans and seas, as well as to our way of life is both indisputable and immense. The Convention not only seeks to balance the interests of States – whether coastal, landlocked, archipelagic or geographically disadvantaged – but also puts in place protection for all States of their rights and freedoms, as well as laying down their obligations and responsibilities: from sovereignty over the territorial sea, to freedom of the high seas, from access to resources in maritime areas to the sustainable use of the oceans and its resources while respecting the environment.

I am therefore pleased to see that many issues selected for our deliberation on the Law of the Sea at this Annual Session of AALCO relate to the implementation of UNCLOS, as proposed by Thailand.

Firstly, Thailand welcomes the advisory opinion of the International Tribunal for the Law of the Sea (ITLOS) requested by the Commission of Small Island States on Climate Change and International Law. It shows that UNCLOS is a living instrument designed to adapt to evolving circumstances, technological advancements and scientific discovery.

The advisory opinion raises a number of implementation issues. Significantly, ITLOS advises that under Article 194 a State must put in place a national system, including legislation, administrative procedures, and an enforcement mechanism to regulate greenhouse gas (GHG) emitting activities and to make such a system function efficiently, with a view to achieving the intended objective. Furthermore, ITLOS also found that, in line with the principle of common but differentiated responsibilities, States Parties with greater means and capabilities must do more to reduce marine polluting GHG emissions than States with less means and capabilities. In addition, the Tribunal noted that Articles 202 and 203 set out specific obligations to assist developing States, in particular vulnerable developing States, in their efforts to address marine pollution from anthropogenic GHG emissions. Thailand is of the view that the advisory opinion will serve as a valuable guide for States in fulfilling their UNCLOS obligations in the context of the climate change crisis and that AALCO remains an ideal platform to assist Members in that regard.

In the field of marine scientific research, Thailand acknowledges the significant benefits of marine scientific research, which enhances our understanding of marine life and environments. However, Thailand would like to emphasize that marine scientific research must be conducted exclusively for peaceful purposes and for the benefit of mankind as a whole. In this regard, UNCLOS does not define “marine scientific research” and there could be some uncertainty as to the correct classification of particular activities. For its own purposes, some States have attempted to provide some clarity by identifying the types of marine data collection that it does not consider to be marine scientific research. This includes operational oceanography, remote sensing space oceanography, and hydrographic surveys. Furthermore, research vessels nowadays have access to instruments such as underwater autonomous vehicles, sonar and radar. The increased usage of new marine technologies with potential dual use function has implications for national security.

Therefore, Thailand believes that AALCO Member States should keep abreast of these new developments and sees benefit in the sharing of best practices on how to effectively monitor and control the conduct of marine scientific research.

Moving on to the BBNJ Agreement, Thailand believes that it is critically important that we put long-term conservation, management and sustainable use of marine resources high on our agenda. On our part, Thailand is currently conducting internal procedures towards signing the BBNJ Agreement.

The conclusion of the BBNJ Agreement was a turning point in history brought to fruition by the common desire to address the global challenges of biodiversity loss and degradation of ocean ecosystems. Thailand has always been firm that the principle of the common heritage of mankind should be the overarching principle for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. It is therefore most reassuring to see the principle finding expression throughout key provisions of the Agreement including compulsory sharing of benefits in a fair and equitable manner.

The task now is to ensure not only wider participation but also the effective implementation of the provisions of this Agreement. Again, Thailand believes AALCO to be an ideal platform for the exchange of information and best practices to help Member States better understand the implications of the Agreement as well as the domestic laws that will need to be enacted, especially those related to marine genetic resources, area-based management tools, including marine protected areas, and environmental impact assessments. May I remind you that later today, there will be a side event on the implementation of the BBNJ Agreement and we have experts from DOALOS, UNEP and the University of Galway to provide their insights and answer your questions?

Madam President, with the global population projected to exceed 9 billion by 2050, the demand for food, energy, and resources will intensify. The ocean holds immense potential to meet these needs but faces significant threats from overuse, pollution, and climate change. Achieving the 2030 Agenda for Sustainable Development, particularly Goal 14 "Life Below Water," is of paramount importance. Thailand believes that through concerted efforts, including among Asian and African nations, and a strong commitment to fully implement UNCLOS and related Agreements, we will be able to restore and maintain the health of our oceans. I thank you.

**President:** Thank you very much for your statement. I would now like to invite the distinguished delegate of South Africa to deliver their statement.

**The Delegate of the Republic of South Africa:** Madam President, Excellencies, distinguished delegates. Thank you for giving my delegation an opportunity to take the floor, Madam President. The need to think about the future has never been more urgent, as the ocean and its living resources on which the world depends are threatened by the cumulative impacts of human activities, such as food security. Maritime conservation and sustainable use of the oceans is a key nature-based solution to global crises like climate change, and the multidimensionality of poverty and inequality.

We support the idea of deep-sea literacy. South Africa is experiencing the effects of overfishing through illegal, unreported and unregulated fishing. This has a direct bearing on coastal communities whose livelihoods depend on the ocean. While piracy and poaching are severe security threats, it is not sufficient to only address the security dimension. Their roots causes must be attended; which relates to development. This also presents an opportunity for policy coherence with other international frameworks such as the SDG Goals 1 on poverty alleviation and SDG 2 on hunger as far as it relates to food security, hunger and poverty.

South Africa affirms that UNCLOS remains the primary framework governing nations' maritime activities, rights and responsibilities.

We thank Member States who supported South Africa's candidature of Advocate Thembile Joyini who was elected to the International Tribunal of the Law of the Sea in 2023. The African continent has a significant interest in the implementation of United Nations Convention on the Law of the Sea (UNCLOS) under which ITLOS is established.

While much progress has been made in areas within national jurisdiction, especially Exclusive Economic Zones, little progress has been recorded in the high seas, primarily due to the fact that there is no overarching authority with competence to regulate matters on the high seas.

This challenge has, accordingly, prompted the need for the elaboration of a BBNJ legally binding instrument, which establishes a global process for the establishment of marine protected areas along with other conservation measures, which will be universally binding.

On enhancing participation of AALCO Member States in activities in the International Seabed Authority, particularly in the Area of mineral resource exploitation, the Government of the Republic of South Africa wishes to reiterate the great value that it attaches to the work of the International Seabed Authority, including its efforts to ensure the effective protection of the marine environment from harmful effects that may arise as a consequence of deep-seabed related mining activities; whilst also supporting sustainable exploration and exploitation activities in the Area for the benefit of the common heritage of humankind.

This is also in keeping with the ISA Voluntary Commitments to support the implementation of SDG 14 of the United Nations 2030 Agenda relating to Life Below Water. I thank you.

**President:** Thank you very much for your statement. I now invite the United Republic of Tanzania to deliver their statement.

**The Delegate of the United Republic of Tanzania:** Thank you Madam President, on behalf of the United Republic of Tanzania, I would like to express our gratitude to the Secretariat for preparing the comprehensive brief on “The Law of the Sea” and we take note of the opening remarks on the subject. It brings us to deliberate on the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Tanzania has the honor to participate in such deliberations as we reflect on our collective progress in ensuring that the oceans and seas are governed in a manner that fosters peace, security, and sustainable development.

Madam President, the United Republic of Tanzania, as a coastal State ratified UNCLOS on 30 September 1985. Since then, we have committed to its implementation and integrated many of its provisions into our domestic laws and policies and in embracing the principle of UNCLOS, the United Republic of Tanzania delaminated its maritime zones based on the principle enshrined under UNCLOS. Accordingly, we have enacted the Territorial Sea and Exclusive Economic Zone Act, Cap 238 R.E 2002, which established the territorial waters, internal waters, exclusive economic zone (EEZ) and Continental Shelf of the United Republic of Tanzania.

Madam President, in promoting the safety of life at sea, Tanzania has ratified the International Convention for the Safety of Life at Sea (SOLAS), 1974, the Convention on the International Regulation for preventing collisions at Sea, 1972 and the International Ship and Port Facility Security Code (ISPS). To ensure safety measures are complied with, port state control inspections are conducted as per regional cooperation such as the Indian Ocean Memorandum of Understanding (IOMOU). The inspection is constrained to scrutinizing certificates, records, or documents mandated by universally recognized international rules and standards.

Madam President, the United Republic of Tanzania has ratified some security conventions such as the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and it has established a comprehensive legal framework encompassing various aspects of maritime security, including piracy, illegal fishing, smuggling, human trafficking and terrorism. The country is a signatory of the Djibouti Code of Conduct (DCoC) and the International Ship and Port Facility Security Code (ISPS). This demonstrates Tanzania's commitment to addressing maritime threats in line with global standards.

Madam President, Tanzania actively participates in regional and international initiatives to enhance maritime safety and security. Tanzania is a Member State of IMO, IoMOU, IORA, and DCoC (JA). The country collaborates with neighbouring coastal states, regional organisations, and international partners to share information and coordinate efforts to combat



maritime threats. Such cooperation contributes to a collective response to cross-border challenges.

It is imperative that developing countries have access to the necessary resources and technologies to fully realize the benefits of UNCLOS. Tanzania emphasizes the importance of capacity building and technology transfer to enhance the capabilities of developing nations in marine science, maritime safety, and resource management. We urge developed countries and international organizations to support these efforts through technical assistance, funding, and knowledge sharing.

Madam President, despite the progress made, Tanzania continues to face challenges in fully implementing UNCLOS, particularly in the areas of capacity building, technology transfer, and resource management. We call upon the AALCO Member States to continue working together in providing technical assistance, financial support, and capacity-building initiatives to enhance the ability of developing countries, like Tanzania, to meet their obligations under the Convention and those small Island States.

Additionally, we emphasize the need for ongoing dialogue and cooperation between coastal and landlocked states, regional organizations, and international institutions to ensure that the principles of equity, sustainability, and the rule of law enshrined in UNCLOS are upheld.

Madam President, the United Republic of Tanzania reaffirms its unwavering commitment to the full and effective implementation of UNCLOS. We believe that the Convention remains a cornerstone for ensuring peace, stability, and prosperity in the world's oceans. Tanzania will continue to work collaboratively with the international community to safeguard the oceans for future generations while promoting sustainable development in our maritime zones. Thank you for your attention.

**President:** Thank you very much for your statement. Now, I would like to give the floor to Malaysia for their statement.

**The Delegate of Malaysia:** Madam President, Mr. Vice-President, the Honourable Secretary-General, Excellency's, distinguished delegates, ladies and gentlemen, Malaysia presents the highest commendations to the efforts undertaken by the Secretariat of AALCO on this topic and wishes to address the recommendations by the Secretariat of AALCO as expounded in the Report for the Law of the Sea.

Malaysia welcomes the advisory opinion from the International Tribunal on the Law of the Sea (ITLOS) findings to address the concerns raised by the Commission of Small Island States on Climate Change and International Law ("COSIS") regarding climate change and its impact on oceans.

Malaysia notes that ITLOS is of view that Article 194, paragraph 1 of UNCLOS imposes upon States a legal obligation to take all necessary measures to prevent, reduce and control marine pollution from anthropogenic GHG emissions, and in the event of failure to comply with this obligation, international responsibility would be engaged for the offending State. Therefore, the obligation to prevent, reduce, and control marine pollution from GHG emissions becomes binding on states under UNCLOS.

By virtue of being a Member State to UNCLOS, Malaysia is also legally bound to comply with the obligation under Article 194, which had been interpreted by ITLOS as "to take all necessary measures to prevent, reduce and control marine pollution from anthropogenic GHG emissions, which includes measures to reduce such emissions".

Be that as it may, it is pertinent to note that the specific actions taken to fulfil this obligation can vary based on each state's capabilities and available resources, meaning that while the overall duty is strict, the practical implementation may differ depending on a state's economic and technological capacity.

Madam President, Malaysia has enacted several laws to address issues related to illegal migration and human trafficking. The primary legislation in this area is the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM), which criminalises human trafficking and migrant smuggling. This Act reflects Malaysia's commitment to preventing and combating these crimes while protecting the rights of victims. The Immigration Act 1959/63 [Act 155] also plays a critical role in regulating the entry, stay, and exit of foreigners, empowering authorities to take action against illegal migrants while ensuring humane treatment.

Malaysia is a party to the United Nations Convention Against Transnational Organised Crime (UNTOC), and being a member State to this instrument aligns with Malaysia's efforts to combat human trafficking ensuring compliance with international standards.

Malaysia's participation in initiatives like the International Maritime Organization (IMO) and the United Nations Office on Drugs and Crime (UNODC) underscores its commitment to safeguarding maritime navigation and combating maritime crimes, including human trafficking and illegal migration.

Malaysia's current legal framework, coupled with its active participation in regional initiatives such as Eyes in the Sky (EiS), Malacca Straits Patrol and Trilateral Cooperation Arrangement (TCA) as well as its commitment to international cooperation, demonstrates a strong approach to maintaining maritime security and addressing related challenges such as piracy, illegal migration, and human trafficking. Malaysia's continued engagement at international level will further enhance Malaysia's capacity to address maritime threats. Malaysia remains dedicated to upholding the rule of law and ensuring the safety and security of its maritime domain through both domestic and international efforts.

Malaysia wishes to lend its full support to the Secretariat's draft statement in Annex 2 and praises the Secretariat's efforts in promoting this agenda. Thank you.

**President:** Thank you very much for the statement. I would now like to give the floor to India.

**The Delegate of the Republic of India:** Madam President, at the outset, we would like to thank the Secretary-General/ DSG for the comprehensive report on the Law of the Sea. Our oceans are facing huge challenges including the deterioration of marine environment, loss of biodiversity, climate change, illegal fishing practices and those relating to maritime safety and security.

The United Nations Convention on the Law of the Sea 1982, along with its implementing Agreements provides the legal framework for the use of oceans and their resources by establishing a delicate balance between the need for economic and social development and the need to protect and preserve ocean resources for mankind.

The International Sea-bed Authority (ISA), the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf established under the Convention hold the key to proper implementation of the provisions of the Convention and to the realization of desired benefits from the uses of the seas.

We support the concerted efforts of international community towards achieving sustainable fisheries inter-alia by adopting measures to prevent and combat the illegal, unreported and unregulated (IUU) fishing, by effectively implementing the Fish Stocks Agreement and the relevant instruments at the regional level. We consider the role of the Food and Agriculture Organization (FAO) of the United Nations as crucial in the conservation of fisheries resources and the management and development of fisheries.

Madam President, India believes in peaceful resolution of disputes through dialogue and adherence to international rules besides respect for sovereignty and territorial integrity of all nations. We cannot allow our seas to turn into zones of conflict. Secure and open sea-lanes are critical for peace, stability, prosperity and development.

Madam President, Marine scientific research is essential to understand not only the physical characteristics of the water column as well as the seabed and subsoil, but also the nature of the deep-sea resources. While the freedom of marine scientific research is a recognized freedom of the High Seas, UNCLOS also contains general principles for the conduct of marine scientific research in the various maritime zones of coastal States.

In the EEZ and continental shelf, coastal States enjoy sovereign rights over the resources. Coastal States have the right to regulate authorize and conduct marine scientific research. Consent of the coastal State is required for the conduct of marine scientific research in the EEZ. Under normal circumstances, coastal State shall grant its consent for marine scientific research. UNCLOS clarifies that normal circumstances may exist in spite of the absence of diplomatic relations between the coastal State and the researching State and also specifies where the Coastal State may withhold its consent. We agree with the challenges facing marine scientific research as pointed out in the Secretariat's Report, including the challenges posed by advancement of modern technologies. We need in depth discussions on this sub-topic and sharing of best practices will be helpful in addressing some of the emerging challenges in this area.

Madam President, India recognizes with concern the ongoing threats to maritime safety and security posed by piracy, armed robbery at sea, terrorists' travel and use of sea to conduct crimes and acts against shipping, offshore installations, critical infrastructure, and other maritime interests.

India during its presidency of the UN Security Council in August 2021, organized an Open Debate on Maritime Security. We recall that during this occasion, India has proposed five cardinal principles on international maritime security to preserve and use of our common maritime heritage. Thank you Madam President.

**President:** Thank you very much for your statement. Now, I would like to invite Iran to make their statement.

**The Delegate of the Islamic Republic of Iran:** Madam President, first of all, I would like to appreciate the efforts of the Secretariat for preparing the report on "The Law of the Sea" and we are glad that the topic has been included as an item for deliberation after a short interval.

Madam. President, as a signatory State to the United Nations Convention on the Law of the Sea (UNCLOS), the Islamic Republic of Iran recognizes the significance of this international legal framework in governing activities related to oceans and seas.

However, Iran maintains that UNCLOS should not be regarded as the exclusive and sole legal framework within which all activities pertaining to oceans and seas are carried out. We assert

that any reference to UNCLOS should be made in conjunction with other relevant legal instruments and frameworks, rather than in isolation.

Sea-level rise, loss of biodiversity and reduction of different species of native fauna and flora are just a few of many challenges faced within our region, including in the seas. We reiterate the call for all relevant States to work together to protect the environment and to refrain from unilateral actions that could jeopardize its marine environment.

Madam President, my delegation welcomes the adoption of the legally binding Agreement on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

The adoption of the BBNJ Agreement is a significant milestone in international ocean governance, providing a critical framework for conserving and sustainably using marine biodiversity in areas beyond national jurisdiction.

This achievement is largely owed to the tireless efforts of developing countries, including member States of AALCO, who have worked together to shape an ambitious and progressive treaty. The inclusion of the Common Heritage of Humankind principle in the treaty is a testament to the years of struggle by developing countries, resulting in a balanced instrument that promotes equitable sharing of resources and responsibilities. We believe that the principle of Common Heritage of Mankind should serve as the guiding framework for all activities and decision-making under the BBNJ Agreement, ensuring that the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction are carried out in a manner that is equitable, transparent, and benefits all humanity.

Considering the efforts made by developing countries, we firmly believe that the constructive role of developing countries should continue to inspire and guide future steps, including discussions at the Preparatory Commission. In this regard, we believe that the AALCO, as an important platform for Asian and African States, can foster legal cooperation and ensure that the needs and interests of developing countries are effectively represented and promoted.

We believe that this treaty represents a great milestone in the global efforts to protect and sustainably use biological resources in areas beyond national jurisdiction. We assert that the Common Heritage of Mankind is the guiding principle to achieve the objectives of the BBNJ Agreement, including the access and sharing of benefits of marine genetic resources.

Madam President, The Islamic Republic of Iran reaffirms its commitment to a marine order based on the international law of the sea in order to protect maritime rights and interests of all and to ensure that maritime activities are carried out in accordance with the law of the sea.

The Islamic Republic of Iran has been actively engaged in the BBNJ negotiations from the outset and has viewed the adoption of the BBNJ Agreement as a significant step towards effective conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. As our internal process for ratifying the treaty is ongoing, we believe that AALCO provides a valuable platform for addressing existing challenges faced by developing countries, including their lack of legal and technical capacity, financial constraints, and limited resources.

In this regard, sharing of best practices of AALCO's Member States can help countries to ensure that they have the required resources, experience, and capacity to implement the Agreement. We are committed to working constructively with other delegations to support AALCO's role in promoting the effective implementation of the BBNJ Agreement and fostering cooperation among member States. Thank you for your kind attention.

**President:** Thank you very much for your statement. I would now like to invite Kenya to deliver their statement.

**The Delegate of the Republic of Kenya:** Thank you, Madam President, for the opportunity to make this statement on behalf of the Kenyan delegation on this agenda item. Distinguished delegates, first, we would like to take this moment to appreciate the statement made by the Hon. Judge of the ITLOS

Kenya's unwavering commitment to fostering the growth and development of the blue economy sector and effective ocean management is quite evident through its institutional, governance structures and legal framework. On the foregoing, Kenya is part of the High-Level Panel on Sustainable Ocean Economy that is committed to a transformative strategy aligning with UN Agenda 2030. These priorities include combating illegal fishing using innovative technologies like digital traceability and ratifying the WTO Fisheries' Subsidies Agreement 2022.

Further, Kenya aligns herself to efforts geared towards elimination of harmful fisheries subsidies that contribute to overcapacity, overfishing, and illegal, unreported and unregulated fishing. We therefore call upon all AALCO member states to ensure the total elimination of IUU fishing within their waters and fully adhere to the provisions of the Port State Measures Agreement.

Madam President, with the adoption and opening of signature of the Intergovernmental Conference on Marine Biodiversity of Areas beyond National Jurisdiction (BBNJ), this is a great stewardship of the ocean on behalf of the present and future generations. The treaty's objective seeks to implement international regulations to protect life in oceans beyond national jurisdiction through international cooperation.

As Kenya, we are particularly keen on the implementation of the four core elements of BBNJ. These include Marine genetic resources, Area-based management tools, Environmental impact assessments and Capacity building and the transfer of marine technology, which is of key importance to African and Asian States.

As we move to commence the entry into force of the BBNJ Agreement, it is especially important to position the Global South and particularly developing countries strategically to harness the benefits accruing from the Marine Genetic Resources. It is equally important that we should be able to make decisions on the environmental protection mechanism. For many years, developing countries have been disenfranchised by the devastating effects of climate change.

It therefore behoves us at this early stage of the implementation of Agreement to take a firm stand on environmental matters. To do this, we shall require a collective approach as AALCO to ensure that all our members are at that 1st Conference of Parties with concrete position on how to approach benefit sharing, environment matters and on capacity building and technology transfer.

We are hopeful that the Secretariat will develop a programme for AALCO geared towards not only assisting Member States to complete internal processes for entry into force of the BBNJ but also ensuring we are able to reach consensus on pertinent matters in the Agreement.

Madam President, Kenya has also engaged in regional collaborations such as the Indian Ocean Tuna Commission and Indian Ocean Rim Association with the aim of seeking to strengthen research and management efforts. Similarly, Kenya has effectively implemented measures to comply with the FAO Port State Measures Agreement (PSMA), including establishing fishing

ports, modern landing sites and capacity building for onboard and port inspections by inter-agencies, along with the acquisition of patrol vessels. Currently Kenya has procured six patrol vessels, including two 12-meter Patrol Boats and four Rigid Hull Inflatable Boats (RHIBs).

Regarding ocean conservation, the Ministry of Environment and Forestry in Kenya has implemented comprehensive strategies for mangrove rehabilitation, conservation, and sustainable use. The commitment extends to investing in marine research, fostering ocean knowledge management, and ensuring equitable access to marine resources for shared prosperity. Kenya aims to protect 30% of its oceans through highly protected Marine Protected Areas by 2030. The Kenya Marine and Fisheries Research Institute (KMFRI) actively monitors national marine litter, providing crucial data for the SDG number 14. The Sustainable Waste Management Policy further contributes to addressing marine plastic pollution.

Kenya therefore urges all AALCO Member States to come together and explore various legal and policy approaches to ensure growth and development of the blue economy sector and effective ocean management. I thank you.

**President:** Thank you very much for your statement. I would now like to invite Japan.

**The Delegate of Japan:** Madame President, distinguished delegates, my appreciation goes to the government of Thailand, for its hospitality, and would like to reiterate Japan's thankfulness for the proposal of the agenda item "Law of the Sea".

As a country that upholds "a free and open Indo-Pacific," Japan believes that the rule of law at sea is extremely important, and I am more than sure that this is an agenda item of interest to many AALCO Member States.

Firstly, I would like to touch on the advisory opinion rendered by ITLOS. We accept it as an important opinion by ITLOS, which is responsible for the interpretation and application of UNCLOS. Japan will closely monitor the impact of this opinion on future discussions given that the importance of addressing global environmental issues is further increasing internationally.

Madame President, regarding the regulation of marine scientific research (MSR), Japan has no domestic laws regulating the conduct of MSR, including MSR in the exclusive economic zones (EEZ). However, the relevant authorities of Japan monitor MSR conducted by other countries in its EEZ to ensure that they have Japan's prior consent and comply with the content of the prior application and the relevant provisions of UNCLOS.

Regarding activities in the Area, Japan attaches importance to the activities of the International Seabed Authority (ISA). Japan, as a member of the Council of the ISA since 1996, has contributed to the ISA's activities in order to maintain and develop maritime order based on the UNCLOS. Japanese contractors are conducting exploration activities under their contracts with the ISA, respectively, and have provided advanced scientific knowledge in mining technology and in protecting the marine environment for many years.

Japan is of the view that exploitation of mineral resources in the Area should be conducted in accordance with exploitation regulations to be established by the ISA, and that it is important to develop exploitation regulations which strike reasonable balance between the protection and preservation of the marine environment and the exploitation of mineral resources in the Area at the soonest possible.

As for the next subtopic “issues related to maritime security and safety”, Japan attaches importance to the maintenance and development of a maritime order based on the rule of law in the areas of security and safety in order to realize the Free and Open Indo-Pacific.

From this perspective, we would like to emphasize that Japan is making its utmost efforts in countering piracy including through dispatching Japan Self-Defense Force’s surface vessels and maritime patrol aircraft in the Gulf of Aden and off the coast of Somalia.

Japan would like to express support for the ILC’s approach of maintaining the legal norms on piracy established in UNCLOS, and then addressing the issues relating to the provisions of the current commentary on the definition. In addition, while technological advances may require the international community to update the concept of piracy and armed robbery at sea, the current provision of UNCLOS should be the starting point to preserve legal stability.

Madame President, IUU fishing is a multifaceted diplomatic and legal issue that is not only a threat to sustainable fishing, but also transnational organized crime. Japan, as a major fishing nation surrounded by the sea and as a responsible fishing nation, is addressing the IUU fishing issue based on international law and in cooperation with the international community.

Japan has been actively participating in discussions at various international meetings, including last year’s AALCO Annual Session, advocating the importance of measures to combat IUU fishing. In addition, as bilateral assistance, Japan has utilized ODA to provide seamless support, both in terms of the soft side including capacity building and the hard side such as the provision of patrol vessels and other equipment.

About the BBNJ Agreement, proper development of underlying rules and systems is indispensable for the effective implementation of the Agreement. Also, the details of measures to be taken by each country will largely depend on those rules and systems, which will be decided by the Conference of the Parties after the agreement enters into force.

Japan is determined to actively participate in the discussions, in order to contribute to developing sound, effective and cost-efficient mechanisms for the implementation of the Agreement, which will secure a balance between ‘conservation’ and ‘sustainable use’ of marine biological diversity and respect the relevant international instruments, frameworks and bodies.

Japan’s view is that marine genetic resources (MGR) do not fall under the category of “common heritage of mankind”. The BBNJ Agreement is to be interpreted in a manner consistent with UNCLOS, and the definition of “resources” as “common heritage of mankind” in UNCLOS does not include marine genetic resources. Thank you, Madam President.

**President:** Thank you very much for the statement. I now invite Viet Nam to make their statement.

**The Delegate of the Socialist Republic of Viet Nam:** Madame President, distinguished delegates, ladies and gentlemen, at the outset, we would like to thank the Secretary-General for the comprehensive report on the “Law of the Sea”. We hold the view that the United Nations Convention on the Law of the Sea of 1982 (UNCLOS), along with its implementing agreements, is the foundation for national, regional and global actions and cooperation in the maritime sector. As a responsible member of the international community, Viet Nam respects States’ sovereignty, sovereign rights and jurisdictions in maritime zones established under UNCLOS. Viet Nam reaffirms its commitment to the principles enshrined in the United Nations Charter, emphasizing the peaceful settlement of disputes.

Madame President, we commend the issuance of the Advisory Opinion on Climate Change and International Law by the International Tribunal for the Law of the Sea (ITLOS) in response to the request submitted by the Commission of Small Island States. This significant advisory opinion contributes to clarifying the intricate relationship between anthropogenic greenhouse gas emissions and marine environmental pollution. It also highlights the provisions of UNCLOS concerning the obligations of States in addressing the impacts of climate change on the marine environment.

One of the key obligations under UNCLOS, which ITLOS specifically elaborates in its Advisory Opinion, is the duty to cooperate in preventing, mitigating, and addressing the effects of climate change on the marine environment. This issue is of shared concern across the international community, particularly among coastal states in the Indo-Pacific. These shared views are reflected in various commitments, programs, and projects, such as the implementation of Sustainable Development Goal 14 (SDG14) and the Declaration of the East Asia Summit on promoting regional maritime cooperation, adopted in 2015.

In light of these shared concerns, we call upon all states to make joint efforts to fulfill their cooperation obligations under UNCLOS. By building on these commitments and shared concerns, we can collectively address the growing impacts of climate change on the marine environment, ensuring a more sustainable future for our oceans.

Madame President, we would like to express our appreciation for the analysis by the Secretariat concerning the regulation of marine scientific research under UNCLOS. Article 246(2) of UNCLOS clearly affirms that marine scientific research activities conducted by a State within the Exclusive Economic Zone (EEZ) of another coastal state must not interfere with the sovereign rights of that coastal state.

However, the lack of a precise definition of “marine scientific research” within UNCLOS has led to differing interpretations among nations. This has given rise to legal challenges, such as the difficulty in distinguishing between freedom of navigation and marine scientific research activities, and the right of a coastal State to investigate foreign vessels operating marine scientific research within its EEZ. These issues complicate the effective management and oversight of scientific research activities within EEZ.

We urge the AALCO and its Member States to raise their voices on the importance of further research and clarification on these interpretative issues. By doing so, we can promote the effective and consistent implementation of UNCLOS and enhance international cooperation in managing marine scientific research activities. I thank you Madam President.

**President:** Thank you very much for your statement. I would now like to invite Korea.

**The Delegate of the Republic of Korea:** Thank you, Madam President, for giving me the floor. The topic of climate change and its implications for the law of the sea is of paramount importance. My delegation would like to extend our appreciation to the Government of Thailand for placing it on our agenda.

In this intervention, we would like to touch upon three items: ITLOS advisory opinion, the international seabed area and the BBNJ Agreement. The recent advisory opinion issued by ITLOS marks a milestone in international law. By recognizing that anthropogenic greenhouse gas emissions constitute pollution of the marine environment under UNCLOS, the tribunal has provided a legal framework for addressing the impacts of climate change on our oceans. As a party to UNCLOS, the Republic of Korea is deeply committed to protecting the marine environment and promoting sustainable development. We acknowledge the grave



consequences of climate change on both marine ecosystems and human societies. In this regard, we participated in the ITLOS proceedings. We believe that a comprehensive and cooperative approach is essential to address the challenges posed by climate change.

We now turn to the international seabed area. The International Seabed Authority Council (ISA Council) has been developing draft regulations on the exploitation of mineral resources in the area. The Republic of Korea is participating in these discussions. It is essential to strike a balance between the protection of the marine environment and the rights of contractors. We would like to ensure that the regulations are robust and effective. Since 2020, the Republic of Korea has been hosting international workshops annually on Deep-Sea Taxonomy to advance scientific understanding of the international seabed area. This year, in June, the National Marine Biodiversity Institute of Korea and ISA co-hosted a joint workshop in Seoul. These workshops have been instrumental in fostering collaboration among researchers.

Another important issue in the Law of the Sea is bringing into force the BBNJ Agreement.

The Republic of Korea has been a strong supporter of the BBNJ Agreement. We signed the agreement in October 2023. This is essential for protecting marine biodiversity and ensuring the sustainable use of ocean resources.

To enter into force, the BBNJ Agreement requires the ratification of 60 countries. We appreciate the efforts made by those countries, including the Republic of Mauritius, an AALCO Member State that have taken the lead in completing their ratification. We urge all AALCO Member States to consider ratifying the Agreement as soon as possible.

We believe that the law of the sea plays a vital role in protecting our marine environment. By working together, we can create a more sustainable and equitable future for all. Thank you, Madam President.

**President:** Thank you very much for your statement. I would now like to invite Indonesia to make their statement.

**The Delegate of the Republic of Indonesia:** Thank you, Madam President. On the agenda of the Law of the Sea, Indonesia would like to deliver its comments on the topics of:

1. International Tribunal for the Law of the Sea (ITLOS) Advisory Opinion on the request submitted by the Commission of Small Island States (COSIS) on climate change and international law;
2. Challenges and best practices in implementing the United Nations Convention on the Law of the Sea (UNCLOS) provisions;
3. Sustainable use of marine resources, particularly in relation to the United Nations Agreement on Biodiversity Beyond National Jurisdiction (BBNJ Agreement); and
4. Maritime Security and Safety.

First, on the ITLOS Advisory Opinion.

Indonesia, as a State Party to the UNCLOS, is engaged in the process initiated by the COSIS seeking an Advisory Opinion from the ITLOS. Indonesia has provided substantive contributions to both the written and oral proceedings, underscoring its commitment to addressing the nexus between climate change and the law of the sea.

Indonesia's participation underscores its firm belief in the importance of addressing climate change. As a State Party to UNCLOS, Indonesia remains fully committed to fulfilling its obligations to protect and preserve the marine environment, as mandated by the Convention

Second, on the implementation of UNCLOS provisions.

Indonesia as a State Party to the UNCLOS and fully supports the implementation of provisions regarding the marine scientific research (MSR) in exclusive economic zone. However, it is imperative that the implementation also considers other rules and regulations, especially regarding the rights of coastal states. Indonesia underlines the importance for an arrangement of mutual agreement between researchers and coastal state by adhering to the sovereignty rights of the coastal state.

On national level, Indonesia would like to highlight that it has established domestic regulations governing MSR. In line with UNCLOS, which requires coastal State consent for MSR activities, Indonesia has developed and implemented a procedure for granting permits for MSR within its jurisdiction. However, as the world's largest archipelagic State with extensive maritime zones, Indonesia faces significant challenges in monitoring and regulating MSR activities within its waters. Technological advancements have allowed some states with advanced capabilities to conduct covert MSR operations without obtaining the required permissions from Indonesia. In this regard, Indonesia encourages AALCO Member States to share best practices to address these challenges.

Third, on the sustainable use of marine resources.

Indonesia emphasizes the critical importance of the BBNJ Agreement for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. This agreement represents a significant step towards establishing a more comprehensive governance framework for the high seas. Indonesia is currently in the process of undertaking domestic procedures for the ratification of the BBNJ Agreement. We encourage other States to ratify the Agreement to ensure the Agreement's swift entry into force, which requires the deposition of 60 instruments of ratification. Indonesia is committed to working with AALCO Member States to ensure the effective implementation of these vital international legal frameworks.

Finally, on the topics of maritime security and safety.

Indonesia encourages coastal States to raise awareness on their responsibility of violation at sea, especially of illegal fishing, by their nationals, including on repatriation and repetition prevention.

Furthermore, Indonesia encourages the initiation of a platform for data and information exchange between AALCO Member States and capacity building related to it. The platform, however, should always respect rules and regulations related to data confidentiality, both on national and international level. With that, thank you so much Madam President.

**President:** Thank you very much for the statement. I have three more speakers on my list. It is China, Bangladesh and Türkiye. I now give the floor to China.

**The Delegate of the People's Republic of China:** Thank you, Madam President, Secretary-General, distinguished delegates, ladies and gentlemen. China attaches great importance to the ITLOS's Case No.31. Under the strong guidance of Xi Jinping Thought on Ecological Civilization, China fully participated in the ITLOS Advisory Proceedings. China has presented written statements to the Tribunal. His Excellency Mr. Ma Xinmin, Director-General of the Department of Treaty and Law of the Foreign Ministry, made a statement at the oral proceeding

on behalf of the Chinese government. This marked the first time that China participated in an oral proceeding before the ITLOS.

Though the Tribunal has issued its advisory opinion this May, China, with all due respect, disagrees with the Tribunal on some legal issues of significance. I would like to take this opportunity to briefly highlight on such points. First, China has consistently objected to the advisory jurisdiction of the full Tribunal. Second, the United Nations Framework Convention on Climate Change (UNFCCC) system is *sui generis* and is fundamental and primary in addressing climate change, whereas the United Nations Convention on the Law of the Sea (UNCLOS) can only play a supplementary role in this context. Third, the impact of greenhouse gas emissions on the ocean is *sui generis* and cannot be characterized as marine environmental pollution. Fourth, the loss and damage caused by climate change are *sui generis* and cannot be addressed under the state responsibility regime provided by the UNCLOS.

China deems it essential to interpret and implement the UNCLOS and the UNFCCC system in good faith, ease the fragmentation of international law, and safeguard the sound development of global ocean and climate change. Despite different views on legal issues set above, China concurs with the idea that it is a common cause of humanity to tackle climate change and its adverse effects. As a responsible major developing country, China implements a national strategy of actively responding to climate change and will achieve the world's highest reduction in carbon intensity in the shortest time in history. China would work together with the international community to uphold the significance of the UNFCCC system, which serves as the broadest common denominator of the global community and the primary avenue for addressing climate change.

The BBNJ Agreement signifies a significant milestone in the development of international ocean law and heralds a new era of global cooperation on marine biodiversity. It holds immense importance for worldwide ocean governance and the establishment of an environmentally sustainable world. The Chinese government has actively engaged in the negotiation process and promptly signed the BBNJ Agreement on its opening day for signature, September 20, 2023, showcasing a proactive stance and tangible efforts towards the preservation and responsible utilization of marine biodiversity. China is currently conducting a comprehensive assessment of pertinent issues related to ratifying the BBNJ Agreement.

First, the BBNJ Agreement represents the latest achievement in the development of international maritime law. The United Nations Convention on the Law of the Sea, as a comprehensive legal framework for maritime issues, along with other relevant international treaties and customary international law, forms the foundation of modern maritime governance. The adoption of BBNJ Agreement signifies that certain aspects of maritime issues were not fully addressed by the Convention. It fills a regulatory void left by the Convention concerning genetic resource activities in areas beyond national jurisdiction, enabling us to capitalize on opportunities arising from marine technology advancements and effectively address challenges posed by the marine environment.

Second, the BBNJ Agreement fully upholds and safeguards the maritime rights and interests of all nations. It explicitly pertains to the high seas and the international seabed beyond territorial waters without any disputes, while not undermining the sovereignty, sovereign rights, and jurisdiction of any nation. Furthermore, it explicitly incorporates the two fundamental principles of freedom of the high seas and the common heritage of humankind. This comprehensively reflects general principles of international law respecting territorial sovereignty and maritime rights and interests of all nations, thereby contributing to maintaining stability in maritime order.

Third, within the framework of the BBNJ Agreement, all parties should endeavor to achieve consensus-based decision-making to the fullest extent possible. Countries share common interests and concerns in the high seas and international seabed area. Decisions based on consensus are essential for gaining broad recognition and ensuring effective implementation. All parties should attach great importance to fully considering each other's concerns and make every effort in a spirit of goodwill to reach consensus on the implementation of the BBNJ Agreement. Consensus should not be easily subjected to a vote.

The ocean serves as a shared habitat for humanity. A healthy marine ecological environment represents the most just and inclusive public good, with all nations sharing in the responsibility for its preservation. China is committed to collaborating with all stakeholders to uphold the principles of consultation, cooperation, and mutual benefit, advancing marine biodiversity conservation and sustainable utilization to new heights. Through these efforts, we aim to continuously enhance global ocean governance and jointly build a clean and beautiful world! Madam President, ladies and gentlemen, I thank you for your attention.

**President:** Thank you so much for your statement. I now give the floor to Bangladesh.

**The Delegate of the People's Republic of Bangladesh:** Thank you Madam President, Excellencies, distinguished delegates. Bangladesh thanks the Royal Thai Government for proposing the topic "The Law of the Sea" for this Sixty-Second Annual Session. We recall AALCO's historic role in furthering the codification and progressive development of the Law of the Sea, including UNCLOS.

As a littoral State on the Bay of Bengal, Bangladesh remains pro-active in terms of its engagements with the International Tribunal on the Law of the Sea (ITLOS), International Seabed Authority, and Commission on the Limits of Continental Shelf. Bangladesh has recently played lead role in the International Oceanographic Commission, UNESCO and the Indian Ocean Rim Association (IORA). We remain invested in observance of the UN Decade on Ocean Science for Sustainable Development.

Bangladesh made its own submission in support of the request for an ITLOS Advisory Opinion made by the Commission of Small Island States for Climate Change and International Law. We acknowledge the far-reaching implications of the Tribunal's Advisory Opinion, which makes a compelling case for preventing, reducing and controlling GHG emissions in the present to help mitigate the harms caused to the marine environment. We believe that the Advisory Opinion would constitute an important guideline for the interface between the Law of the Sea and climate change related legal regimes. We share concerns over the growing threat of climate change to the oceans and its adverse impacts on marine ecosystems, ocean chemistry and SDG 14.

Bangladesh had actively participated in the negotiations of the BBNJ Agreement, and signed the groundbreaking instrument last year. As we stand poised to submit our Instrument of Ratification, we recognize the importance of enabling national legislations to comply with the Agreement's seminal provisions concerning conservation of marine genetic resources, marine protected areas, and environmental impact assessments. We underscore the need for capacity building and transfer of marine technology for developing, least developed and low-lying coastal states in order for them to effectively utilize the fair and equitable benefit sharing provisions. In Bangladesh, our government has set up maritime and oceanographic research institutes that aim to produce, among others, high-calibre marine scientific researchers with appropriate international support. In 2022, Bangladesh declared a Marine Protected Area spanning 1,743 sq km to protect bio-diversity and coral habitat around the St. Martin's Island in the South-east.

On Maritime Security and Safety, Bangladesh partners with a wide range of international partners, including UNODC and IMO, to address challenges posed by human trafficking, migrants' smuggling, maritime piracy and armed robbery. We reiterate our call for finding a durable solution to the protracted Rohingya humanitarian crisis emanating from Myanmar to meaningfully curb the irregular movements at sea that continue to affect the Bay of Bengal region and beyond. We appreciate the work undertaken by the International Law Commission to develop draft Articles concerning the prevention and repression of piracy and armed robbery at sea. Earlier this year, Bangladesh had to painstakingly secure the rescue and return of 23 crew members of MV Abdullah after it was captured by Somali pirates in the Indian Ocean. It would be particularly helpful for AALCO to sensitize Member States about enhanced and appropriate engagements concerning the codification and implementation of international law concerning maritime piracy and armed robbery. I thank you.

**President:** Thank you for your statement. Before, I give the floor to Türkiye; I would like to announce that the BBNJ side-event, which most of you have referred in your statement would happen next door. The Thai government is organizing the side event as a capacity building and knowledge sharing initiative where experts will be answering your questions. I invite all delegates to attend the side event. I now give the floor to Türkiye.

**The Delegate of the Republic of Türkiye:** Thank you Madam President for giving me the floor. I would like to make a statement on Türkiye's position on this topic.

Madam President, Türkiye welcomed the signing of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ). We believe that this Agreement is an important achievement in international maritime law.

Türkiye supports the Agreement's principles and as a non-Party to the 1982 Convention on the Law of the Sea (UNCLOS) actively participated in its negotiations. However, Türkiye is not a party to the UNCLOS and has consistently expressed that she does not agree with the view that this Convention has a "universal and unified character". Türkiye also maintains that the UNCLOS is not the only legal framework that regulates all activities in the oceans and seas. These concerns and objections have also been raised by a number of other States throughout the years. We would like to take this opportunity to note that the reasons that have prevented Türkiye from being a party to the UNCLOS remain valid.

Madam President, Türkiye supports international efforts to establish a regime of the seas that is based on the principle of equity and is acceptable to all States. However, in our opinion, the Convention does not provide sufficient and relevant guidelines and safeguards for particular geographical situations and, as a consequence, does not take into consideration conflicting interests and sensitivities from special circumstances.

Furthermore, the Convention does not allow States to make reservations to its articles. Hence, although, we agree with the Convention in its general intent, and most of its provisions, we are unable to become a party to it due to those prominent shortcomings.

Madam President, therefore, Türkiye disassociates herself from the references made to UNCLOS. Neither our participation in the activities organized by the Asian-African Legal Consultative Organization (AALCO) nor our approval of any document within this frame can be construed as a change in the legal position of Türkiye with regard to UNCLOS. Thank you Madam President.

**President:** Thank you very much. So that concludes our deliberations on the “The Law of the Sea” agenda. We begin again at 1:30 PM with the agenda item “Violations of International Law in Palestine and Other Occupied Territories by Israel and other legal issues related to the question of Palestine”. I now adjourn the meeting. The side-event is happening right now and all of you are invited. Please attend. Thank you.

**The meeting was thereafter adjourned.**

**XII. VERBATIM RECORD OF THE FOURTH  
GENERAL MEETING (CONTINUED) OF THE  
AALCO MEMBER STATES**





**XII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTINUED)  
OF THE AALCO MEMBER STATES HELD ON WEDNESDAY 11 SEPTEMBER  
2024, AT 1:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand, and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: VIOLATIONS OF INTERNATIONAL LAW IN PALESTINE AND  
OTHER OCCUPIED TERRITORIES BY ISRAEL AND OTHER INTERNATIONAL  
LEGAL ISSUES RELATED TO THE QUESTION OF PALESTINE**

**President:** Thank you. Thank you very much. Good afternoon, everyone. Hope you enjoyed the lunch today and the side event. I thought that was a very good, timely organisation of an event right after our consideration of the topic of the Law of the Sea. I hope it was very useful for States who were able to attend.

All right, so this afternoon we begin on the topic under consideration which is “Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine”. States that have registered their intention to make a statement are as follows: The first State is the State of Palestine, followed by the Islamic Republic of Iran, Malaysia, India, China, Korea, Indonesia, Japan, Uganda, and Bangladesh.

So if our first speaker, the distinguished delegate of the State of Palestine, is ready, I invite you to – oh, apologies, Excellency, I skipped over the important role of the Secretariat to make an introductory remark. Apologies. Thank you.

**Dr. Ali Hasankhani, Deputy Secretary-General of AALCO:** Hello, everyone. Madam President, Distinguished Delegates, ladies and gentlemen. International law issues relating to Palestine were brought into the agenda of the Organisation in 1988 on the recommendation of the Islamic Republic of Iran on the topic, “Deportation of Palestine in violation of international law, particularly the Fourth Geneva Convention of 1949 and the massive immigration and settlement of Jews in occupied territories”. With a view to widen the scope of the topic and include all occupied territories, the topic was renamed to its present form. Over a period of more than three decades, AALCO has committed itself to studying and deliberating on every possible aspect of the topic and has prepared a number of special studies on specific international law questions dealing with the topic.

AALCO Member States have actively participated in the deliberations and unanimously condemned the occupation on various occasions in their statements as well as through the adoption of substantive resolutions. AALCO Member States have expressed their unwavering support for the State of Palestine and for realisation of the fundamental rights of the Palestinian people. It may be observed that perhaps there is no topic on the agenda of AALCO that displays the strong moral compass of the Organisation as the present one.

This year, the executive report on the topic is contained in document number AALCO/62/Bangkok/SD/S4 while annexed to its document number AALCO/DFT/RES/SD/S4 that contains the draft resolution on the topic prepared by the secretariat. The report provides an explanation of four key developments over the past year on the topic and concludes with some comments and observations. The report presents a

description of the key findings and analysis of reports of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territory occupied since 1967 as well as the annual report of the United Nations High Commissioner for Human Rights in Occupied Palestinian Territory including East Jerusalem and the obligation to ensure accountability and justice.

Further, the document also presents the key recommendations present in the report that informed the part of deliberations at the Human Rights Council at the fifty-fifth session for the consideration of the AALCO Member States.

Over the past year, the International Court of Justice has been seized with the jurisdiction on a number of matters relating to Palestine. The Secretariat's report before you reports on two separate proceedings that were held in the ICJ.

Firstly, the document reports on the orders passed by the ICJ on provisional measures in the Case Concerning the Application of Convention on the Prevention and Punishment of Crime of Genocide in the Gaza Strip, South Africa versus Israel. The final judgment in the case has not been delivered as of yet, however, provisional measures are in place.

Secondly, the document reports on the Advisory Opinion delivered by the ICJ on the Legal Consequences of arising from the Policies and Practises of Israel in the occupied Palestinian Territory including East Jerusalem on 19<sup>th</sup> July 2024. The Advisory Opinion touched upon the key violations of international law committed by the occupying power in the Occupied Palestinian territory and detailed the legal consequences for Israel and other States and the United Nations. As the conflict in Gaza seems to be heading toward a phased ceasefire, the past year has been rife with legal developments in quick succession on the agenda item.

AALCO Member States are invited to deliver statements on the issues and identified for deliberation in the document and share their respective positions and views on this all important agenda item. I thank you, Madam President.

**President:** Thank you very much, Secretariat, for the introductory remarks. So now we begin our deliberations by hearing statements from delegates. So now I invite the distinguished delegate from the State of Palestine to deliver their statement. You have the floor, Sir.

**The Delegate of the State of Palestine:**<sup>1</sup> *Bismillah ar-Rahman ar-Rahim.* Madam President, Mr. Vice-President, Deputy Secretary-General, good afternoon. Honourable delegations, first and foremost I would like to express my deepest gratitude to the States that have consistently extended their support to the State of Palestine.

Your unwavering solidarity and commitment to justice has been a beacon of hope for us, the Palestinian people. In our pursuit of freedom, dignity and self-determination in our own independent state. We are gathered here today at the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization, AALCO, in Bangkok to deliberate on crucial organisational matters and engage deeply with pressing issues that threaten the foundation of law-based international order.

---

<sup>1</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the State of Palestine.

Among these issues, the ongoing escalation, alarming violations of international law in the State of Palestine and other Occupied Territories by Israel, the illegal occupying power, and stands as a grave concern for the international community. The comprehensive Secretariat report as presented by the Deputy Secretary-General of AALCO underscores the Organisation's unwavering commitment to address these issues. Drawing on submission to various UN bodies, the report contributed to an Advisory Opinion from the ICJ, serving as a reminder of our deteriorating situation in the Occupied Palestinian Territory.

Ladies and gentlemen, we stand here today to confront a grim reality. Israel, the illegal occupying power, has engaged in a deliberate and systematic campaign of severe violations and atrocities against the Palestinian people. These actions are not isolated incidents but form part of a comprehensive strategy that constitutes some of the gravest breaches of international law.

The most abhorrent of all crimes is genocide against the Palestinian people, particularly in the Gaza Strip, which has tragically become a sample of the complete erosion and graveyard of human rights. The Israeli military forces has committed acts that include killing of tens of thousands of Palestinian people, causing severe physical and mental harm to the entire population and imposing living conditions intended to cause physical destruction such as siege, blockade of a humanitarian access, destruction of civilian infrastructure including hospitals, and deprivation of food, water, and medical care, leading to starvation, disease, and death. Moreover, obstructing birth and jeopardising the lives of pregnant women and new-borns and motherhood, forcibly transferring Palestinian children subject them to torture and other forms of physical and psychological abuse.

Israeli actions in Gaza and the rest of the Occupied Palestinian Territories constitute war crimes and crimes against humanity on an unprecedented scale, turning Gaza into a place of death, despair, and violating every principle of international law designed to protect civilians during armed conflict.

Ladies and gentlemen, for over 76 years, Palestine has faced an array of atrocities and crimes aimed at erasing their presence from their homeland. Israel's settler colonial project and ethnic cleansing policies have systematically uprooted Palestinian communities, destroyed homes, and confiscated land.

The apartheid regime imposed by Israel discriminates against Palestinians in all aspects of life, from movement and access to their natural resources to policies and political and civil rights, these are just examples of what Israelis are doing to us. In direct violation of international law, Israel continues to expand its settlers' colonial enterprise in the occupied West Bank, including East Jerusalem, deepening the prolonged occupation. Through illegal settlement policies, Israel systematically transfers its civilian population into Occupied Palestinian territories, effectively annexing Palestinian lands in clear contravention of the Geneva Conventions.

Furthermore, this illegal power allows its Government-supported terrorist settlers, militia, terrorising the Palestinian civilian population, burning villages, and killing innocent civilians. I'm trying to summarise, and I can say the situation in Palestine transacts a regional concern. We must act with urgency and determination to safeguard the rights and dignity of the Palestinian people and uphold the principles of international law. All peace-loving and law-abiding States, we are calling upon them to act immediately to protect the millions of human

lives in peril and pursue without any further delay a just and peaceful solution to end this historic injustice that has for too long deprived the Palestinians from their homeland, their rights, and dignity.

Only by tangible measures of accountability in line with international law will it be possible to mobilise the necessary pressure to compel Israel and its threats to regional and international peace and security to finally bring an end to this illegal occupation of the territories of the State of Palestine. We are calling to all States, Members of AALCO who have not recognised the State of Palestine until today to do so as soon as possible. Thank you.

**President:** Thank you. Thank you very much for your statement. Next on the list of speakers, I now invite the distinguished delegate of the Islamic Republic of Iran to make a statement.

**The Delegate of the Islamic Republic of Iran:** *Bismillah ar-Rahman ar-Rahim.* Madam. President, distinguished delegates, ladies and gentlemen, in the beginning, my delegation would like to welcome the holistic report of the AALCO Secretariat on the topic “Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine”. We also express our appreciation for the continued inclusion of this topic on the agenda.

Over the past year, the Israeli occupying power has been committing extensive international crimes in Gaza. The Israeli occupying regime, through a campaign of brutality and terror, continues to massacre innocent people, mostly women and children. In this deadly campaign, about 20 people are killed or injured every hour. The Israeli regime has destroyed over 80% of residential areas and all infrastructure, including hospitals, mosques, churches, educational centres, and historical sites in Gaza.

Instead of meeting its obligations as an Occupying Power pursuant to the Fourth Geneva Convention and other relevant international instruments, the Israeli regime has brutally weaponised starvation as a means of war by blocking the aid routes, besides bombing refugee camps in Rafah and attacking the displaced people in Khan Yunis. I may draw your attention to the attack that was carried out by the Israeli military yesterday in the humanitarian safe zone, which sadly resulted in the death and injury of a large number of other people.

Madam. President, the Special Rapporteur on the situation of human rights in the Palestinian territory has taken into consideration the various acts, and patterns of violence perpetrated by the Israeli Occupying Power and its policies in its onslaught in Gaza and analysed them within the legal definition of genocide as defined in the Genocide Convention. Her report concludes that there are reasonable grounds to believe that the threshold indicating Israel’s commission of genocide is met. One of the key findings is that Israel’s executive and military leadership and soldiers have intentionally distorted *jus in bello* principles, subverting their protective functions, in an attempt to legitimize genocidal violence against the Palestinian people.

Madam. President, more than ten months of massive attacks by the Israeli regime on Gaza and the West Bank proved that the destruction of the Palestinian resistance and Hamas, as a liberation movement established against occupation and aggression, is nothing more than an illusion. The support of all the nations of the region and the freedom seekers of the world to the praiseworthy resistance of the Palestinian nation also proved that this nation is not at all alone in realizing its inherent right.

The Israeli regime is not a legitimate State, it is only an Occupying Power, and the passage of time does not, and will not, give legitimacy to the occupying regime because based on the well-known principles of international law, occupation of a land or territory is temporary, even if it lasts for decades. It is high time that the international community demonstrated unity in urging and compelling the Israeli aggressor regime to fully, immediately, and effectively implement the provisional measures indicated by the International Court of Justice orders of 26 January 2024, 28 March 2024, and 24 May 2024.

In this context, I would like to refer to the landmark advisory opinion issued by the ICJ on 19 July 2024 on the “Legal Consequences arising from the policies and practices of Israel in the Occupied Palestinian territory. The Court not only recognized the Israeli regime’s ongoing occupation of Palestine and persecution of a defenceless people as a clear threat to international peace and security but also officially acknowledged the fact that the Zionist regime has been committing the crime of racial discrimination and apartheid against Palestinians on an on-going basis. In line with the ICJ’s dictum concerning the illegality of the Israeli regime’s continued presence in the Occupied Palestinian Territory, we call upon all Member States of AALCO to not recognize as legal the situation arising from the unlawful presence of the said Occupying Power in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by this continued presence; also, noteworthy is the obligation of international organizations not to recognize this situation as legal, an obligation that binds AALCO as well.

Madam President, the only way to restore peace is to put an immediate, complete, and permanent end to the occupation, aggression, and crimes committed by the Israeli occupying regime. Aggression, occupation, terror, and genocide have been on-going for decades and it is high time that the UN Security Council and General Assembly created the modalities referred to by the ICJ aimed at putting an end to the unlawful presence of the Occupying Power in Palestine aimed at realizing the Palestinians’ right to self-determination.

Until the full realization of this right, it is inevitable for the Palestinian people to resist occupation and aggression. The Islamic Republic of Iran maintains that a comprehensive, fair, and lasting solution to the Palestinian question is only possible by ending the occupation of all Palestinian territories, allowing the Palestinian people to realize their right to self-determination through holding a referendum among all the original Palestinian residents and establishing an independent and unified State of Palestine. We consider this as the only viable approach to establish durable peace and security in the West Asia region. Thank you for your attention.

President: Thank you very much for your statement. Now I would like to give the floor to the distinguished delegate from Malaysia.

**The Delegate of Malaysia:** Madam President, distinguished delegates, ladies and gentlemen, *Assalam Walekum* and good afternoon, I would like to begin by extending our profound appreciation to the distinguished AALCO Secretariat for presenting a report on an issue of utmost global significance.

Malaysia recognises and values the critical efforts undertaken by the Special Rapporteur on Human Rights in the Palestinian territories, under occupation since 1967.

We further take note of the findings presented in the Annual Report of the United Nations High Commissioner for Human Rights on the ‘Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem, and the Obligation to Ensure Accountability and Justice,’ submitted to the Human Rights Council Assembly at its fifty-fifth session.

Malaysia welcomes the adoption of the resolution titled “Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem, and the Obligation to Ensure Accountability and Justice,” at the fifty-fifth Session of the United Nations Human Rights Council in Geneva on 5 April 2024. The resolution, tabled by the Organisation of Islamic Cooperation, was actively supported and co-sponsored by Malaysia. It urges all States to cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel. Additionally, it demands an immediate ceasefire, condemns the use of starvation as a method of warfare in Gaza, and warns against Israel’s large-scale military operations in Rafah.

Madam President, in parallel with our diplomatic efforts, Malaysia has also been involved in international legal actions concerning the Palestinian Issue. We participated in the Public Hearings on the request for the International Court of Justice’s Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory (OPT), including East Jerusalem, held at the Peace Palace, The Hague, from 19<sup>th</sup> to 26<sup>th</sup> February 2024. In Malaysia’s oral submission, Malaysia argued that Israel’s policies and practices in the Occupied Palestinian Territory constitute clear violations of international humanitarian law and international human rights law. Malaysia’s participation at the ICJ proceedings was pivotal in aligning with other like-minded countries in the collective defence of humanity.

It is worth noting that many AALCO Member States have joined us in submitting written statements to the ICJ. This collective action underscores the critical importance of this matter to our region and the broader international community, reflecting our shared and steadfast commitment to upholding the rule of law and the principles of international humanitarian law and human rights, particularly those enshrined in the Geneva Convention on the Protection of Civilian Persons in Time of War.

Malaysia also commends the significant ruling of the ICJ in favour of Palestine rendered through its Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, on 19 July 2024. The Court, with an overwhelming majority, declared Israel’s continued occupation of the Occupied Palestinian Territory as unlawful, demanding its immediate cessation. Furthermore, it called for an end to all new settlement activities and mandated compensation for damages.

The Court’s findings affirm Malaysia’s legal positions, as articulated by our Minister of Foreign Affairs, during his oral submission on 22<sup>nd</sup> February 2024. Consequently, Malaysia urges all States to compel Israel to comply with the ICJ ruling and to cease supporting Israel’s continued illegal occupation of Palestine.

Malaysia strongly endorses and praises South Africa for its resolute efforts to stop the genocide against Palestinians in Gaza. The legal proceedings against Israel at the ICJ represent a timely and concrete step towards holding Israel accountable for its actions in Gaza and the Occupied Palestinian Territory at large. As a fellow State party to the Genocide Convention, Malaysia

unequivocally demands that Israel fulfil its obligations under international law and immediately cease its heinous crimes against the Palestinian people.

On the humanitarian front, Malaysia has pledged additional funds to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), supplementing our annual contributions. UNRWA's role as the principal agency for the development and well-being of Palestinian refugees is both essential and irreplaceable, and thus must continue to receive support. In a statement delivered by the Permanent Mission of Malaysia to the United Nations on 12<sup>th</sup> July 2024 at the UN Headquarters in New York, Malaysia announced an additional contribution of USD 1 million to UNRWA. This brings Malaysia's total contributions to UNRWA to USD 5.2 million since November 2023. Furthermore, Malaysia has committed to an annual contribution of USD 200,000 to UNRWA from 2021 to 2025.

Malaysia acknowledges and supports the Secretariat's draft resolution as it addresses the current international development on the situation in Palestine. Malaysia welcomes any cooperative measures that AALCO's Members States and the international community may take to find ways and means to end atrocities in Palestine.

In conclusion, Malaysia remains steadfast in its commitment to the Palestinian cause and will persist in its efforts towards the establishment of an independent and sovereign State of Palestine, based on the pre-1967 borders, with East Jerusalem as its capital. Malaysia strongly urges the international community, including the Security Council, to continue advancing efforts towards the admission of Palestine as a full Member of the United Nations. Thank you.

**President:** Thank you very much for your statement. Now I invite the distinguished delegate of India to make a statement. Thank you, Madam President.

**The Delegate of the Republic of India:** We thank the Deputy Secretary-General of AALCO for his introductory remarks on the topic. We are deeply concerned by the escalation of violence, the deepening of humanitarian crisis, and instability in the region. All parties must protect civilians, especially women and children.

Loss of civilian lives in any conflict is condemnable. It is important that both sides create a conducive environment for direct and meaningful talks, including through eschewing violence and de-escalation. India has always supported the Palestinian people in their pursuit of economic and social development with dignity and self-reliance.

India continues to support a negotiated two-State solution to the Israel-Palestine issue, leading to the establishment of a sovereign, independent, and viable State of Palestine, living with secure and recognised borders, side by side in peace with Israel. To conclude, India stands ready to continue its engagement with the region with an abiding faith in realising the vision of sustained peace and stability in West Asia. Thank you, Madam President.

**President:** Thank you very much. Now I turn to China, so may I invite the distinguished delegate of China to make a statement?

**The Delegate of the People's Republic of China:** Thank you, Madam President. The Palestinian question is at the core of the Middle East issue. China supports AALCO in continuing deliberation on this topic. Last October, a new round of Palestinian-Israeli conflict broke out, resulting in the death of more than 40,000 civilians in Palestine, including children.

In this context, a number of cases concerning the Palestinian-Israeli question have been submitted to the ICJ.

Earlier in July this year, the ICJ issued an Advisory Opinion on Occupied Palestinian Territory, which makes it clear that Israel's continued presence in the Occupied Palestinian Territory is a violation of international law, and that Israel is under the obligation to bring an end to its unlawful presence in the Occupied Palestinian Territory as rapidly as possible. The Advisory Opinion is an important milestone that responds to the widespread concern and expectation of the international community. China actively participated in the written and oral proceedings of the case, aiming to safeguard international fairness, justice, and human conscience, support the Palestinian people's just cause of restoring their legitimate rights, and promote the early resumption of peace talks between Palestine and Israel to achieve the ultimate goal that they co-exist in peace as two States, and the Arab and Jewish peoples live in harmony as two ethnic groups.

China elaborated its positions before the court that the prolonged occupation by Israel of the Occupied Palestinian Territory violates the rights of the Palestinian people to self-determination, violates the principle of inadmissibility of the acquisition of territory by force, and is suspected of constituting annexation, violates international humanitarian law, including the law of occupation and international human rights law. Israel should bear corresponding State responsibility. These positions have been fully reflected in the Advisory Opinion issued by the court.

Since January this year, the ICJ has indicated three consecutive provisional measures in the case of South Africa versus Israel for violation of the Convention on the Prevention and Punishment of the Crime of Genocide. In particular, the provisional measures indicated in May for the first time explicitly ordered Israel to halt its military aggression in Gaza. China firmly opposes and strongly condemns all acts of violence against civilians.

We look forward to the effective implementation of the provisional measures indicated by the ICJ. We also expect the international community will follow the guidance of the ICJ's Advisory Opinion and work unremittingly for an early settlement of the Palestinian question and the realisation of lasting peace and stability in the Middle East.

Madam President, China always supports the Palestinian people in restoring their legitimate rights and has played a constructive role in the settlement of the Palestinian question. In June last year, during his talks with Palestinian President Mahmoud Abbas, the Chinese President Xi Jinping put forward a three-point proposal for the settlement of the Question of Palestine. The proposal stressed that efforts should be made to establish an independent State of Palestine that enjoys full sovereignty and called upon the international community to step up development assistance and humanitarian aid to Palestine. In July this year, all 14 Palestinian factions held reconciliation talks in Beijing and signed the Beijing Declaration, which brings hope and a future to the Palestinian people.

It's also an important step towards resolving the Palestinian question and achieving peace and stability in the Middle East. By doing so, China is committed to join the efforts of the international community in actively contributing to the early, comprehensive, just, and lasting settlement of the Question of Palestine and the realisation of peace and stability in the Middle East. Thank you, Madam President.



**President:** Thank you very much for your statement. Now I invite the distinguished delegate of Korea to make their statement.

**The Delegate of the Republic of Korea:** Thank you, Madam President, for giving me the floor. It is my honour to address the esteemed Assembly on behalf of the Government of the Republic of Korea regarding the on-going situation in Palestine. My delegation would like to express our deep concerns about the current situation. The recent tragic events between Israel and Hamas have resulted in significant casualties and immense suffering among innocent civilians.

This indicates a severe and heart-breaking humanitarian crisis unfolding on the ground. We urge all parties involved to exercise the utmost restraint in their actions to prevent any further escalation of the conflict. First and foremost, an immediate ceasefire is essential, along with the release of hostages, de-escalation of the conflict, and prompt effective measures to address the crisis in accordance with UN Security Council Resolution 2735.

We take note of the ICJ's Advisory Opinion on the Legality of Israel's Policies and Practises in the Occupied Palestinian Territories. The parties involved must actively engage in dialogue and negotiations to achieve tangible progress and ensure long-term security in the region. Our common goal is to restore stability and peace to the region.

We look forward to a permanent peace settlement based on a two-State solution. We wish to see all residents live safely and peacefully. Thank you, Madam President.

**President:** Thank you for your statement. Now I turn to the next speaker. So I invite the distinguished delegate of Indonesia to make their statement.

**The Delegate of the Republic of Indonesia:** Madam President, Mr. Vice-President, Mr. Deputy Secretary General of AALCO, Excellencies, ladies and gentlemen. *Assalamu 'alaikum warahmatullahi wabarakatuh*. Good afternoon, from all of us.

Let me begin by thanking the Secretariat for providing the briefs and guidance for the discussion of this agenda. The documentation provided is always appreciated, as they are always useful for our deliberation. My delegation is also pleased to learn that next week a draft resolution which would welcome the International Court of Justice, or ICJ, Advisory Opinion on Palestine will be submitted to the United Nations General Assembly for adoption.

My delegation looks forward to fully supporting its adoption. In this opportunity, my delegation also would like to encourage Member States of AALCO to render their utmost support for the adoption, including by co-sponsoring the draft resolution. Madam President, in AALCO's last session, we were on the cusp of what has now turned to be a horrific humanitarian tragedy.

The right of the Palestinian people to self-determination was and continues to be violated in a fragrant manner by Israel, the occupying power, and in an unprecedented and unimaginable scale. With our deliberation at the time, our appeal, and our advocacy did not go unnoticed. It was not also to no avail.

To the contrary, and in fact, AALCO's deliberation contributed and is part of the continuing moral and global political force and movement to support the Palestinian cause. In this, let me commend South Africa and the other Members of AALCO which pursued Israel's

accountability at the ICJ. Indonesia, for its part, took part in the Advisory Opinion proceedings by contributing our written statement, written documentations, written comments, delivering our submission at the court.

Having said that, if anything, the Asian and African Conference owe Palestine its right to enjoy in the fullest sense its independence and sovereignty over its own land. This aspiration must continue to live and thrive in our AALCO deliberation.

Madam President, let me now share three specific points on the deliberation of this agenda item relating to the recent advisory opinion of ICJ on Palestine. First, for the first time ever, an international court pronounced the illegality of the Israeli occupation of Palestine, not in sum or in parts, but in the whole and entirety of the occupation. This is as a result of all violations committed by Israel, the occupying power. This is what makes the 2024 opinion, differ in scope from the 2004 opinion.

This pronouncement is also a striking and commanding element of the opinion in and of itself. It follows that States are under the obligations, including the United Nations, not to recognise as legal the situation arising from the unlawful presence of Israel in the Occupied Palestine Territory. It should also be stressed that such obligation does not arise from the Advisory Opinion itself, but from a character and the importance of the rights and obligations *erga omnes*, that is, the right of self-determination and the prohibition of the use of force.

Second, ICJ determines that the West Bank and Gaza are occupied territories. This pronouncement is also important as it negates Israel's claims to these territories. Israel is the occupying power and has failed to meet its obligation imposed on it by international law, again and again.

Madam President, third and finally, my delegation would like to comment on the views that the ICJ, that is the General Assembly and the Security Council, which should consider, and I quote, "the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestine Territory," end of quote. Upon the development of the legal matters and situation of the Israel occupation in the Occupied Palestinian Territories, in particular since the ICJ Adversary Opinion, my delegation would like to stress the importance for the General Assembly to call Israel to immediately cease its unlawful occupation of Palestine. It is a well-established principle of international law as was also affirmed by the ICJ in the 2004 Wall Opinion that the obligation of a State responsible for an internationally wrongful act is to put an end to that act.

Henceforth, my delegation views that this element must form an important part of any modalities that the UN General Assembly or the Security Council is considering developing at the moment. In this regard, my delegation invites AALCO Members to share their valuable insights regarding the steps to be taken by the General Assembly. Let me also encourage AALCO Members sitting on the Council to consider spearheading the efforts within the Council in order to ensure the Council's relevance on this very important and dear issue to AALCO.

To conclude, it is my delegation's fervent hope that AALCO's support and voices in various international forums, including especially in the United Nations, can assist to help further the endeavour to realise Palestine's full independence. With that, I thank you, Madam President.

**President:** Thank you very much for your statement. I now invite the distinguished delegate of Japan.

**The Delegate of Japan:** Madam President, Distinguished Delegates, It has been about a year since the terror attacks by Hamas last October. Fighting in Gaza still continues, and we are witnessing an increasing number of civilian casualties.

The Japanese Government has taken every chance to reach out to Israel and stress the point that its activities must always be consistent with fundamental norms of international law and international humanitarian law. In its Advisory Opinion issued this July, the ICJ made important judgments on various issues. I'd like to shed light on the fact that the Advisory Opinion has clearly confirmed the principle of the prohibition of territorial acquisition resulting from the threat or use of force as a corollary of the prohibition of the threat or use of force.

As Japan stated during the Advisory Opinion procedures on this case, Article 2(4) of the Charter of the United Nations is the foundation of the rule of law. In particular, the prohibition of the acquisition of territory resulting from the threat or use of force reaffirmed in the Friendly Relations Declaration of 1970, and highlighted in the Advisory Opinion of the ICJ this time, provides a safeguard for the international community in seeking to uphold and strengthen the rule of law without stumbling into the world under the rule of force. I'm confident that member states of AALCO share the same notion.

Madam President, distinguished delegates, today the international community is witnessing attempts to unilaterally change the status quo by force in various forms. Japan believes that it could be considered as acquisition of territory by force, which is profited under Article 2(4) of the UN Charter, to attempt to acquire territory through creating *fait accompli* by acquiring or strengthening control over territory through coercion on the ground, such as sending regular or irregular force to territory, which is within another State's internationally recognised border or territory under another State's peacefully established control, even if those acts do not cause death, injury, or destruction.

Lastly, Japan has consistently supported a two-State solution regarding the Israel-Palestine conflicts and the right to self-determination of Palestine, including its right to establishing an independent State.

Japan has supported Palestinians as a major donor for a long period of time. Having said that, I must emphasise that, in general terms, a right to self-determination must be exercised in accordance with international law, including the principles of the UN Charter. In this context, we should not tolerate acts or attempts anywhere in the world to infringe on territorial integrity of other States by invoking the right to self-determination as an excuse. Thank you, Madam President.

**President:** Thank you very much for the statement. The next speaker is Uganda, so I invite the distinguished delegate of Uganda to make their statement.

**The Delegate of the Republic of Uganda:** Thank you very much, Madam President. I have the honour to deliver this statement on behalf of the Republic of Uganda in its capacity as the chair of the Non-Aligned Movement (NAM). For many years, the Non-Aligned Movement has maintained a firm position of solidarity with the Palestinian people and their just cause, and the

condemnation of massive, flagrant and systematic violations of human rights and of international humanitarian law committed by Israel.

Uganda condemns in the strongest terms the acts of aggression and collective punishment by Israel, the occupying power against the Palestinian people, in grave breach of international law, including humanitarian and human rights law, including *inter alia*, the killing and injury of tens of thousands of Palestinian civilians, including many children and women, in the Israel military aggression that began in October 2023 against the besieged Gaza Strip.

Uganda also demands an end to this illegal aggression and siege, and demands an immediate ceasefire and humanitarian aid at scale to meet the dramatic needs of the population, as well as an immediate halt to the forced displacement of the Palestinian civilians, including any attempts by Israel to expel or deport them from their homeland, and halt to all other illegal Israel policies and practises.

Uganda further calls for the sustained provision of political, economical and humanitarian support to assist the Palestinian people and support their efforts to realise their alienable rights, including to self-determination and freedom in their independent and sovereign state of Palestine, based on the pre-1967 borders and a just solution for the Palestinian refugees, based on the General Assembly Resolution 194 (III), and to achieve genuine peace, security and co-existence.

We recognise and commend the efforts of the United Nations and its agencies, particularly the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, and the Committee of Exercise on the Inalienable Rights of the Palestinian People. The movement encourages the continuation of their support. NAM member States express their grave concern at the continuing Israel settlement policy and related activities, including the expansion of all settlements, the expropriation of land, the demolition of houses, and the confiscation and destruction of property, which has changed the physical character and demographic composition of the occupied territories and the occupied Syrian Golan.

The General Assembly, the Security Council and the Human Rights Council have all confirmed that the construction and expansion of Israel settlements and other related activities in the Occupied Palestinian Territory and the occupied Syrian Golan are illegal under international law. NAM is also deeply concerned over the numerous UN official reports, particularly the recent report of the Secretary-General, which has reaffirmed the continued human rights violations of the Palestinian people by Israel's forces throughout the occupied State of Palestine.

In conclusion, Madam President, NAM extends its full support to the Government of the State of Palestine in its on-going efforts to put an end to the occupation of the land of the State of Palestine and realise the legitimate rights of the Palestinian people. I thank you, Madam President.

**President:** Thank you very much for that statement on behalf of NAM. The next speaker, I'll read the list. There's Bangladesh, Egypt, Türkiye, Yemen, South Africa, and a Non-Member State, the Russian Federation, will follow after all of the member states. So I now invite the distinguished delegate of Bangladesh to make their statement.

**The Delegate of the People's Republic of Bangladesh:** Madam President, Excellencies, Distinguished Guests, and Delegates. Gross and egregious violation of international law in Palestine and other occupied territories by Israel, the occupying power, continues to be a sheer affront to our collective human conscience with complete impunity and total disregard to the UN Security Council's call for an immediate ceasefire. Israel continues with its genocidal acts in the Gaza Strip against the civilian Palestinian population.

Reportedly, since the beginning of the Israeli military campaign in October last year, the death toll of Palestinians has gone over 40,000 now. Madam President, from a legal point of view, there are reasonable grounds to believe that the threshold for the commission of the acts of genocide against Palestinians in Gaza has already been met, as outlined by the AALCO Secretariat. From this consideration, Bangladesh has decided in principle to join the case filed by South Africa against Israel under the UN Genocide Convention 1948 at the International Court of Justice.

Bangladesh has positively acknowledged the actions taken by the International Criminal Court as we condemn all acts of intimidation against the court for exercising its jurisdiction. We have called upon the UN Security Council to refer to the on-going mass atrocity crimes committed in Gaza to the ICC. We reiterate our call upon the Israeli Government to abide by the directives of the International Court of Justice.

Unhindered access to humanitarian aid in Gaza remains of paramount importance, and the UN Security Council must take all necessary measures to ensure that we condemn the concerted efforts to cripple and malign the UNRWA, which has been acting as the lifeline for the Palestinian people for decades. We also remain concerned over the continued Israeli attacks in the West Bank, causing deaths and injuries. We firmly reject the on-going Israeli illegal settlements in the West Bank, which must be stopped.

Bangladesh calls upon all countries which have not yet done so to recognise the State of Palestine as a sovereign State and as a full member of the UN. This, in our view, would be an important precursor for resuming negotiations on the two-State solution, with an independent and sovereign State of Palestine living side by side with Israel. Israel must understand that a viable Palestinian State based on the pre-1967 border and with East Jerusalem as its capital is the only solution with sustained permanent peace and security for all.

And this cannot be achieved through any other means. Bangladesh stands committed to supporting and joining any multilateral efforts aimed at promoting lasting peace and stability in the Middle-East in the course of ensuring the inalienable right to self-determination of the Palestinian people. I thank you.

**President:** Thank you very much for your statement. I turn to the distinguished delegate of Egypt. You have the floor.

**The Delegate of the Arab Republic of Egypt:**<sup>2</sup> Thank you Madam President, distinguished delegates. Referring to the general statement delivered by the delegation of Egypt during the general session of AALCO on the 9th of September regarding the inclusion of the grave

---

<sup>2</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Arab Republic of Egypt.

violations of international law in Palestine and to dedicate a special session on the Sixty-Sessions AALCO session for this pressing topic and vital issue, I here reiterate the Egyptian position. Egypt calls for an immediate and full ceasefire humanitarian aid access and the necessity of having a comprehensive vision for the settlement of the Palestinian issue that leads to the establishment of an independent Palestinian State that achieves the legitimate aspirations of the Palestinian people. Madam President, Egypt has welcomed the Advisory Opinion of the International Court of Justice given on the 19th of July, 2024 in respect of the legal consequences arising from the policies and practises of Israel in Occupied Palestinian Territories including East Jerusalem.

As the respective delegations are well aware, the Advisory Opinion deemed Israel's occupation of Palestinian territories including East Jerusalem as unlawful. Egypt welcomes the ICJ calls on all States and international organisations including the UN to refuse recognition of the Israeli occupation's legal standing. Egypt also commended the ICJ's request to the UN General Assembly and the UN Security Council to put in place the necessary measures to end this unlawful Israeli presence and aggression.

Egypt is also calling upon all international parties to implement the ICJ Advisory Opinion, enable the Palestinian people to exercise their legal rights to self-determination and to work to end the humanitarian suffering they endure. Egypt has participated in the written and oral proceedings regarding the advisory opinion through its submissions to the World Court. Egypt is stressed on the following legal aspects.

One, confirmation of ICJ's jurisdiction to give advisory opinion on the legal consequences of Israeli occupation of the Palestinian territories and the ability of the advisory opinion to support the goal of two-State solution between Palestine and Israel. Second, Israel's orders to force the residents of Gaza out of their homes were unlawful and Article 49 of the Fourth Geneva Conventions forbids any actions of the occupation forces to deport any or all of the residents. Third, Israel was expanding settlements to change the demographics and illegally claim sovereignty over the occupied Palestinian territories which was a colonial act.

Fourth, the measures taken by Israel to change the status of the occupied city of Jerusalem are unacceptable and that taking the Palestinian people's land is a war crime. Fifth, the prolonged occupation cannot comply with the international law, especially with the use of excessive force against the native population. Six, the Israeli occupation's systematic practises are illegal and violate the legitimate and inalienable rights of the Palestinian people.

Seven, the West Bank and Gaza are part of the Palestinian territories and that the West Bank and East Jerusalem are occupied territories. Eight, Palestine has endured the longest occupation in human history, noting that Israel tolerates the violence of settlers against the Palestinian people as well as the expansion of settlements. Finally, Egypt is calling and had continuously called for the international community to exert the maximum efforts to ceasing the Israeli attacks on Gaza and securing the unrestricted humanitarian aid access to the Strip.

Egypt is also calling for the direct cease of recent attacks on the West Bank. Egypt reiterates its commitment to supporting the Palestinian rights, including an independent state on the 1967 borders with Jerusalem as its capital, advocating for a just and lasting peace based on the two-State solution. Thank you, Madam President.

**President:** Thank you, Her Excellency, Madam Ambassador for your statement. The next speaker, so now I invite the distinguished delegate of Türkiye, Madam Ambassador, you have the floor. Thank you.

**The Delegate of the Republic of Türkiye:** Thank you. Well, Madam President, distinguished delegates, I also would like to take this opportunity to express our appreciation once again to the long commitment of AALCO to this very important issue. Madam President, I have presented Türkiye's position on this topic of utmost global significance and on Israel's grave and systematic violations of international law and the unbearable human catastrophe unfolding in Gaza during my general statements.

I also would like to reiterate Türkiye's position on that issue and that the Israeli attacks directed against our Palestinian brothers and sisters violate every aspect of international law. Madam President, Türkiye has submitted the Declaration of Intervention in the Genocide Case on 7th August 2024 on the basis of the Article 63 of the Statute of the ICJ. So far, 7 states, including Turkey, have submitted their Declaration of Intervention to the Genocide Case.

We would like to see more Member States lending their support to the Genocide Case at the ICJ by intervening in favour of the Palestinian people. We also attribute utmost significance to the provisional measures decided by the ICJ upon South Africa's request. We urge Israel to implement the provisional measures ordered by the ICJ, fully, and without delay.

Likewise, we call on the UN Security Council to do its part regarding the implementation of decisions of the ICJ. The Advisory Opinion delivered by the ICJ on 19 July 2024 confirmed, among others, that Israel should immediately end its occupation of the Palestinian territory. Turkey has already contributed to the Advisory Opinion process by submitting views, both at the written and oral phases.

We welcome the fact that 18 member states of AALCO submitted written observations or comments to the process. Madam President, an immediate and permanent ceasefire in Gaza continues to be a priority for all of us. However, Israel's Government keeps defying all diplomatic efforts.

We believe that there can be no lasting peace without a just solution to the Israeli-Palestinian conflict. Türkiye will continue to make its case for peace and be ready to contribute to efforts towards settlement of the conflict in any way we can. Türkiye supports an independent, sovereign, and contiguous state of Palestine on the 1967 borders, with East Jerusalem as its capital.

**President:** Thank you very much for your statement. Now I call on the distinguished delegate from Yemen to deliver their statement.

**The Delegate of the Republic of Yemen:**<sup>3</sup> In the name of God, the most Merciful, the most compassionate. Madam President, all present distinguished guests, first of all, I would like to express my deep gratitude and appreciation to the Kingdom of Thailand for the warm welcome, hospitality, and wonderful arrangements for this Sixty-Second Session, which is being held in the capital, Bangkok. We hope that this session will achieve the desired success.

---

<sup>3</sup> The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

As a Member of this Organization, the Republic of Yemen is keen to participate in this Session because it plays a pioneering role in the field of international law. The Republic of Yemen stands firmly with the Palestinian cause, which is the foremost Arab cause. We strongly condemn all inhumane acts committed by the Israeli occupation, which represent a flagrant violation of international law, which requires the Organization to move forward to take all necessary measures against the Israeli occupation.

In this context, we salute the State of South Africa for its courageous and noble stance, which embodies the humanitarian will and is based on international law that punishes crimes against humanity committed by the Israeli occupation in the Occupied Palestinian Territories.

Finally, I would like to emphasize that laws must be applied fairly and equitably, ensuring that everyone plays a role in spreading the values of justice and the rule of law. May the peace, mercy, and blessings of God be upon you.

**President:** Thank you very much for your statement. I have two more speakers on my list that is South Africa and Thailand. I now call upon the distinguished delegate of South Africa to make their statement.

**The Delegate of the Republic of South Africa:** Madam President, in its general statement during this Annual Session, South Africa articulated its long-standing position on this topic and supplements it with the following:

The international community must act immediately to bring to an end the aggression and atrocities meted against Palestinians.

As conveyed previously by South Africa, we reiterate, there must be an immediate ceasefire and negotiations to this end must continue. Hamas must release all hostages. Israel must release all political prisoners and urgent full, safe and unhindered humanitarian access must be provided for life-saving aid to reach the people of Gaza.

The international community cannot ignore the grave violations of international law and the UN Charter by the State of Israel. Inaction in the face of these violations and public threats of more violations amounts to ignoring our collective responsibility to protect innocent civilians, including children.

Nothing can justify the deliberate killings and injuring of civilians as an entire population. For almost a year, Palestinians in Gaza have endured destruction at a scale and speed without parallel in recent history.

We commend the efforts of countries working relentlessly to securing a durable ceasefire, notably AALCO Member States Egypt, Qatar and Türkiye and other Member States who may be working behind the scenes.

Madam President, distinguished delegates and Excellencies, South Africa remains steadfast in her quest to ensure that discrimination in all forms must be eliminated in accordance with the international standards that we have committed ourselves to. South Africa attaches particular importance to the court's finding in its July Advisory Opinion that Israel is in violation of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which provides that "States Parties particularly condemn racial segregation



and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction”

It remains our collective responsibility to ensure that we are all held to the same standard consonant with the principle of equality before the law.

In this regard, we once again call on the United Nations Security Council to assume its responsibility to halt this on-going genocide and to prevent a further escalation into a wider regional conflict.

South Africa will be filing its memorial to the International Court of Justice by 28 October 2024. South Africa intends to provide facts and evidence to prove that Israel is committing the crime of genocide in Palestine. This was reinforced by the President of the Republic of South Africa in a press statement this morning.

This case will continue until the court makes a finding. While the case is in progress, we hope that Israel will abide by the court’s provisional orders issued to date.

We thank the States that have filed interventions in the case, exercising their *erga omnes* obligations. This represents a growing global effort towards ending the genocide against the Palestinian people. Several countries, namely, Nicaragua, Palestine, Türkiye, Spain, Mexico, Libya and Colombia have all joined the contentious case before the ICJ. I thank you.

During this Annual Session, additional countries have indicated their intention to file declarations of intervention in support of South Africa’s case. We welcome this indication. I thank you Madam President.

**President:** Thank you very much for your statement. Now I invite the distinguished delegate of the Kingdom of Thailand to make their statement. You have the floor.

**The Delegate of the Kingdom of Thailand:** Thank you, Madam President. Madam President, Thailand would like to thank the Secretariat for the report affirming the right of self-determination of Palestine. My delegation would like to add our voice and inform the distinguished colleagues that Thailand has recognised the State of Palestine since January 2012 and established diplomatic relations in August 2012.

Thailand expresses deepest concern at the escalation of violence and worsening humanitarian situation in Gaza that gravely affects the civilian population. Thailand calls for the immediate and unconditional release of all civilian hostages, including Thai nationals, demanding their safety and humane treatment and ensuring immediate humanitarian access.

Madam President, recently Thailand welcomes the adoption of UNSC’s Resolution 2712 as Thailand sees that our part should help progress toward peace and a negotiated two-State solution. The two-State solution is the only viable path for achieving a comprehensive, just and durable solution to the conflict, which Thailand has consistently advocated for. Thank you, Madam.

**President:** Thank you very much for your statement. So now I have exhausted the list of Member States wishing to make statements and now I turn to Non-Member States and I have

on my list the Russian Federation. So may I invite the distinguished delegate from the Russian Federation to make their statement. You have the floor.

**The Delegate of the Russian Federation:** Madam President, thank you for giving me the floor. Today, one year after escalation, we cannot but state with deep regret that we are dealing with a conflict which brought the number of those killed, injured and disappeared to more than 150,000. The majority of the victims are Gaza civilians, including many women, children and the elderly.

With hostilities continuing and an Israeli blockade being imposed on Gaza, the humanitarian situation is rapidly deteriorating. In spite of several Security Council and General Assembly resolutions calling for a ceasefire and a steady humanitarian access to Gaza, the operation by the Israeli Army is going on. Our joint task is to ensure implementation of those decisions and stop the bloodshed.

This is all the more important as the conflict is having a destabilising effect on the whole region. Madam President, dear colleagues, the last 12 months have seen an unprecedented involvement of international judicial bodies in the situation around Palestine. Russia has taken an active part in the proceedings in the International Court of Justice regarding the Advisory Opinion on legal consequences of Israel's practises and policies on the occupied Palestinian territory.

The Advisory Opinion adopted by the Court has become a genuine legal milestone. The principal judicial organ of the United Nations has reaffirmed that Israel is under a legal obligation to put an end to its unlawful presence in Palestine. It has once again stressed the unlawfulness of Israeli settlements.

Israel's policies have been recognised as an attempt at *de facto* annexation of much of the Palestinian territory in violation of the right of the Palestinian people to self-determination. A number of elements of Israeli laws and practises have been qualified as a violation of the prohibition of discrimination and segregation. In its statements before the Court, Russia expressed the hope for the Advisory Opinion to contribute to an early resumption of a full-fledged peace process through direct negotiations between Israel and Palestine.

In this context, we note the conclusion by the Court that the General Assembly and the Security Council are to consider further steps aimed at ending the Israeli occupation. We hope that all stakeholders, and Israel in particular, will pay due attention to this. The Advisory Opinion essentially means that the resumption of talks aimed at full enjoyment by the Palestinian people of the right of self-determination in an independent State is not only political and humanitarian, but also a legal imperative.

The Russian Federation is one of the mediators between Israel and Palestine and will continue vigorous diplomatic efforts in this direction. We are also watching closely the developments around the application by South Africa against Israel under the Genocide Convention. We understand the motives of those countries who are joining the case.

Despite the high threshold required to prove an act of genocide, it is clear that Israel's policies contain elements that call for a legal assessment from that perspective. At the same time, it is important to bear in mind the ultimate goal to bring the parties to the negotiation table as to freely agree an ending of the conflict and the establishment of a full-fledged Palestinian State.

We trust that the International Court of Justice will keep this in mind when considering the case.

Madam President, another quasi-judicial body that some countries rely on in the context of crimes committed in Palestine is the so-called International Criminal Court. The way it is addressing the conflict is a further illustration of its profoundly biased, politically motivated and legally flawed nature. After the numerous violations of international law, the ICC has committed in the cases of Sudan, Myanmar, Philippines and recently Ukraine, one cannot seriously expect anything different on the Palestine-Israel investigation.

We call upon all partners to give up illusions over the ICC. With this disastrous track record in Africa and elsewhere, this so-called court can only aggravate the conflict rather than help settle it. Thank you for your attention, Madam President.

**President:** Thank you very much for your statement. As there are no further statements requested by Member States, I guess we have concluded the item on discussion for the first part of this afternoon. And I propose that we take a full 30 minute coffee break and resume our meeting at 3.30 PM on the topic of the Asset Recovery Expert Forum. And I rely on my colleagues from Indonesia to kick us off with that deliberation. So see you soon at 3.30. I adjourn the meeting. Thank you.

**The meeting was thereafter adjourned.**



**XIII. VERBATIM RECORD OF THE FOURTH  
GENERAL MEETING (CONTINUED) OF THE  
AALCO MEMBER STATES**



**XIII. VERBATIM RECORD OF THE FOURTH GENERAL MEETING (CONTINUED)  
OF THE AALCO MEMBER STATES HELD ON WEDNESDAY 11 SEPTEMBER 2024,  
AT 03:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: ASSET RECOVERY EXPERT FORUM**

**President:** Welcome back, esteemed delegates. We now turn to the last topic for the day, which is Asset Recovery Expert Forum. So, before I begin with the list of speakers, I would like to invite the AALCO Secretariat to make their introductory remarks. You have the floor Sir.

**Dr. Ali Hasankhani, Deputy Secretary-General of AALCO:** Madam President, Mr. Vice-President, Excellencies, Distinguished Guests, Delegates, Ladies and Gentlemen. The topic of “Asset Recovery Expert Forum” was introduced by the Republic of Indonesia through an Explanatory Memorandum dated 15 September 2023 (No.AHU.UM.01.01-733), in the provisional agenda of the Sixty-First Annual Session of AALCO held in Bali, Indonesia, from 16 to 20 October 2023.

The issue of asset recovery is critically important for Asian and African countries due to its profound implications on governance, development, and international relations. Stolen assets represent the diverted resources that could have been used for the development and well-being of our nations. AALCO has been committed to the cause of combating corruption in its various forms and fostering cooperation among our Member States. It has been engaged in the topic of combating corruption since the Forty-First Annual Session held at Abuja, Nigeria in 2001. AALCO brought out two Special Studies on this topic in the years 2005 and 2006, respectively

The process of recovery of stolen assets is a complex process, which encompasses cross-border criminalities and jurisdictions. Hence, there is an urgent need for collaborating and streamlining our efforts in recovering assets. In that direction, the proposal for the creation of an Asset Recovery Expert Forum in AALCO is an important step.

At the Sixty-First Annual Session held in Bali, the Republic of Indonesia in October 2023, the deliberations centered on the need for the creation of an Asset Recovery Forum within AALCO. The proposal was received positively by Member States, who acknowledged the importance of asset recovery in the fight against corruption and recognized the necessity of establishing a common expert forum given the complexity and significance of the asset recovery process. Deliberations were held on the domestic and regional practices as well as international instruments that address transnational corruption. One of the key suggestions provided by some Member States was to avoid duplicating efforts of existing Asset Recovery forums and emphasizing on complementing the work of the already existing platforms. Member States also requested the AALCO Secretariat to provide more details on the modalities of the Asset Recovery Expert Forum and to suggest a way forward for the Expert Group.

In pursuance of the mandate received at the Sixty-First Annual Session, an Inter-sessional meeting was convened at the AALCO Secretariat in New Delhi in collaboration with the Government of the Republic of Indonesia with an objective to share knowledge, experiences, and strategies to effectively address the complex issue of asset recovery. Several suggestions and recommendations were made on the composition of the Expert Forum and on the way

forward on the issue that would be considered in the current Sixty-Second Annual Session of AALCO.

This year, the report contained in document no. AALCO/62/BANGKOK/2024/SD/S19 focuses on the concept of Asset Recovery along with the Existing International as well as Regional Legal Framework on Asset Recovery. Further, the brief places for consideration the Report of the Inter-Sessional Meeting on Asset Recovery Expert Forum titled “Best Practices of Recovering Stolen Asset” held on 21<sup>st</sup> June 2024 in the AALCO Permanent Headquarters, New Delhi.

I invite all the delegations to actively participate in the deliberations that follow and share their respective positions on this highly significant topic. I wish you all a productive and successful session. Thank you.

**President:** Thank you the Secretariat for your remarks. Now the list of speakers for this agenda item are as follows, we begin with Indonesia, the Islamic Republic of Iran, India, Tanzania, Malaysia, the People’s Republic of China, Japan, Bangladesh, Kuwait, Uganda and South Africa. So, let me invite the Distinguished Delegate from Indonesia to make their statement on this topic. You have the floor Sir.

**The Delegate of the Republic of Indonesia:** Thank you, Madam President.

Madam President, Mr. Vice-President, Deputy Secretary-General of AALCO, on behalf of the Republic of Indonesia, I am honored to address you today on a matter of critical importance to all Member States - the establishment of the Asset Recovery Expert Forum. We would also like to deliver our sincere gratitude to the AACLO Secretariat for the extensive informative report on the issue of the Asset Recovery Expert Forum.

Distinguished guests, ladies and gentlemen, asset recovery is not merely a legal process; it is essential for the sustainable development of our nations. The funds illicitly taken through corruption, money laundering, and other transnational crimes are urgently needed in our countries to build infrastructure, provide education, and ensure the well-being of our citizens. The inability to recover these stolen assets not only hampers our economic growth but also undermines public trust in our institutions.

At the recent Inter-Sessional Meeting on Asset Recovery, organized with the Republic of Indonesia and invaluable collaboration of the AALCO Secretariat, we delved deeply into the challenges and opportunities that lie ahead. Through our discussions, several key points emerged that underscore the urgency and necessity of creating a dedicated forum within AALCO:

As highlighted by distinguished speakers in the Inter-Sessional meeting, the challenges we face in asset recovery are complex and multifaceted. From legal barriers to the difficulties in tracing and reclaiming assets across borders, these challenges are exacerbated by the differences in our legal systems. However, through the Asset Recovery Expert Forum, we can address these issues collectively, drawing on our shared experiences and successes.

As emphasized by Indonesia during the Inter-Sessional Meeting, the proposed forum will not duplicate existing mechanisms. Instead, it will complement them by focusing specifically on the needs of Asian and African nations. By leveraging the expertise within our region, we can create a platform that is uniquely suited to our challenges and priorities.



The forum will serve as a center for capacity building, offering workshops, training, and consultations that will equip our Member States with the tools needed to navigate the complexities of asset recovery. By sharing best practices and lessons learned, we can strengthen our legal frameworks and enhance our collective ability to recover stolen assets.

The role of the AALCO Secretariat, as proposed during our discussions, will be crucial in the functioning of the forum. The Secretariat will act as a facilitator for communication, a repository of best practices, and a reference for regional arrangements. By organizing focused discussions and developing practical guides, the Secretariat will ensure that the forum operates effectively and efficiently.

Madam President, the Meeting agreed that one of the most effective tools to establish a speedy asset recovery process is through maintaining close contact among relevant authorities in bridging the gap of understanding legal and institutional differences among the Member States of AALCO.

Therefore, Indonesia invites Members States with the assistance of AALCO Secretariat to provide their contact list of authorities dealing with asset recovery within their respective jurisdictions.

Indonesia believes that the Asset Recovery Expert Forum is not just an initiative—it is a necessity. It is a proactive step towards ensuring that justice is served, and that the stolen assets of our nations are returned to where they belong: with our people.

We urge Member States to actively involve themselves in sharing their best practices in building effective and yet efficient asset recovery mechanisms. We call upon all Member States to support the establishment of this forum.

By establishing this forum, we are sending a clear message that AALCO is committed to addressing the pressing issues of our time with determination and unity.

Let us seize this opportunity to create a platform that will empower our nations and strengthen the rule of law across Asia and Africa. With that I thank you Madam President.

**President:** Thank you very much for your statement. Now I would like to call the distinguished delegate from the Islamic Republic of Iran to deliver their statement.

**The Delegate of the Islamic Republic of Iran:** Thank you Madam President, at the outset, I would like to express my gratitude for your able leadership in chairing this meeting. I also thank the Secretariat for the thorough report contained in document AALCO/62/BANGKOK/2024/SD/S19 which facilitates, and gives direction to, our deliberations.

Madam President, the Islamic Republic of Iran would like to highlight the significant role of return and recovery of assets and proceeds of crime in effective prevention and combatting of corruption. In this vein, full and effective implementation of chapter V of the United Nations Convention against Corruption is of utmost importance.

We are of the view that efficient and responsive collaboration and cooperation between requesting and requested States and affording one another the widest measures of mutual legal assistance during investigation, prosecution and judicial proceedings play a key role in fighting against corruption, in particular, in return and recovery of asset and proceeds of crime.

In spite of the above, the return and recovery of assets faces longstanding challenges and barriers. These challenges not only negatively affect sustainable development of our societies and mobilization of financial resources but also violate the fundamental right of victims and individuals including the right to compensation. Absence of political will, complexity of legal procedures, lack of a comprehensive legal mechanism, hard procedural and evidentiary laws, inability to recognize and enforce foreign confiscation and restraint orders, onerous legal requirements to MLA and broad MLA refusal are part of these impediments for recovery and return of asset and proceeds of crime.

Madam President, we recall that under Chapter V of the United Nations Convention against Corruption, the return of assets of illicit origin derived from acts of corruption is a fundamental principle and critical to the successful implementation of the Convention whereby States parties are obliged to afford to one another the widest measures of cooperation and assistance;

In this regard, States parties should carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in internal affairs of other States;

In this sphere, recognizing root causes, current barriers, and a collective and coordinated response to this crime are crucial for removing and resolving the impediments in the process of return of assets of illicit origin derived from acts of corruption; furthermore, denying safe haven to the proceeds of crime, returning assets to the requesting State party, returning such property to its prior legitimate owners, or compensating the victims of the crime, within the framework of the Convention, are considered as practical and proper solutions for combating and tackling corruption;

Madam President, ladies and gentlemen, despite our drastic measures to return and repatriate assets and proceeds of corruption, some longstanding challenges have remained in this sphere, including problems related to the enforcement of criminal confiscation orders in a foreign jurisdiction and non-responsive or overly broad mutual legal assistance refusals by countries of asset location;

In the end, it is noteworthy to mention, while asset recovery is a way of indemnity for the victims of corruption, it is a strong signal to the offenders and ultimately enhances preventive measures effectiveness as well. For this, full use of the possibility of concluding agreements or mutually acceptable arrangements for the return and final disposal of confiscated property and removing barriers to the recovery of assets is of utmost importance; this demonstrates the significant role the AALCO could play in mainstreaming the potentials of the Member States, in particular, in terms of capacity-building and sharing experiences within the domain of asset recovery. Thank you for your kind attention.

**President:** Thank you very much for your statement. Now I would like to call upon the distinguished delegate from the Republic of India to deliver their statement.

**The Delegate of the Republic of India:** Thank you Madam President. India is committed towards the global fight against corruption and considers asset recovery to be a fundamental principle of international anti-corruption regime. Recovered assets can be reinvested into public services or used to fund further anti-corruption initiatives which can be a boon for economies of Asia and African countries.

Robust legal frameworks, functional international cooperation and effective mutual legal assistance are important tools to asset recovery, as the process of recovery of stolen assets

encompasses cross-border jurisdictions. Asset recovery requests from foreign jurisdictions must be accorded high priority by the enforcement agencies. Multilateral Conventions like the United Nations Convention against Corruption (UNCAC) provide guidelines for cross-border asset recovery.

Madam President, India has signed Mutual Legal Assistance Treaties with many countries, which facilitates identification and confiscation of proceeds and instrumentality used in commission of criminal offense. The Fugitive Economic Offenders Act 2018, empower special Courts of India to confiscate all properties and assets of economic offenders. In addition Prevention of Money-Laundering Act 2002, Code of Criminal Procedure 1973, Prevention of Corruption Act 1988, Foreign Exchange Management Act 1999 are enabling legislations of India that are used by the Indian agencies for responding to foreign asset recovery requests.

Madam President, it may be recalled that our expert handling the subject matter at the Inter-Sessional Meeting of Asset Recovery Expert Forum held at the AALCO Secretariat last June had shared India's efforts to address the challenges in recovery of asset recovery, such as difficulties in identifying and tracing assets across different legal jurisdictions, importance of international cooperation and the use of informal channels for asset recovery.

Madam President, many jurisdictions lack the necessary resources, trained personnel, and technical expertise for effective asset recovery. The proposed forum can significantly address these gaps by enabling Member States in their capacity-building and training of enforcement personnel. While we await the modalities and operation of the proposed Asset Recovery Expert Forum, a few suggestions India would like to make for effective functioning of the Forum. The forum may act as a, knowledge Repository for Asset Recovery, Legal practices and standards for all the AALCO member countries so that any country can seek value insights before seeking co-operation for Asset Recovery. A case-to-case discussion should be held so that more fruitful results can be expected in Asset Recovery. Experts from legal background and Investigators who have experience in Asset Recovery should be preferred. Standard operating practices (SOPs) to be devised for various stolen assets derived through proceeds of crime like property, Bank deposits and other Assets. Alternate avenues as per the domestic legal framework could be examined for claiming and repatriation of stolen assets. Time frame for Response has to be decided.

In conclusion, we are hopeful that this Forum will enable sharing best practices of asset recovery among the AALCO Member States and address the challenges in recovering stolen assets. Thank you Madam President.

**President:** Thank you very much for your statement. Now I give the floor to the Distinguished Delegate of Tanzania for their statement.

**The Delegate of the United Republic of Tanzania:** Thank you Madam President. On behalf of the United Republic of Tanzania, we thank you for coordinated efforts in this platform to share issues of our common interest. Madam President, the United Republic of Tanzania is a signatory to various International Conventions against Crime which among other things obligates State parties to use asset forfeiture regime not only as a tool for combating crime in their respective domestic jurisdictions but also sending a clear message that crime does not pay.

Similarly, Tanzania is also a member to a number of regional Instruments which encourages Member States to adopt measures for the return of assets obtained through corruption.

Madam President, in compliance with such international and regional obligations, the United Republic of Tanzania has enacted a number of legislations pertaining to confiscation of illicit assets aiming at making sure that all tainted properties are recovered and returned to legitimate owners.

Madam President, given the fact that the process of tracing, freezing, confiscating and returning of the stolen assets to their country of origin is usually a complex task involving multiple jurisdictions, it is therefore apparent that no country win such a battle in isolation. Being cognizant of that fact, the United Republic of Tanzania has become a member of several Asset Recovery Inter-Agency Networks including Asset Recovery Inter-Agency Network for Southern Africa (ARINSA) that bring together law enforcement practitioners operating in the field of asset tracing, freezing, seizure and confiscation. As a result of this, Tanzania has gained immense benefit out of such arrangement, hence making it easy in combating crimes.

Madam President, to this end, the United Republic of Tanzania affirms its commitment to the global fight against organized crime with confidence that the Asset Recovery Expert Forum proposed by AALCO will enhance international cooperation in asset forfeiture and recovery and indeed such a move will certainly make it easy in tracing and recovering assets involving multiple jurisdictions. More importantly, the expert forum will complement the existing forum in ensuring an effective operation in the fight against transnational organized crime and asset recovery. It is our belief that the Expert Forum proposed by AALCO shall spark up a dialogue and facilitate exchange of experience, sharing of best practices on asset recovery. Furthermore, the proposed forum will give a platform not only for discussing challenges in recovering stolen assets but also discussions on ongoing cases requiring an international cooperation carried out by Member States, bridging and addressing practitioners' knowledge gaps; and ensure that asset recovery process involving multiple jurisdictions between member countries is conducted effectively. Thank you for your kind attention.

**President:** Thank you very much for your statement. Now I would like to invite the Distinguished Delegate from Malaysia to deliver their statement. You have the floor.

**The Delegate of Malaysia:** Madam President, it is an honor to address this esteemed assembly on the vital issue of asset recovery. Malaysia extends its deepest appreciation to the AALCO Secretariat for their ongoing efforts in advancing this critical agenda and to the Republic of Indonesia for its leadership in proposing the establishment of the Asset Recovery Expert Forum.

At last year's session in Bali, Malaysia strongly supported the creation of this forum, recognizing the urgent need for a dedicated platform within AALCO to tackle the complexities of asset recovery. We highlighted our robust legal framework, supported by the Malaysia Anti-Corruption Commission Act, 2009 (MACCA), the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLATFPUAA 2001), and the Mutual Assistance in Criminal Matters Act 2002 (MACMA). These laws are fundamental to our efforts in combating financial crimes and recovering stolen assets.

Our experience with the 1 Malaysia Development Berhad (1MDB) scandal, where billions of dollars have been successfully recovered and repatriated to Malaysia, underscores the importance of robust international cooperation among law enforcement authorities. The establishment of Malaysia's national-level Special Task Force on Asset Recovery enabled us to coordinate efforts across multiple agencies and connect them to their international law

enforcement counterparts, demonstrating the indispensable role of collaboration in asset recovery.

Given these experiences, Malaysia reiterates its strong support for the establishment of the Asset Recovery Expert Forum within AALCO. We believe this forum will provide a crucial platform for Member States to share best practices, address ongoing challenges, and develop innovative strategies for asset recovery, particularly in the Asian and African contexts.

Malaysia believes that the forum should have a focused mandate and terms of reference that can facilitate cross-border cooperation and provide ongoing opportunities for learning and capacity building. The forum should be designed to complement, not duplicate, existing global initiatives, addressing the unique needs and challenges of our regions.

To ensure the forum's effectiveness, Malaysia suggests that Member States nominate experts with significant experience in asset recovery, international law, and financial investigations. A diverse representation of government officials, legal professionals, and financial experts will enrich the forum's discussions and outcomes.

For the forum to function effectively, clear and transparent operational procedures, guided by its focused terms of reference, are essential. Malaysia recommends a structured agenda-setting process, a consensus-based decision-making framework, and robust follow-up mechanisms. These will ensure that the forum's discussions are productive and that its recommendations are implemented effectively.

In realising this initiative, Malaysia believes that the AALCO Secretariat will play a pivotal role in the success of the Asset Recovery Expert Forum. Malaysia proposes that the Secretariat provide strong administrative support and act as a knowledge hub for asset recovery practices. The Secretariat could bridge connections between Member States and key international bodies, thereby enhancing collaboration and ensuring more effective asset recovery efforts across our Asian and African country jurisdictions.

Building on that point, Malaysia would like to reemphasize the importance of ensuring that this forum does not operate in isolation. The forum should establish and maintain strong linkages with broader asset recovery networks, such as those affiliated with the United Nations Office on Drugs and Crime (UNODC), the World Bank Group's Stolen Asset Recovery Initiative (StAR), and regional bodies like the Financial Action Task Force (FATF). Leveraging these existing networks will enhance the forum's effectiveness, enabling it to draw on a wealth of global expertise and resources while ensuring that its efforts are aligned with broader international asset recovery initiatives.

Madam President, in conclusion, whilst Malaysia recognizes the importance of strong global cooperation on asset recovery, Malaysia welcomes further discussions and deliberation among Member States on the establishment and operation of the Asset Recovery Expert Forum. We believe that by fostering strong linkages with existing networks and ensuring a focused and efficient operational structure, this forum can significantly enhance our collective efforts to recover stolen assets and uphold the rule of law. Thank you.

**President:** Thank you for your statement. I would now like to invite the Distinguished Delegate from China for their statement.

**The Delegate of the People's Republic of China:** Thank you Madam President. In today's world, there are frequent economic, trade and people to people exchanges among countries,

increasingly active cross-border capital flows, and a large number of illegal fund transfers, which are co-existing with corruption crimes. Asset recovery plays an important role in the fight against corruption, affecting the common interests of both requesting and requested countries. China actively fulfills its international obligations and has made every effort to promote the recovery of crime proceeds.

First, in strengthening domestic cross-departmental coordination, China has strengthened its anti-money laundering supervision and crackdown, defining self-laundering as a crime through the Amendment to the Criminal Law (XI), and payment and settlement through underground banks is defined as money laundering. In view of the fact that underground banks had gradually become an important channel for money laundering criminals, the State Administration of Foreign Exchange of the People's Bank of China, the public security organ, has worked closely to strengthen the verification and exchange of financial intelligence.

Second, to prevent the flow of stolen assets, especially money laundering involving the transfer of embezzlement and bribery funds, the law enforcement and judicial authorities have jointly released a number of landmark cases to clarify the relationship between the crime of money laundering and that of concealing the proceeds of crime. China has been resolute in combating and curbing money laundering and related crimes with initiatives including a 3-year nationwide action plan.

Third, China has also been adamant in denying safe haven to crimes through enhancing mutual legal assistance and international cooperation. China has extensively concluded bilateral mutual legal assistance treaties and financial intelligence exchange cooperation agreements with other countries, and actively participating and playing a constructive role in international anti-money laundering organizations such as Financial Action Task Force on Money Laundering, Eurasian Group on Combating Money laundering and financing of terrorism, Asian/pacific Group on Money Laundering, and more recently, the South East Asia Justice Network. China has also established cooperation mechanisms and cooperated with numerous countries to trace, freeze and return stolen assets.

With the support from the Central People's Government, the Hong Kong Special Administrative Region has signed bilateral MLA agreements with numerous countries under the "One Country, Two Systems" principle, which provides the avenue for the repatriation of criminal proceeds to requesting countries. In the past decade, Hong Kong SAR alone has restrained over HK\$420 million of proceeds of crime related to UNCAC and much more for other serious crimes the Asset Recovery Expert Forum seeks to address.

China believes that there is much to be done in the sphere of international cooperation among Asian and African countries. China urges all parties, especially requested countries, to overcome obstacles such as the differences in legal systems to cooperate on all possible levels with requesting countries. China appreciates the establishment of the Asset Recovery Expert Forum of AALCO and the initial event in June in collaboration with Indonesia. China will be actively participating in this process. China believes the Forum would facilitate the sharing of best practices and strengthen cooperation between Asian and African countries. China hopes that Asian and African countries will fully rely on multilateral mechanisms and regional and international organizations, including the UN, G20, BRICS and AALCO, to strengthen coordination and sharing of resources, so as to facilitate the cooperation between the requesting and requested countries, and the establishment of regulatory regimes for the efficient return of

stolen assets, thus contributing to the promotion of a more just and equitable and a corruption-free global order. Thank you for your attention.

**President:** Thank you very much for your statement. I would now like to invite the distinguished delegate from Japan to take the floor.

**The Delegate of Japan:** Thank you Madame President for giving the floor. The Japanese government recognizes that deepening discussions on asset recovery and related issues is an important challenge from the viewpoint of anti-corruption. We appreciate Indonesia's initiative to contribute to this matter.

The Japanese government has been implementing support programs for developing countries around the world, especially in Asia and Africa, through the UNAFEI (United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders), operated by Japan, to address issues related to anti-corruption, including asset recovery.

For example, UNAFEI has conducted "International Training Course on the Criminal Justice Response to Corruption" for developing countries worldwide, especially in Asia and Africa, and until December 2023, regional seminars on good governance for Southeast Asian countries.

Madam President, Distinguished Delegates, in light of this perspective, asset recovery needs to be considered not only with Asian and African countries but also with countries in other regions, which is also being discussed by the UNCAC Asset Recovery Working Group and G20 Anti-Corruption Working Group.

Furthermore, there are also regional expert forums such as FSRB (FATF-style regional bodies) and ARIN AP (Asset Recovery Inter-Agency Network of Asia Pacific) in the Asia-Africa region.

When creating a new framework, duplication with existing frameworks must be avoided, added value and uniqueness must be clear, and the resource perspective is also a factor to be considered.

Therefore, in order to make this forum meaningful, we believe that it is necessary to continue to give due consideration as to whether there is any overlap with the existing framework, including under which framework this matter should be discussed while avoiding overlap with existing frameworks.

We are willing to continue discussions with countries on how we should address the issue of asset recovery. Thank you, Madame President.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of Bangladesh to deliver their statement.

**The Delegate of the People's Republic of Bangladesh:** Thank you Madam President. We thank the AALCO Secretariat for the useful Brief on this Agenda Item. In the present context of Bangladesh's political transition, it is a key priority for the interim government to recover assets, mostly proceeds of criminal activities including corruption, from international jurisdictions. The government remains firm in sending a signal to all concerned that there will be no tolerance for illegally obtained assets to be hidden, otherwise invested or sent to another jurisdiction.

Along that line, Bangladesh has already expressed its support in principle for constituting an Asset Recovery Expert Forum under the aegis of AALCO. The proposed Forum may be envisaged as an inter-sessional gathering of experts to share best practices, exchange useful information and contacts, and discuss possible common positions to be taken at relevant international forums or networks. At this initial stage, it may not be advisable for AALCO to create a separate body in the form of a think tank to provide Secretariat support to the Expert Forum's work.

The nomination of experts for the proposed Forum should be determined according to its Terms of Reference due to be worked on. While the Indonesian delegation had already suggested some possible areas of engagement for the Forum, it appears that several constructive and forward-looking ideas were generated during the inter-sessional meeting held in June 2024 in New Delhi. Bangladesh would support, in particular, the Secretary-General's suggestion for developing a model law on mutual legal assistance that could be used by Asian and African countries in their respective bilateral contexts. Our Government continues to face considerable challenges in initiating, let alone concluding discussions on such bilateral instruments with other jurisdictions of interest even in the Asia-Pacific context. In view of the individual priorities and preoccupations of different jurisdictions, a model law approach could help create a broad-based framework for institutionalizing cooperation among interested AALCO Member States.

In this context, we reiterate that the proposed Expert Forum should make the best possible efforts to avoid duplication of work already being advanced by other existing international or regional forums. Bangladesh has been able to make substantive progress on its domestic anti-money laundering, terrorist financing, and asset recovery investigation and prosecution mechanisms through meaningful engagements with the periodic review processes under the UN Convention against Corruption (UNCAC) as well as the Financial Action Taskforce (FATF). Despite such exposures and engagements, the issue of asset recovery, particularly from jurisdictions acting as tax havens, continues to remain fraught with systemic non-cooperation, legalistic complexities, and bureaucratic challenges beyond the competence of our concerned authorities. It is also ironic that certain jurisdictions taken it upon themselves to impose unilateral sanctions on the grounds of combating corruption while hardly making any demonstrable efforts to facilitate the return of reportedly ill-gotten assets to the legitimate or deserving jurisdictions.

Against this backdrop, our delegation would see ample merit in constituting an Expert Forum that would allow AALCO Member States to have regular, frank and constructive exchange of views on how to navigate the inherent complexities of asset recovery despite having a plethora of international mechanisms and networks in place. We suggest convening an inter-sessional meeting to develop the Terms of Reference and modalities of the Expert Forum in a practicable manner. I thank you.

**President:** Thank you very much for your statement. The last three speakers on my list are Kuwait, Uganda and South Africa. So I now invite the Distinguish Delegate of Kuwait to deliver their statement.

**The Delegate of the State of Kuwait<sup>1</sup>:** In the name of God, the Most Gracious, the Most Merciful. Dear attendees, the numerous experiences that organizations and countries have

---

<sup>1</sup> Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.



undergone in combating corruption have demonstrated that confronting these complex crimes requires a concerted effort to achieve maximum international cooperation. No single country or regional organization can effectively tackle corruption in isolation, as corruption knows no borders. It embodies a quintessential model of transnational organized crime.

While it is often perceived that the least developed countries serve as fertile ground for corruption, the repercussions of corrupt practices extend beyond their borders, significantly impacting even the most developed nations. Current observations reveal that these advanced countries can act as safe havens for wealth derived from corruption. This underscores the urgent need to establish mechanisms that offer flexibility and effectiveness in enhancing existing international frameworks under the United Nations system and the World Bank for asset recovery.

In line with its commitment to combating this scourge and engaging with international mechanisms, the State of Kuwait enacted Law No. 47 of 2006, approving the United Nations Convention against Corruption. This law incorporates the Convention's provisions into the national legal framework of the State of Kuwait, in accordance with Article 70 of the Kuwaiti Constitution. The establishment of the Public Authority for Combating Corruption was also a response to the requirements outlined in Articles 5 and 6 of the United Nations Convention against Corruption. This initiative signifies Kuwait's ongoing dedication to addressing corruption and its causes, mitigating its detrimental effects on national society of the State of Kuwait, and safeguarding the supreme interests of the State of Kuwait. It aims to prevent any obstacles that might hinder Kuwait's development process in alignment with the United Nations Sustainable Development Goals for 2030.

Notably, we commend the StAR Initiative for the Recovery of Stolen Assets, which was issued in implementation of Chapter V of the United Nations Convention against Corruption on assets recovery, was launched during the third session of the Conference of the States Parties to the Convention. This initiative, in partnership with the World Bank and the United Nations Office on Drugs and Crime, plays a crucial role in assisting countries to recover their assets under the Convention's provisions, with oversight from the Secretariat of the Conference of the States Parties to the Convention.

Furthermore, the State of Kuwait has actively sought to enhance international bilateral cooperation, aligning with the latest developments in international and regional agreements. This cooperation serves as a vital foundation for effective implementation among relevant authorities. There is a wealth of international instruments containing provisions that can guide efforts, particularly in recovering stolen assets and the effective application of judicial rulings concerning cross-border crimes.

The State of Kuwait has also conducted comprehensive reviews of its bilateral agreements on legal assistance in criminal matters with various countries, ensuring these agreements include provisions related to international cooperation for assets recovery, including assets seizure, confiscation, and return.

**President:** Thank you very much for your statement. Now I would like to give the floor to the Distinguished Delegate of Uganda to make their statement.

**The Delegate of the Republic of Uganda:** Thank you very much. Excellencies, allow me to commend the Secretary-General for having placed on the agenda of this meeting this subject, whose importance cannot be underscored given the cancer of corruption that has bedeviled

Africa and Asia, and continues to be one of the highest avenues through which our Governments lose huge amounts of resources to the detriment of our citizens who are deprived of services due to them.

Cooperation in Asset recovery is critically important because the corrupt officials have no assured safety for their loot given that the proceeds of corruption transferred abroad are recovered and repatriated to countries from which they were taken. As we talk about asset recovery, we must also be alive to the facilitators of asset flight such as money laundering and put in place measures to counter them.

We must also take stock of the barriers to asset recovery which the World Bank has rightly grouped under three headings, namely, one, general barriers and institutional issues: lack of political will to identify asset recovery as a priority and failure to attend to anti money laundering measures to prevent asset flight. Two, legal barriers and requirements that delay assistance: onerous requirements for mutual legal assistance, banking secrets, lack of non-conviction-based recovery procedures and restrictive evidentiary and procedural legislation. Three, operational barriers and communication issues: difficulty in identifying contact points in other countries and delays in processing mutual legal assistance requests or poorly drafted ones.

Madam President, these barriers are an impediment to the full implementation, and therefore realization of the objectives of Chapter V of the United Nations Convention against Corruption which forms the legal basis for Asset recovery under international law. What is not in doubt is that once asset recovery is successfully undertaken, corruption automatically becomes a worthless venture.

Asset recovery will go a long way in rebuilding trust of the citizens in their governments, ensuring that public officials take decisions in the best interest of the citizens with a view to nation-building and ensuring prudent use of resources. This will ultimately facilitate accelerated development in Africa and Asia, which are, unfortunately predominantly hit by the corruption scourge. There are many international commitments and standards to this cause, namely the Asset Recovery Action Plan to Promote the Return of Stolen Assets, the World Bank Stolen Asset Recovery Law Enforcement Program (StAR), the G20 High-Level Principles on Anti-Corruption and Fugitive Repatriation and Asset Recovery (FRAR), to mention but a few. These attest to the priority that merits Asset recovery.

Madam President, we should therefore not be left behind. We must forge a way to cooperate and assist each other in the recovery of assets through asset tracing investigations, freezing, seizing, confiscation, and the enforcement of foreign restraint orders and confiscation orders. I am alive to the fact that in order to achieve this, we must put in place the necessary legal framework at the national level to facilitate the requests for assistance and the execution of these requests. Uganda also admits that asset recovery is rather a complex adventure given the need for a mixture of skill set to investigate the matter and ensure that individual rights to property are not erroneously tampered with. Needless to mention are the necessary resources to conduct such investigations.

In Uganda, Madam Speaker, the Uganda Law Reform Commission concluded a study on recovery of proceeds of crime. This study report is the main source document for an Asset Recovery Law that is currently under development. Uganda has also taken steps in building capacity of the prosecutors in asset recovery. The International Centre for Asset Recovery has been helping Uganda's Office of the Director of Public Prosecutions (ODPP) expand

understanding of the work of its Asset Recovery Division across its regional offices. I thank you Madam President.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of South Africa to deliver their statement.

**The Delegate of the Republic of South Africa:** Thank you, Madam President, South Africa is grateful for the opportunity to take the floor on this topic. We thank the Republic of Indonesia for its valued contributions to this topic on the agenda of AALCO. We are equally grateful for the Secretariat's report on progress thereon.

South Africa has first-hand experience of the seriousness and far-reaching impact of corruption and how it undermines the institutions and values of democracy, ethics and justice. Especially in developing countries, corruption jeopardizes development imperatives and subverts the rule of law. Fighting corruption at all levels and all forms is an absolute priority for the Government of South Africa. South Africa also expresses concern at developing countries losing billions through illicit financial flows.

My delegation wishes to emphasize the importance of cooperation and collaboration between different jurisdictions to ensure the prompt recovery of assets of illicit origin. We echo the sentiments expressed by other delegations that proceeds from crime must be returned to its country of origin where such proceeds are to be redirected for its initial purpose, that is to say, to the benefit of the population and victims.

South Africa was one of the first jurisdictions in the world to introduce non-conviction based forfeiture. The Asset Forfeiture Unit (AFU) of the National Prosecuting Authority implements the freezing and forfeiture provisions in respect of the proceeds and instrumentalities of unlawful activities and benefits of crime. The Criminal Assets Recovery Account (CARA) was established and is a separate account within the National Revenue Fund (NRF) into which monies and property are deposited following a judicial forfeiture or confiscation order. This is regulated in law by the Prevention and Combatting of Corrupt Activities Act, of 2004, which forms part of a larger legislative architecture to criminalize corrupt activities. South Africa is keen to share its experiences and to learn from other countries through the establishment of an Asset Recovery Forum. Criminal asset forfeiture enhances the ability of law enforcement to combat organized criminal activity. The proceeds are distributed to the prosecution and police to assist them in fighting crime. Victims of crimes are also considered.

Madam President, the Public Protector is an independent institution established in terms of section 181 of the Constitution, with a mandate to support and strengthen constitutional democracy. A supreme administrative oversight body, the Public Protector has the power to investigate, report on and remedy improper conduct in all state affairs. Accountability, Integrity and Responsiveness are key values that this Office is guided by. Incidentally, the Office of the Public Protector is partly supported by the CARA funds in programmes that are aimed at bolstering accountability and preventing crime.

We consider that the Asset Recovery Forum would be a valuable mechanism to cooperate as AALCO Member States. South Africa supports the earliest possible establishment of the Asset Recovery Expert Forum, preferably before the Sixty-Third Session. Furthermore, Inter-Sessional Meetings should also be convened to finalize the role and functions of the Secretariat and develop criteria for the appointment of Experts to serve on the Forum. The Secretariat should further be mandated to call for nominations from Member States upon finalization of

the appointment criteria to ensure the timely establishment of the Asset Recovery Expert Forum. We look forward to a collaborative and innovative approach to this important subject. I thank you Madam President.

**President:** Thank you very much for your statement. I have no further requests for the floor. So that concludes our deliberations on this topic.

With that we have successfully completed the third day of the AALCO Annual Session. So congratulations to all of us. I still see a very full room. I really appreciate you all for being with us here and since we finished early today we recovered a very important asset to all of us, which is time. So I hope that you take time to go and relax and enjoy the city that is why we are here in the middle of the city so you can enjoy all the views around. There is a park that you can go and walk around for those of you who had too much to eat and need to exercise, and work off those extra pounds. There's a park there and a shopping mall here. It is quite fun to walk around. So, tomorrow we have another full day ahead of us. It is the fifth General Meeting on "Environment and sustainable development". That will be the topic first thing at 9 a.m. Since we have some time left, the Drafting Committee is supposed to meet at 5 p.m. but I have been informed by the Chair that if States are willing, we would like to start in about 5 minutes after the plenary closes. So, in order to get the work started and then you can enjoy your dinner and spend some relaxing time so I propose that the Drafting Committee meet right after in the next room in about 5 minutes time. So, with that I thank all delegates for your valuable contributions today and we will see you tomorrow. Good night, have a good evening.

**The meeting was thereafter adjourned.**

**XIV. VERBATIM RECORD OF THE FIFTH  
GENERAL MEETING OF THE AALCO MEMBER  
STATES**



#### **XIV. VERBATIM RECORD OF THE FIFTH GENERAL MEETING OF THE AALCO MEMBER STATES HELD ON THURSDAY, 12 SEPTEMBER 2024, AT 9:00 AM**

**H.E. Mr. Kiryowa Kiwanuka, Attorney General, Ministry of Justice and Constitutional Affairs, the Republic of Uganda and the Vice-President of the Sixty-Second Annual Session of AALCO in the Chair.**

##### **AGENDA ITEM: ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

**Vice-President:** Good morning, everyone. I trust that you had a good evening. We broke off a little bit earlier, so I am sure you had enough time to rest. But before we start today's session, I did like to thank you all for the support and invaluable insights that you had during this Session. I did like to call this meeting to order and request that we get ourselves set and ready to go. We have quite a bit on the agenda today, and therefore, we need to remind you that, Members, we keep ourselves within the seven minutes. However, if you really must go past the seven minutes, we will be happy to take that on. So today's proceedings, the fifth general meeting, the first item on our agenda today is "Environment and Sustainable Development." And I would like to call upon the AALCO Secretariat to make the opening statements. Deputy Secretary-General, you have the floor.

**Mr. Zhu Yong, Deputy Secretary-General of AALCO:** Thank you Mr. Vice-President. Excellencies, distinguished delegates, ladies and gentlemen, it is my privilege to introduce the topic of "Environment and Sustainable Development" at the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization. The Secretariat's brief on this topic provides a comprehensive overview of the recent developments and key issues related to two critical areas: first, the ongoing negotiations for an international legally binding instrument on plastic pollution, and second, the international legal regime on climate change.

Plastic pollution has emerged as one of the most pressing environmental challenges of our time, with far-reaching consequences for ecosystems, human health, and sustainable development. The progress made during the third and fourth sessions of the Intergovernmental Negotiating Committee (INC-3 and INC-4) towards developing a global plastics treaty is commendable. However, challenges remain in achieving a balanced approach that incorporates both binding commitments and voluntary actions while accommodating the diverse capacities and circumstances of Member States.

Climate change continues to be an existential threat requiring strong political will and global cooperation. The historic outcomes of the Dubai Climate Change Conference (COP 28), including the UAE Consensus, the operationalization of the Loss and Damage Fund, and the conclusion of the first Global Stocktake under the Paris Agreement, mark significant milestones in the international legal regime on climate change. As negotiations continue towards COP 29 in Baku, Azerbaijan, reaching an agreement on the new collective quantified goal on climate finance (NCQG) that reflects the needs and priorities of developing countries should be a top priority.

The Secretariat encourages AALCO Member States to actively engage in the ongoing negotiations on both the plastics treaty and the climate change regime, advocating for their common interests and contributing to the collective effort to address these critical environmental challenges. It is essential to ensure that future legal frameworks are fair,

equitable, and effective, taking into account the principle of common but differentiated responsibilities and respective capabilities.

We should engage in productive discussions on this crucial subject, and all Member States are invited to contribute their insights, knowledge, and successful strategies, nurturing a constructive exchange of ideas that can shape and inform AALCO's efforts in the realm of environment and sustainable development. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much, Deputy Secretary General. Now, as for this Sixty-Second Annual Session, as you know Thailand had proposed a sub-agenda of recent developments in international law on climate change under the substantive agenda of environment and sustainable development. So let me invite the distinguished delegate from Thailand to take the floor. Thailand, you have the floor.

**The Delegate of the Kingdom of Thailand:** Mr. Vice-President, Mr. Secretary-General, Excellencies, distinguished delegates, at the outset, I would like to support and agree with the Secretariat that climate change is a threat that spares no nation, no matter how large their land, military might, or the size of their economies. Asian and African nations, in particular, remain vulnerable to the impacts of climate change. Therefore, convening this session on the topic of environment and sustainable development is particularly important, as international law is a crucial part of our common endeavour to meet this existential challenge.

This year, the agenda item focuses on recent developments in international law on climate change. Our delegation believes this comes at a crucial time, given the recent advisory opinions before international courts and tribunals, including the decision by the International Tribunal for the Law of the Sea last May and the current proceedings before the International Court of Justice on *Obligations of States with Respect to Climate Change*. Thailand wishes to make three points in this regard.

First, Thailand notes the important role of international courts and tribunals in clarifying the state of international law relating to climate change. Their advisory opinions may inform future negotiations, shed light on how States' environmental obligations should be interpreted, and encourage more robust implementation of international commitments. Even though the advisory opinions are not legally binding, they play a key role in driving climate action. Therefore, we welcome the decision of the International Tribunal for the Law of the Sea rendered last May, which articulated the international legal obligations of States Parties to the United Nations Convention on the Law of the Sea to protect the marine environment. The Tribunal has many significant findings, in particular in clarifying the content of due diligence obligations in the reduction of anthropogenic greenhouse gas emissions.

Second, Thailand is proud not only to co-sponsor the UN General Assembly Resolution 77/276 requesting the ICJ to render an advisory opinion on the obligations of States with respect to climate change but also to participate in submitting a written statement for the advisory opinion. Here, Thailand emphasises the principle of common but differentiated responsibilities and respective capabilities, which should inform relevant climate change obligations to ensure that all States can engage in mitigation and adaptation in a manner that is fair, equitable, and reflective of the diverse and unique circumstances of each State. We will closely follow future developments in the proceedings.



Third, allow us to share the progress we have made in line with our international commitments. At COP26, we raised our Nationally Determined Contributions or NDCs from 20 to 40 per cent by 2030, pledged to achieve carbon neutrality by 2050, and pledged net zero greenhouse gas emission by 2065. To meet these goals, the Thai government has established the Department of Climate Change and Environment under the Ministry of Natural Resources and Environment to implement relevant international and national laws and policies on climate change. Currently, the Department and relevant agencies are drafting the Climate Change Act, which will introduce mechanisms aiming to reduce greenhouse gas emissions. At the international level, Thailand regularly participates in the Intergovernmental Negotiating Committee on Plastic Pollution, which will develop an international legally binding instrument to address the impact of climate change from plastic use and disposal. We hope to see this treaty concluded in a timely manner. Meanwhile, in January this year, Thailand became one of the nine AALCO Member States that joined The Climate Club, an intergovernmental forum launched at COP28, to support the effective implementation of the Paris Agreement and the process of industry decarbonization.

In April, we ratified the Kigali Amendment to the Montreal Protocol, another international legal instrument aiming to reduce the emission of one of the greenhouse gases in the Ozone layer. Thailand stands ready to work with all stakeholders to accelerate our efforts to combat climate change in the context of COP29 and beyond. Madam President,

Mr. Vice-President, combating climate change is a shared responsibility that demands global cooperation. Thailand gives importance to the issue of climate justice and continues to call upon developed countries and international organisations to invest in capacity building and to enhance climate finance accessibility and availability – which are keys to helping developing countries in both Asia and Africa achieve the goals of the UNFCCC and ensure that effective climate actions are taken on the ground. To create momentum for this, I would encourage our regions to continually voice our concerns with specific information on the real economic, social and environmental impacts of climate change to our societies.

The recent strides in international law concerning climate change could possibly represent a crucial turning point in our collective response to this urgent crisis. While courts and tribunals are articulating States' obligations to mitigate climate impacts, Thailand also believes that as more and more empirical evidence and scientific data on climate impact becomes available, the climate regime will be able to tackle the problem with greater precision. Confronted with a common existential threat, unified action in international law and information sharing are urgently required to combat climate change for the benefit of our nations and our peoples. I thank you.

**Vice-President:** I thank the distinguished delegate from the Kingdom of Thailand. The order of speakers will be as follows. Kenya, Tanzania, Viet Nam, Islamic Republic of Iran, Malaysia, Japan, India, Indonesia, Turkey, and China. So I will now invite the distinguished delegate from the Republic of Kenya. You have the floor.

**The Delegate of the Republic of Kenya:** Thank you, Mr. Vice-President. On behalf of the Republic of Kenya let me take this opportunity to commend the important work so far done by the AALCO Secretariat on this agenda item.

Distinguished delegates, Kenya is blessed with rich biodiversity and enjoys a unique tropical climate with varying weather patterns that support the biodiversity. In addition to hosting

diverse and unique landscapes and natural resources, Kenya presents many opportunities for sustainable human, social and economic development.

The governance of the environment and natural resources comprise one of the most critical environmental and natural resources conservation components. Fortunately, Kenya has a rich history of environmental and natural resources governance. Traditionally, many communities provided cultural practices that safeguarded against the wanton destruction of the environment and natural resources. Today environment and natural resources governance continue to recognize community involvement.

Whereas the country presents a rich history of environment and natural resources stewardship, several challenges have been witnessed affecting the country's quest. As a result, over the years, as a sign of commitment to enhance the conservation of these resources, Kenya has developed several relevant policies, enacted a range of relevant legal frameworks, and established institutions meant to advance the conservation of the environment, and natural resources found within her borders.

Therefore, the Government of Kenya, in collaboration with local and international stakeholders, places environment and natural resources governance as a national priority.

Mr. Vice-President, it is also worth noting that the Government of Kenya has committed herself to Net Zero by 2050. This commitment was launched under the Financing Locally led Climate Action Program, a New Green Hydrogen strategy and roadmap for Kenya which sets out a commitment to elevating green hydrogen to a pivotal cross-cutting factor in Kenya's development agenda and clarifies how hydrogen is deeply woven into Kenya's ambitious green economy agenda.

We, therefore, call upon all AALCO Member States to progressively seek to reduce carbon emissions in their development agenda and further employ maritime decarbonization in the shipping industry in a bid to realize Net Zero by 2050.

Mr. Vice-President, the Republic of Kenya expresses her immense gratitude to all AALCO Member States that participated in the United Nations Environment Assembly (UNEA-6) that took place at the UNEP Headquarters in Nairobi, Kenya, from the 26<sup>th</sup> of February to 1<sup>st</sup> March 2024 under the Presidency of the Kingdom of Morocco under the theme. "Effective, inclusive, and sustainable multilateral actions to tackle climate change, biodiversity loss and pollution."

The Assembly discussed implementations of the environmental dimension of the 2030 Agenda for Sustainable Development and High-Level Dialogue on Cooperation with Multilateral Environmental Agreements (MEAs), among other topics.

The Assembly also adopted a series of resolutions and decisions, including ones on tackling the triple planetary crisis, promoting circular economy and nature-based solutions. Additionally, there was a focus on how multilateralism can help tackle the triple planetary crisis of climate change, nature and biodiversity loss, and pollution and waste. Backed by strong science, political resolve and engagement with society, the Assembly provided an opportunity for world governments, civil society groups, the scientific community, and the private sector to shape the global environmental policy.

We, therefore, kindly call on all AALCO Members to implement the resolutions and commitments passed at the Assembly as they form the foundation to mobilize urgent action on climate change and sustainable development.

Finally, Mr. Vice-President, we appreciate all the ongoing governance efforts employed by the various AALCO Member States to ensure sustainable development. We therefore call Member States to identify successes and areas for further strengthening in a bid to strengthen environmental and natural resources governance. I thank you, Mr. Vice-President.

**Vice-President:** I want to thank the distinguished delegate from Kenya. I now invite the distinguished delegate from Tanzania. Tanzania, you have the floor.

**The Delegate of the United Republic of Tanzania:** Thank you, Mr. Vice-President. On behalf of the government and the people of the United Republic of Tanzania, I wish to express my sincere gratitude for this opportunity to address this Assembly on the position of my country with regard to the environment and sustainable development. Mr. Vice-President, it is undeniable fact that our survival on Earth depends on the environment and due to the cross-cutting nature of the environmental issues and global interdependency, we must all pay special attention when it comes to the protection of the same. Hence, any meaningful initiative in addressing environmental challenges needs a collaborative global effort.

Mr. Vice-President, the United Republic of Tanzania, like other states, recognises and supports the global effort in the protection of the environment and conservation of nature in general. Walking the talk, Tanzania is in full support of ongoing efforts to have a comprehensive international legally binding instrument for the purpose of mitigating the adverse impacts of plastic waste on the environment.

In demonstrating its commitment towards that goal, the United Republic of Tanzania has participated in all four seasons of the intergovernmental negotiating committees. Mr. Vice-President, at the national level, the United Republic of Tanzania has made several efforts to overcome the environmental challenges of plastic pollution. The said efforts include the making of the Environmental Management (Prohibition of Plastic Carrier Bags) Regulations, 2019 and the Environmental Management (Prohibition of Plastic Carrier Bags and Plastic Bottle Cap Seals) Regulations, 2022, which criminalises the production and usage of plastic carrier bags all over the country with the ultimate goal of eradicating plastic pollution.

Mr. Vice-President, the United Republic of Tanzania emphasises that in order to materialise this desire, it is inevitable to have a wider engagement by bringing on board all stakeholders. Thus, the United Republic of Tanzania calls upon all Member States of AALCO to spearhead the quest to have international binding instrument to end plastic pollution in our countries. In achieving that bid, the United Republic of Tanzania is in full support of the idea of putting in place a dedicated multilateral fund support for the implementation of the instrument. Therefore, it is our expectation that INC5 scheduled to take place in Busan, South Korea, will be fully supported by all Member States.

Mr. Vice-President, the key environmental challenges we are currently facing include impacts of climate change, extreme precipitation that caused flooding, sea level rise leading to submerging of small islands, coastal and low-lying areas, the spread of bushfires, and invasive species and ecosystem shift. In the United Republic of Tanzania, the net economic costs of addressing climate change are estimated to be between two to three per cent of GDP per year.

Mr. Vice-President, in response to these challenges, the government of the United Republic of Tanzania has made considerable efforts to reverse the situation, which includes, one, putting in place policy, legal, institutional, and regulatory instruments. These include: National Environment Policy of 2021, National Climate Change Response Strategy of 2021 to 2026, Nationally Determined Contribution – (NDC) (2021 to 2026), National Carbon Trading Regulations and Guidelines of 2022, together with its amendments and National Environment Master Plan for Strategic Interventions (2022 to 2032).

Number two, the launching of 10 year clean cooking national strategy, which aims to ensure that eight percent of Tanzanians use clean cooking solution by 2034. It is a manifestation of our commitment in the protection of the environment and the fact that a champion of the initiative is none other than Her Excellency Dr. Samia Suluhu Hassan, the President of the United Republic of Tanzania, tells it all.

Mr. Vice-President, finally, we wish to remind all Member States that let us give the environment issues weight they deserve by taking robust measures responsive to environmental challenges we are facing. Thank you for your kind attention. Thank you for your kind attention. *Asanteni sana.*

**President:** Again, I thank the distinguished delegate from Tanzania for their statement. I now invite the distinguished delegate from Viet Nam. Viet Nam, you have the floor.

**The Delegate of the Socialist Republic of Viet Nam:** Mr. Vice-President, distinguished delegates, the Vietnamese Delegation would like to begin by commending the AALCO Secretariat for its efforts in preparing a comprehensive report on Environment and Sustainable Development.

Plastic waste is a pressing global environmental challenge that impacts the environment, ecosystems, human health, and the socio-economic growth of nations worldwide, requiring close cooperation and coordination among countries to address it. Viet Nam, as one of the countries grappling with plastic waste issues, considers the fight against plastic pollution a top priority. The country has undertaken a range of specific actions at multiple levels and is actively engaging in international cooperation frameworks, such as joining and ratifying international treaties on resource conservation and marine environmental protection. Viet Nam also plays an active role in several regional and international fora to boost collective efforts in tackling plastic waste. The nation is eager to collaborate with other countries and is actively involved in negotiations for a global agreement on plastic waste.

We encourage states to advance the creation and implementation of global mechanisms for mobilizing financial resources, transferring technology, and sharing policy insights to drive the shift towards a circular economy for plastics. Additionally, Viet Nam supports the development of suitable mechanisms to enhance the active and effective involvement of all relevant stakeholders as appropriate in the production and use of plastic products. The country also promotes the establishment and operation of global and regional centres dedicated to monitoring, collecting, and sharing information, research, and best practices in managing plastic pollution. Furthermore, Viet Nam stresses the importance of expanding community awareness initiatives on plastic waste, especially through integration into school education programs.

Mr. Vice-President, climate change is one of the top concerns of the international community and is also highly relevant to Viet Nam. In international fora, Viet Nam has repeatedly emphasized that it is one of the most vulnerable coastal countries and takes the challenges related to climate change seriously. At the International Tribunal for the Law of the Sea (ITLOS), Viet Nam has participated in the process of seeking advisory opinions on climate change at both stages - submitting written opinions and oral hearings at the Tribunal. In the advisory opinion proceedings of the International Court of Justice (ICJ), Viet Nam was an active member of the Core Group responsible for drafting the United Nations General Assembly Resolution requesting an advisory opinion from the ICJ on the responsibilities of states regarding climate change. Viet Nam also submitted its Written Statement in March 2024, and Written Comments in August 2024, to the ICJ.

We believe that the ICJ has the jurisdiction to render an advisory opinion and that such an opinion is necessary, even while international negotiations on climate change are ongoing. The responsibility of countries that have caused significant harm to the climate system should take into account their historical emissions based on the principle of common but differentiated responsibilities. Developed countries have an obligation to transfer technology to developing nations with limited resources to help reduce greenhouse gas emissions, considering the specific needs of individual countries. I thank you Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate from Viet Nam. I now invite the distinguished delegate from the Islamic Republic of Iran followed by Malaysia, Japan, India, Indonesia, Turkey, China, State of Palestine and Republic of Korea. Islamic Republic of Iran, you have the floor.

**The Delegate of the Islamic Republic of Iran:** Thank you Mr. Vice-President. At the outset, I would like to thank you Mr. Vice-President for your able leadership in chairing the Session as well as the Secretariat for its introductory report. The Islamic Republic of Iran supports and attaches great importance to the topic of “Environment and Sustainable Development” and hopes that these deliberations of AALCO Member States will contribute to a better understanding of the various aspects of the topic.

Mr. Vice-President, the relationship between environment protection and sustainable development is deeply intertwined. The long-term inclusion of the topic on the agenda of AALCO is indicative of the need for economic development and progress to ensure environmental protection.

Today, addressing diverse environmental issues such as climate change, deforestation, sand and dust storms, and pollution, which adversely impact populations and economies, is not possible by placing a disproportionate burden on developing countries. This would not only lead to the deterioration of the situation, but it could also prejudice sustainable development of many countries.

In this context, the principle of the Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) plays a key role by acknowledging different capabilities and differing responsibilities of individual countries in addressing environmental challenges.

Among these issues, “the adverse effects of climate change” appears on top of the list of the Member States and relevant international organizations. Here again the principle of CBDR-RC should be duly taken into consideration. We further reiterate that the right to development is a

fundamental and inalienable human right that developed countries should respect and promote by providing financial support, transfer of technology and capacity-building to developing countries, in particular, in relation to climate change efforts.

Mr. Vice-President, the impacts of climate change on oceans and seas are myriad, complex and interrelated. In order to counter these impacts, developed countries must fulfill their commitments under the UNFCCC and the Paris Agreement by providing financial resources, capacity building and technology transfer due to their historical role based on the CBDR-RC principle.

Climate change has had impacts on natural and human systems, threatening many human rights including access to food and water. This demonstrates the importance of climate change efforts which are mainly dependent upon full implementation of climate change contributions based on CBDR-RC and equity.

The main climate change instruments including the UNFCCC, the Kyoto Protocol, and the Paris Agreement have recognized the responsibility of developed countries in supporting developing countries in terms of capacity-building. The UNFCCC highlights education, training, and public awareness in addressing climate change as important factors in capacity-building in its Articles.

Furthermore, the Capacity Building Initiative for Transparency (CBIT) established under the Kyoto Protocol to assist developing countries in meeting their reporting requirements, and the Paris Agreement reaffirmed capacity-building as a critical component of climate action and established a framework to enhance the transparency of action and support.

Despite the above, the imposition of unilateral coercive measures (UCMs) works as a crucial barrier to effective climate change efforts by certain developing countries, preventing the targeted countries to live up to their environmental obligations. Unilateral coercive measures put in place against the Islamic Republic of Iran impede its right to sustainable development and realization of the right to a healthy environment and further curtail its ability to fully achieve its mitigation objectives in relation to climate change.

Mr. Vice-President, not all States have the same abilities and capacities to reduce the amount of their green-house gas emissions; equity requires taking into account the actual capacity of a State to prevent damage. It is understood that the degree of care expected of a State with a well-developed economy and human and material resources and with a highly evolved system of governance is different from a State lacking the same. This is in line with the principle of CBDR-RC included in Article 3.1 of the UNFCCC. Accordingly, differentiated standards with regard to the type, stringency and effectiveness of climate mitigation measures have to be applied to different States based on their level of economic development and historical emission levels.

Indeed, the major obligations emanating from the treaty framework specifically governing climate change efforts consist mainly of the obligation to undertake mitigation efforts and the obligation to reduce emissions of greenhouse gases.

Mr. Vice-President, allow me to conclude by referring to the ongoing advisory proceedings at the International Court of Justice concerning “Obligations of States in respect of Climate Change” pursuant to the request of the UN General Assembly in its resolution of 29 March

2023. Due to the significance of climate change efforts, the Islamic Republic of Iran submitted its written statement and comments to the ICJ.

In this regard, we have to reiterate we have to reiterate that this chance of the ICJ would pave the way for better understanding the different challenges of the climate change. Secondly, I do believe the international cooperation remains the only vital response to report, to deal with the question of legal consequences arising out of the non-compliance of the state commitment under the climate change regime.

Secondly, international cooperation remains the only vital response to deal with the question of legal consequences arising out of non-compliance with States' commitments under the climate change regime. I thank you, Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate from the Islamic Republic of Iran. I now invite the distinguished delegate from Malaysia, followed by Japan. Malaysia, you have the floor.

**The Delegate of Malaysia:** Mr. Vice-President, Excellences, and distinguished delegates Malaysia records its appreciation to the AALCO Secretariat for the Report on "Environment and Sustainable Development, which focuses on two (2) topics for deliberation inter alia "An International Legally Binding Instrument on Plastic Pollution" and "International legal Regime on Climate Change".

With regard to the topic of "An International Legally Binding Instrument on Plastic Pollution" or the "Plastics Treaty", Malaysia notes observations and significant comments as well as suggestions have been put across by the AALCO Secretariat in addressing current environmental concerns of the plastic pollution.

In relation to the first recommendation by the AALCO Secretariat in paragraph 46 of the Report, Malaysia noted recommendations made by the AALCO Secretariat for the Plastic Treaty to include clear, legally binding target complemented by flexible, voluntary guidelines to allow for iterative enhancements and adaptive management.

In this regard, Malaysia has been consistent in emphasizing that the implementation of this Plastic Treaty should be nationally driven and embodies elements of flexibility and adaptability. This would allow Malaysia to set targets and actions according to its own national circumstances while allowing sufficient transition time for the country and markets to adjust in a step-by-step manner.

As for paragraph 47 of the Report, Malaysia notes that AALCO Secretariat suggested the two *Ad Hoc* intersessional open-ended expert groups established during the fourth session of the Intergovernmental Negotiating Committee (INC-4) be given clear mandates to conduct thorough analyses and provide actionable recommendations, particularly on chemicals of concern and financial mechanisms.

In lieu of this, Malaysia wishes to highlight that although the two expert groups are not part of the negotiations under the INC, their roles are to inform and help advance the work of the INC. It is pivotal to emphasize that the outcomes of the two expert groups shall be without prejudice to Malaysia's national positions. It is important to reiterate that Malaysia upholds the principle of sovereign equality and the principle of Common but Differentiated Responsibilities and

Respective Capabilities (“CBDRC”) as Malaysia’s path to sustainability cannot be dictated.

It must be determined nationally, ensuring a just transition that respects Malaysia’s developmental pace.

In furtherance to that, Malaysia observes paragraph 48 of the Report, where the AALCO Secretariat recommended that the Plastic Treaty include specific provisions to reduce plastic production, promote sustainable product design and enhance waste management infrastructure. Pursuant to this, Malaysia has actively participated in the ongoing negotiations of this Treaty, supporting the enhancement of product design for recyclability and reusability of plastic products to lessen the burden on the waste management system.

In this respect, Malaysia firmly holds that the scope of the Plastic Treaty must not include obligations or provisions related to the extraction of fossil fuels, as these raw materials are also primarily used for other industrial productions apart from plastic.

Malaysia wishes to bring the attention of all Members to paragraphs 49 and 50 of the Report which touch on the exploration of new and existing financial mechanisms and the adoption of robust conflict-of-interest policies in the prevention of undue influence from industry lobbyists. Malaysia supports these suggestions by the AALCO Secretariat with the aim and goal that the Plastic Treaty can meaningfully address plastic pollution and its impacts for a better world ahead.

Mr. Vice-President, the upcoming 29<sup>th</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (“COP 29”) will be a pivotal moment for setting a fair and ambitious New Collective Quantified Goal on Climate Finance (“NCQG”).

Malaysia calls for the discussions to be guided by the principle of Common but Differentiated Responsibilities and Respective Capabilities (“CBDR-RC”) as outlined in the UNFCCC, taking into account different national circumstances. The process should prioritise the needs and priorities of developing countries, and it should emphasise transparency and accessibility without being dictated.

As a State Party to the UNFCCC and the Paris Agreement, Malaysia is obliged to prepare and implement a climate change action plan known as Nationally Determined Contribution (“NDC”) to be submitted every 5 years to the UNFCCC Secretariat. Malaysia increased its mitigation ambition with an unconditional target to cut carbon intensity against GDP by 45% by 2030 compared to 2005 levels. Malaysia regards this target as progressive and reflects its highest possible ambition given that the mitigation actions will be undertaken domestically. In lieu of this, Malaysia regards its NDC to represent its fair share of the efforts to achieve the global long-term goal of the Paris Agreement in view of its national circumstances and capabilities.

Malaysia reaffirms that the Loss and Damage Fund was reached at the UN Climate Change Conference 2022 (COP28) in Dubai. This financial mechanism was designed to provide crucial support to vulnerable nations facing the brunt of climate-related challenges. Malaysia notes that the World Bank will assume the role of overseeing the fund's overall coordination, ensuring the efficient allocation of resources and aiding nations in their endeavours to recover from the adverse effect of climate change. In relation to this, Malaysia wishes to take this opportunity to congratulate the Philippines as the Host Country of the Board of the Fund on 9 July 2024 at



the Second Meeting of the Board of Fund. It is also important to highlight that discussions and negotiations to determine the management structure of the Fund, will have an active involvement from United Nations Development Program (UNDP) experts. Hence, Malaysia believes that this check and balance of finance and technical aspects will lead to a great outcome.

In light of the urgent and rapidly escalating threats posed by climate change, Malaysia respectfully calls upon the esteemed AALCO Member States to reaffirm and intensify our collective efforts to honour and fulfil our commitments under the international climate change conventions. Mr Vice-President, with that, thank you.

**Vice-President:** Thank you. I thank the distinguished delegate from Malaysia. I now invite the distinguished delegate from Japan. Japan, you have the floor.

**The Delegate of Japan:** Mr. Vice-President, distinguished delegates, let me refer firstly to the sub-topic “An International Legally Binding Instrument on Plastic Pollution”. An international legally binding instrument on plastic pollution is currently under negotiation, and the Intergovernmental Negotiating Committee is expected to complete its work by the end of this year, as mandated by UNEA Resolution 5/14. Although there remain considerable differences in opinions among the countries involved in the text negotiations, Japan will continue to engage constructively and actively in the ongoing negotiations and achieve outcomes in the remaining time.

Japan believes that it is necessary to develop an effective and progressive legal instrument in which many countries, including large consumers and emitters of plastics, will participate.

To address plastic pollution, it is necessary to promote the circulation of plastic resources throughout the full life cycle and to establish a system to control the leakage of plastics into the environment, including through recycling, reuse, and environmentally sound waste management.

An environmentally friendly product design, such as reduction (weight reduction, reduction of single-use plastics, etc.), reuse, and recycling, is important in establishing a circular economy of plastics and contributing to combat plastic pollution. It is crucial for each country to set an ambitious time-bound target in this regard.

The reduction of emissions and appropriate treatment of plastic waste will greatly contribute to preventing the leakage of plastics out of the circular loop into the environment. In this regard, the highest priority should be given to environmentally sound waste management, and it is important to be ambitious in this area.

Mr. Vice-President, allow me to express Japan’s view on the next sub-topic “International Legal Regime on Climate Change”. Climate change is a critical issue that the international community collectively needs to address. Japan aims to reduce its greenhouse gas emissions by 46% in fiscal year 2030 from its fiscal year 2013 levels, setting an ambitious target which is aligned with the long-term goal of achieving net-zero by 2050. Furthermore, Japan will continue strenuous efforts in its challenge to meet the lofty goal of cutting its emissions by 50%. Indeed, we have achieved to reduce emissions by 22.9% in 2022 compared to the fiscal year 2013 level.

In addressing climate change, Japan is steadily implementing its commitment to provide up to a total of 70 billion US dollars both in public and private sectors between 2021 to 2025, and has pledged to make a new contribution of up to 165 billion Japanese yen which is approximately 1.2 billion USD for the second replenishment of the Green Climate Fund (GCF) this year. In addition, Japan has already disbursed the pledged amount of 10 million US dollars for commencing the operationalization of the fund for responding to loss and damage, which assists developing countries that are particularly vulnerable to the adverse effects of climate change.

On the issue of climate change, all countries, including major emitters as well as developed countries, need to work together to make efforts to achieve the 1.5-degree goal. Now, based on the outcomes of the first Global Stocktake (GST) concluded at COP28, all countries are required to set targets covering economy-wide and all green-house emissions and to make their next NDC (nationally determined contributions) ambitious and consistent with the 1.5-degree goal. We particularly call on major emitting countries to commit to net-zero by 2050 at the latest, and to set absolute reduction targets.

This year is also an important year for climate finance as the new collective quantified goal (NCQG) will be set at COP29. Japan is actively engaged in the discussions. We would like to emphasize the importance of including not only developed countries, but also countries that are capable of contributing to any international public finance mobilization.

Now, I would like to address the advisory opinion on case No.31 rendered by ITLOS. We accept it as an important opinion by ITLOS, which is responsible for the interpretation and application of the United Nations Convention on the Law of the Sea (UNCLOS). Japan will closely monitor the impact of the opinion on future discussions, given that the importance of addressing global environmental issues is further increasing internationally. I thank you, Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate from Japan. I now call upon the distinguished delegate from India, followed by Indonesia. India, you have the floor.

**The Delegate of the Republic of India:** Thank you Mr. Vice-President. On behalf of the Indian delegation, let me thank the Secretariat for its introduction on this agenda item for discussion. Plastic pollution is a global problem that adversely affects human health, and the environment, including marine life and climate change. Unmanaged and littered plastic wastes further aggravate the problem.

The fourth meeting of the International Negotiating Committee held in Canada concluded with an advanced draft text of the instrument towards a legally binding agreement aimed at combating plastic pollution, which is scheduled to be completed by the end of the year. India remains committed to carrying forward this work. However, we insist that both financial and technical assistance, as well as technology transfer, should be integrated into the substantive provisions of the draft text. India believes that there should be no binding targets or caps with respect to the production of plastic polymers.

Plastics play an important role in the development of our societies and are used in varied sectors of economic activity. As such, the global response to addressing plastic pollution should be based on the principle of equity and sustainable development including the common but differentiated responsibilities in the light of different national circumstances.

The intended legally binding instrument should be implemented in a rationally driven manner with due respect to national circumstances and capabilities. In our endeavor to address plastic pollution, there is a need for a pragmatic approach, a consensus-backed move as against a voting-based approach.

We hope that the AALCO Member States will participate in the fifth INC meeting to be held in Busan, Republic of Korea, in November 2024 and effectively contribute towards negotiating the legally binding instrument without compromising the interests of developing countries.

Mr. Vice-President, climate change is one of the formidable developmental challenges faced by humanity today. The impact of climate change tends to be more significant for the disadvantaged. Developing countries are especially vulnerable, many with limited capacity to counter associated losses, including adaptation to rising sea levels. We welcome the proposal of the Kingdom of Thailand to include a sub agenda item “Recent Development in International Law on Climate Change”, under this substantive agenda item.

Mr. Vice-President, the global temperature goal of limiting the temperature increase to 1.5°C above pre-industrial levels in the Paris Agreement and the timeline for emission pathways to achieve that goal is crucial in addressing climate change. However, being a global problem, addressing climate change will require a cooperative response from all states.

On climate change, India not only helped forge a consensus at Paris but, in contrast to many others, has actually stayed true to its commitments. The International Solar Alliance and the Coalition for Disaster Resilient Infrastructure are two notable examples of leadership in climate action.

Mr. Vice-President, we take note of the principle focus of the COP29 Presidency, including the two pillars of the COP29 vision - “Enhance Ambition and Enable Action”. Transformative mitigative and adaptive steps are needed to deal with climate change. Accelerated financial support and addressing inequities in access to finance, including its costs, terms and conditions, will help address vulnerability to climate change. We are looking forward to concrete outcomes of the COP29 scheduled in November in Baku, Azerbaijan.

Mr. Vice-President, while the decisions of Inter-American Court of Human Rights (IACtHR) and the International Court of Justice (ICJ) in respect of climate change are likely in 2024 and 2025, respectively, we take note of the advisory opinion delivered by the International Tribunal for the Law of the Sea (ITLOS) on States’ obligations to protect and preserve the world's oceans from climate change impacts, such as ocean warming, sea level rise and ocean acidification. We hope that the decisions pending before other international courts will complement each other and not be contradictory. Thank you, Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate from India. Now I call upon the distinguished delegate for Indonesia. Indonesia, you have the floor.

**The Delegate of the Republic of Indonesia:** Thank you, Mr. Vice-President. Indonesia highly commends the work on the substantive and comprehensive negotiation to establish an International Legally Binding Instrument (ILBI) on Plastic Pollution. Indonesia fully supports the global endeavours to end plastic pollution, including in the marine environment. On this occasion, we would like to reiterate our strong commitment to ensuring the existence of a better

world and life for future generations, which is reflected in our efforts, both on national and international levels.

On national level, Indonesia has enacted National Policy and Strategy for Solid Waste Management in 2017 until 2025 as well as the National Plan of Action for Combating Marine Litter with ambitious target to reduce it by 70% in 2024.

On international level, Indonesia is actively engaged in the discussion of the ILBI on Plastic Pollution, including in the Marine Environment. As we are aware, the Secretariat of the Intergovernmental Negotiating Committee (INC) distributed the Compilation of the Draft Text of the ILBI on Plastic Pollution, including in the Marine Environment, in July 2024. Indonesia is hopeful that it can serve as solid basis and as a strong modality for further discussion at the upcoming INC-5 in November 2024.

In principle, Indonesia supports the original scope that covers the full life cycle of plastics. We believe that comprehensive approaches across the full lifecycle of plastics need to be undertaken. Enhancing circularity approaches should stand as a core and overarching approach for this instrument, underpinned by, among others, improved product design and performance as well as environmentally sound waste management.

Indonesia recognizes that the national plans of each Member States will have critical impact on progress of implementation of the future instrument, urging country-driven action across the full lifecycle of plastics in a coherent and transparent manner.

Therefore, Indonesia is of the view that the Committee needs to take into consideration the capabilities and needs of each Member State', especially countries with special geographical conditions, such as archipelagic states and countries considered vulnerable to plastic pollution, in order to ensure the implementation of this instrument to accomplish the desired objectives. Moreover, it is important to note that the principles of Sustainable Development Goals (SDG), Common but Differentiated Responsibility and Respective Capabilities (CBDR-RC) and precautionary approach are some of the important issues to be addressed in the principles of this instrument.

Mr. Vice-president, regarding the financing mechanism and resources provision, Indonesia deems it necessary to regulate a hybrid financing mechanism, which would establish a dedicated multilateral fund under ILBI, as well as utilizing the existing financing mechanism that will be suitable for Member States.

Furthermore, Indonesia supports the provisions concerning capacity building, technical assistance and technology transfer, and considers it necessary to regulate a few aspects to further support the provision.

Indonesia emphasizes that capacity building, technical assistance and technology transfer should be given based on states' needs, especially for developing countries, to assure the effectivity of implementation of the future instrument.

Mr. Vice-President, Indonesia wishes to reiterate the urgency for states to agree on Part I, which consists of the preamble, objective, definition, principle and scope of the ILBI, to set a clear foundation for Member States to move forward.

In addition, as concluded in INC-4, Indonesia stresses the importance of strengthening the negotiation position on human rights issues for the upcoming INC-5, especially issues of relevance, namely: the right to a clean, healthy and sustainable environment, just transition and sustainable development as a whole.

It is also noteworthy that the issue of ending plastic pollution will affect economic growth and trade, especially for developing countries.

While that may be a challenge, Indonesia encourages states to not neglect our objectives and responsibilities and believes that with cooperation and collaboration among states, we will find the best solutions to ensure a smooth transition to a more progressive and environment-friendly economy.

It is important to remember that the future instrument must be country-driven, creating an enabling environment and setting tailored sustainability targets and actions while respecting national sovereignty and regional priorities. Indonesia is committed to meaningful outcomes by INC-5 in Busan, Republic of Korea, through an inclusive process.

Mr. Vice-President, on the subtopics of Climate Change, COP28 has gained remarkable outcome of the UAE Consensus. In Dubai, countries came together to deliver UAE Consensus, to keep 1.5°C within reach, protect those impacted by climate change and to leave no one behind. In regard to the adoption of the UAE Consensus, we believe that there are some transformative outcomes of the COP28, which should be followed to enable Parties to implement the decisions and move forward.

First, Indonesia welcomes the adoption of the operationalization of Loss and Damage funding arrangement and funds. In this context, ensuring the on-time execution of the operational timeframe for the funding arrangement and funds agreed in the COP28 is the element to advance the implementation.

Second, the ambitious response to the First GST that includes the historic reference on transitioning away from fossil fuels in energy systems, in a just, orderly, and equitable manner. The implementation of the Mitigation Work Program must be complemented by the implementation of the Just Transition Work Program, to ensure ambition by all countries while supporting developing countries in accelerating a just transition in the effort to keep 1.5°C within reach.

Third, the UAE Framework for Global Climate Resilience, which put forward the first-ever international framework on climate adaptation sends a clear signal about the expectation for stronger adaptation outcomes at the country level. To advance the implementation of the framework, the indicators for measuring progress must be set and reflect the importance of discussion under the UAE-Belem work programme on climate adaptation, sending a clear signal about the expectation for stronger adaptation outcomes at the country level.

Mr. Vice-President, building on the momentum in Dubai last year and the mandated activities that must be done this year, we strongly hope that COP29 will be indeed a “critical enabling COP” in the climate ambition cycle. Having that in mind, we must ensure meaningful progress towards pursuing efforts to keep 1.5°C within reach through these priorities for COP29, namely:

First, the successful adoption of the New Collective Quantified Goals (NCQG) that are mandated to be decided in COP29. We must ensure this pledge is delivered, prioritizing the needs of developing countries. Indonesia views the importance of funding aspects for a just and affordable transition to maintaining economic growth and development while remaining committed to climate action. It is necessary to prioritize funding for the transition, considering that the NCQG must be able to overcome the problem of high cost of capital in investment and funding for climate action and transition. Indonesia recognizes that NCQG has an important role, including in achieving the goals of the Paris Agreement.

In this context, NCQG needs to consider lessons learned from the USD 100 billion goal under the Convention. Indonesia views that the NCQG needs higher ambition in terms of numbers, transparency, and concrete results.

Second, Indonesia is of the view that all the GST processes need to be reiterated as party driven process while taking CBDR-RC principle into account, emphasizes that the process and output should be effective, transparent, comprehensive and inclusive to prevent an overlay process.

Third, the continuation of the work under Sharm el-Sheikh mitigation ambition and implementation work programme and the Just Transition Pathways Work Programme.

Fourth, continuing the work under the UAE Framework for Global Climate Resilience. Given the focus of COP29 should be the “enabling COP”, it will also be crucial to ensure that the discussion of means of implementation and climate finance must consider how to mobilize adequate adaptation finance and support to meet the level of ambition on climate adaptation outlined in the new framework.

Mr. Vice-President, to conclude, Indonesia urges the member states of AALCO to actively participate in the discussion and implementation of every relevant international instrument in issues related to environment and sustainable development, both legally binding and non-legally binding instruments. Protecting the environment is a crucial task, one that we must undertake together to ensure the sustainability of our lives. With that, I thank you, Mr. Vice-President. Thank you.

**Vice-President:** Yes, I want to thank the distinguished delegate from Indonesia. We now invite Türkiye, followed by China, State of Palestine, Republic of Korea, and Bangladesh. Turkey, you have the floor.

**The Delegate of the Republic of Türkiye:** Thank you, Mr. Vice-President. I would like to begin my remarks by underlying that Türkiye is committed to combating climate change and taking the necessary steps to achieve its targets in line with its climate act. Mr. Vice-President, it is a fact that the impact of the climate crisis transcends borders, affecting the welfare of our societies and the sustainability of ecosystems. The AALCO, as a platform uniting countries across Asia and Africa, can contribute to the international efforts to combat climate change within its mandate. The AALCO region is disproportionately affected by climate impacts, from rising sea levels in the Maldives to devastating droughts in sub-Saharan Africa. The impacts of climate change in Asia and Africa are profound, particularly for vulnerable people.

The AALCO members can advocate for policies that prioritise the protection and empowerment of these vulnerable communities, ensuring that their voices are heard in international negotiations. AALCO’s legal expertise and collective voice can contribute to

shaping international legal norms and decisions on climate change. This includes supporting requests for advisory opinions from international courts and tribunals on critical issues such as state responsibilities and the rights of future generations and the legal implications of transboundary environmental harm.

Despite the progress made under the UNFCCC and the Paris Agreement, implementation includes several challenges. Lack of sufficient financial resources, technological gaps, and the disparity between commitments and actions are the key problems in combating climate change. Many developing countries face difficulties in fulfilling their applications due to insufficient support.

In this regard, AALCO can raise the voices of developing countries with respect to these challenges. The principle of common but differentiated responsibilities is central to international climate regime, recognising the varying capacities and historical responsibilities of states. AALCO must continue to uphold this principle, advocating for its fair application in international climate agreements.

Developed countries must fulfil their commitments to provide financial and technical support to developing nations, enabling them to meet their climate goals without compromising their development needs. AALCO and its Member States can play an important role in shaping the international legal landscape on climate change. By addressing the challenges in implementing existing frameworks, exploring the nexus between climate regime and other legal areas, and focussing on the most vulnerable, meaningful progress can be made.

Mr. Vice-President, Asia and Africa are home to some of the world's most important but vulnerable ecosystems and communities. The coastal areas, fertile lands, and rich biodiversity are under threat from the proliferation of plastic waste. Plastic pollution endangers the food security, public health, and economic stability.

The alarming increase in plastic waste is a direct consequence of unsustainable production and consumption patterns. The AALCO countries, while contributing less to global plastic production, unfortunately disproportionately suffer the consequences. Today, as negotiations continue on the international legally binding instrument ILBI on plastic pollution, we need to bring the voices and concerns of AALCO countries to the forefront of this process.

As the AALCO countries, we must try to ensure that the ILBI addresses our unique needs and challenges. This instrument should be rooted in the principles of equity and justice, reflecting the realities of both developed and developing nations. The principle of common but differentiated responsibilities should be upheld, recognising that while all nations must act, our capacities and historical contributions to this crisis vary significantly.

Many AALCO countries are grappling with the dual challenge of advancing economic development while safeguarding our environment. The ILBI negotiations must strike a balance between ambitious environment targets and the need for flexibility in implementation. A phased approach that allows developing countries to gradually meet their obligations with clear timelines, measurable targets, and adequate support mechanisms is of importance.

The voices of our communities, particularly those most affected by plastic pollution, must be heard. Mr. Vice-President, the private sector engagement is also significant, ensuring that industries take responsibility for the environmental impacts of their products through extended

procedure responsibility mechanisms. As negotiations on the ILBI progress, the AALCO countries should remain united in advocating for a treaty that is ambitious, equitable, and grounded on the principles of international justice.

Mr. Vice-President, the fight against plastic pollution is a shared responsibility, but the burden should not be placed disproportionately on those least responsible for its creation. I thank you, Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate from Türkiye for your statement. We had the plan to have a break at 10.15, but we have been discussing a very important topic, and we have discussed common but differentiated responsibility this morning. So, we have a common responsibility to ventilate this issue and finish it, and we have a differentiated responsibility to listen while making the room for others to make intervention, but also for the time lost. So, you know, since we are having this very important topic, I request distinguished delegates that we continue with this process, but if anyone must step out and pick a cup of coffee, they could quietly do that and then come back in because we have another interesting topic coming up after. I hope that is okay with you. We have interventions from China, State of Palestine, Republic of Korea, and Bangladesh. So, I would like to invite a distinguished delegate from China to make an intervention. You have the floor.

**The Delegate of the People's Republic of China:** Thank you, Mr. Vice-President. China fully supports your proposal, and we would take our responsibilities as guided. China appreciates the report prepared by the Secretariat.

Environment protection is essential for the sustainable development of Asian and African countries. China would like to present its views on the negotiation process of developing an international legally binding instrument on plastic pollution and the Climate change legal system, respectively.

First, about the negotiation process of an international legally binding instrument on plastic pollution ("Instrument"). China has been a firm supporter of the Intergovernmental Negotiating Committee on Plastic Pollution (INC) and has actively engaged in the previous INC sessions and relevant meetings. A few days ago, the ad hoc intersessional open-ended expert groups meetings discussed financial matters, problematic and avoidable plastic products, and chemicals of concern in plastic products in Bangkok. And we look forward to continuing our discussion in the final INC5 in Busan ROK this November.

Plastic itself is not a pollution; the root cause of plastic pollution is the leakage of mismanaged plastic waste. In this regard, we need to take a balanced approach, utilizing plastic for our daily lives and at the same time addressing the plastic pollution through practical and effective ways. China believes that the instrument should strictly abide by the mandate of the UNEA resolution 5/14 and adopt mandatory and voluntary measures simultaneously, with due regard to national circumstances and capabilities, respectively. The instrument should focus on plastic waste collection, recycle, and disposal. Regarding the scope of the instrument, waste management should be placed as priority in order to address the root cause of plastic pollution; reduction of plastic production is a matter of industrial policy, which is beyond the mandate of the negotiation. Regarding the control measures, the instrument should be flexible, with due respect to the principle of national determination and avoid one-size-fits-all solution. The development stages of different countries, especially the circumstances and capacities of developing countries should be considered properly. The principle of Common but



Differentiated Responsibility (CBDR) is still relevant, in order to guarantee the effective implementation of the instrument, the developed countries should provide adequate funding, capacity-building, technical assistance and technology transfer to developing countries. China strongly opposes the attempt to treat plastic producers as polluters and imposes unreasonable obligations on some countries. We believe that all developing countries are eligible for the fund to continuously improve their capacity for pollution prevention.

China will continue to support the INC for a widely accepted, legally binding and implementable instrument on plastic pollution on schedule in Busan. We hope every country can work together with the spirit of openness, pragmatism and cooperation.

Second, about climate change. UNFCCC regime ought to play a fundamental and primary role in addressing climate change and its adverse effects. Other relevant rules, including international law of the sea, international human rights law and general international law, are not specially made to address climate change and its adverse effects, could only serve as a complementary role, and should not undermine the objectives, principles and rules of the UNFCCC regime. China believes that the principle of Common but Differentiated Responsibilities is the cornerstone of global climate governance. Developed countries with historical responsibility and capability advantages should take the lead in tackling climate change, shoulder more responsibility for emissions reduction, and help developing countries in mitigation and adaptation by providing technical and financial support. China is willing to work with Asian and African countries to strengthen global cooperation in addressing climate change, jointly safeguard the UNFCCC regime, and promote a fair and equitable system of global climate governance for win-win cooperation. Thank you. Mr. Vice-President.

**Vice-President:** I would like to thank the distinguished delegate from China for your intervention. I will now give the floor to the distinguished delegate from the State of Palestine.

**The Delegate of the State of Palestine:**<sup>1</sup> Mr. Vice-President, Mr. Deputy Secretary-General, distinguished delegates, and ladies and gentlemen, the Sustainable Development Goals (SDGs) represent a plan to achieve a better and more sustainable future for all. The 17 goals aim to address global challenges, including poverty, inequality, climate change, environmental degradation, prosperity, peace, and justice, with each goal to be achieved by 2030.

The State of Palestine has joined several environmental agreements in its pursuit of Sustainable Development Goals, especially those related to climate change and preventing environmental degradation. Palestine became a member of the United Nations Framework Convention on Climate Change (UNFCCC) on March 17, 2016, and joined the Paris Agreement on November 4, 2016. This membership allows it to participate in climate change meetings and discussions and submit its national contributions in support of global efforts to combat climate change and promote sustainable development. Palestine is actively working to strengthen local, regional, and international cooperation in research, development, and education to promote environmental and economic sustainability and to create job opportunities in renewable energy and sustainable agriculture.

Palestine is among the countries affected by climate change, though it does not contribute significantly to it. The impact is exacerbated by the occupation, which exploits its natural resources, controls land, and prevents geographical connectivity, hindering adaptation and

---

<sup>1</sup> Statement was delivered in Arabic. This is an unofficial translation by the AALCO Secretariat.

mitigation measures against climate change. For instance, the carbon cost of rebuilding 100,000 damaged buildings in Gaza using modern construction techniques would generate at least 30 million metric tons of greenhouse gases. This is equivalent to the annual CO<sub>2</sub> emissions of New Zealand and higher than emissions from 135 other countries and regions, including Sri Lanka, Lebanon, and Uruguay, making it extremely dangerous.

Climate change has considerable impacts on Palestine, as seen in rising temperatures and decreased rainfall, contributing to desertification and a drop in annual rainfall rates, which worsens the water demand crisis controlled by the occupation, with compounded negative effects on food security.

Climate action in Palestine has political support, as President Mahmoud Abbas annually attends climate change conferences, and in 2022, the Cabinet passed a resolution considering environment and climate change as cross-sectoral issues. The resolution mandates government institutions to integrate environmental and climate change topics into developmental plans and strategies, prioritizing projects listed in the Nationally Determined Contributions document.

In line with Goal 6 of the SDGs, which calls for ensuring availability and sustainable management of water and sanitation for all, Palestine faces a major challenge in accessing clean water resources due to occupation control over most water resources. Since 2011, Palestinian families have struggled to access clean water, a problem exacerbated by the Gaza blockade and limited water and land access in the West Bank, the Jordan Valley, and Area C.

Without addressing the political reality, ending the occupation, and achieving freedom and independence for Palestinians, realizing sustainable development goals will remain challenging. Any progress made on the ground by Palestinians is often dismantled the next day by the occupation army, including infrastructure, sewage systems, wells, and other essentials for a healthy environment. Increasing poverty rates, lack of healthcare services, waste accumulation, the spread of diseases due to air pollution, especially as a result of the ongoing genocidal war on Gaza, settler attacks, large-scale destruction of olive trees, crop destruction, the suffocating blockade on the West Bank and Gaza, and military checkpoints are all practices hindering sustainable development goals and the resilience of Palestinian cities.

At the request of the State of Palestine, the United Nations Environment Programme conducted a preliminary assessment in June 2024, indicating that the environmental impacts of the war in Gaza are unprecedented, exposing society to rapidly worsening soil, water, and air pollution and risking irreversible damage to natural ecosystems.

Currently, Gaza suffers from severe environmental violations and damages, including a complete breakdown of water, sanitation, and public hygiene systems, destruction of solid waste management infrastructure, deployment of munitions containing heavy metals and explosive chemicals in densely populated areas, destruction of solar panels leading to the leakage of lead and other heavy metals, which poses new risks to Gaza's soil and water, and generating an estimated 39 million tons of debris from the ongoing genocide since October 7.

**President:** I thank the distinguished delegate from the State of Palestine. I now give the floor to the distinguished delegate of the Republic of Korea followed by Bangladesh. Republic of Korea you have the floor.

**The Delegate of the Republic of Korea:** Thank you, Mr. Vice-President. It is a great privilege to share a few words on this crucial topic with esteemed assembly. While plastic has offered countless benefits, it has had detrimental consequences across the globe. The threat posed by plastic pollution is real and immediate, impacting not only our ecosystems, but also human health and well-being.

Addressing this issue is a pressing and urgent task that cannot be delayed any longer. We are encouraged by the ongoing efforts within the United Nations to develop a legally binding treaty aimed at ending plastic pollution. We strongly support the effort to finalise this treaty text by the end of this year.

As initially planned, we anticipate that new treaty will address plastic pollution throughout its entire life cycle, from production to consumption to disposal based on scientific evidence. More importantly, we hope that the treaty will be effective and enforceable. As stated by several delegations, the Republic of Korea will be hosting the final negotiating meeting, INC5, in Busan this November.

We wish to make it successful. We will make every effort to get the deal done. We now turn to the recent developments in international climate change law.

As highlighted in the Secretariat report, the UN Climate Change Conference, COP28, represents a significant milestone, the first global stocktake of progress under the Paris Agreement. Nations have reflected on past achievements and limitations while deliberating on the path forward. My government welcomes these global endeavours.

We remain committed to continuing mitigation efforts. As a proactive and voluntary donor, we have been busy. The Republic of Korea has constantly contributing to the Green Climate Fund and Global Green Growth Institute.

Through these contributions, we have helped bridge critical gaps in climate resilience and sustainability. In this spirit, we are pleased to inform you of our recent pledge to contribute USD 7 million to the Loss and Damage Fund. We are proud of our unrelenting dedication to supporting those most vulnerable to the impacts of climate change.

We look forward to continued collaboration with all of you in building a sustainable future. We envision a future where plastic waste is no longer our headache, and climate change is something we only read about in history books. Thank you, Mr. Vice-President.

**Vice-President:** Thank you very much, distinguished delegate from Republic of Korea. Now we will have our last intervention from the distinguished delegate from Bangladesh.

**The Delegate of the People's Republic of Bangladesh:** Thank you, Mr. Vice-President, Excellencies, distinguished delegates, at the outset, we would like to highlight a significant policy decision recently announced by the Interim Government of Bangladesh: a complete ban on polythene and polypropylene shopping bags in all superstores nationwide, effective October 1, 2024. This exemplary policy measure was declared by the Ministry of Environment, Forest, and Climate Change, during a stakeholder meeting. The ban, which is a testament to Bangladesh's commitment to a sustainable and clean future, encourages the use of alternatives such as jute or cotton bags. Notably, even within Cabinet meetings, single-use plastic products are prohibited.

Mr. Vice-President, Bangladesh strongly advocates for the elimination of single-use plastic pollution, including banning products with low utility and high littering potential and supports the ongoing efforts to develop an internationally legally binding instrument on plastic pollution through the Intergovernmental Negotiations Committees (INCs). We underscore the urgent need for global cooperation and governance to transition towards a circular economy, emphasizing efficient management, reuse, and recycling of plastic waste. Furthermore, we highlight the importance of international cooperation in providing developing nations with adequate finance, environmentally sound technologies, capacity-building, and scientific and technical support.

A comprehensive approach is essential to reduce plastic pollution, including in the marine environment. In this context, Bangladesh firmly supports the development of the proposed Plastic Treaty as a global instrument to address plastic pollution challenges, aligning with national environmental policies.

We anticipate that the fifth session of the Intergovernmental Negotiating Committee will conclude by the end of this year with a legally binding international instrument to combat plastic pollution, striking a balance between binding commitments and voluntary measures.

Mr. Vice-President, Bangladesh, as an environmentally vulnerable nation, faces the imminent threat of climate change. We believe in the necessity of global action on climate change, recognizing its disproportionate impact on vulnerable countries like Bangladesh despite their minimal contributions to global greenhouse gas emissions.

An integrated approach that aligns environmental protection with sustainable development efforts, in line with the UN SDGs, is imperative. Bangladesh calls for intensified international cooperation on climate mitigation and adaptation, emphasizing the importance of fulfilling financial commitments under agreements like the Paris Agreement. We strongly advocate for the establishment of a Loss and Damage Fund to support climate-induced migration and emphasize the critical role of technology transfer from developed to vulnerable countries in achieving low-carbon pathways.

We look forward to the outcomes of the UNFCCC COP29 negotiations on a New Collective Quantified Goal to ensure substantive and meaningful financial commitments for climate action beyond 2025. Developing countries must remain focused on our common aspirations in this regard, drawing inspiration from the successful establishment and operationalization of the Loss and Damage Fund during COP27 and COP28.

In conclusion, Mr. Vice-President, AALCO's mandate to provide advisory opinions to international courts and tribunals has been invaluable in streamlining discussions on environment and sustainable development. We appreciate AALCO's efforts and contributions to the development of an internationally legally binding agreement on plastic pollution and the International legal regime on climate change. We hope that AALCO will continue to monitor developments and provide legal recommendations to Member States. I thank you for your kind attention.

**Vice-President:** Thank you very much. I thank the distinguished delegate from Bangladesh for their intervention. Clearly, this was our last intervention. I do not have any other person requesting to intervene, but clearly, this is a very important topic, very sensitive issue,

important to the developing countries in Asia and Africa. The challenges related to the environment and sustainable development cannot be overemphasised. And I thank all you delegates for your intervention.

I think we all agreed that this is an important issue that AALCO must continue to be interested in. This is our heritage and it is our duty to protect it. And I like what the distinguished delegate from the Republic of Korea said that it is our wish and goal that we read about this eventually in our history books. So with this, we conclude our deliberations on this topic. We are now going to have our coffee break at 10.15. It is now 10.15. So we are going to have our coffee break and our coffee break will end at 10.45 as originally planned because we have started it in time. We have started the break at 10.15. So we shall return here at 10.45 to start. So you will have a whole of 30 minutes from 10.15 to 10.45. So thank you very much. Let's meet again at 10.45 when we start our next session on 10.45 on "International Trade and Investment Law". Thank you very much.

**The meeting was thereafter adjourned.**



**XV. VERBATIM RECORD OF THE FIFTH  
GENERAL MEETING (CONTINUED) OF THE  
AALCO MEMBER STATES**





**XV. VERBATIM RECORD OF THE FIFTH GENERAL MEETING (CONTINUED)  
OF THE AALCO MEMBER STATES HELD ON THURSDAY 12 SEPTEMBER, AT  
10:30 AM**

**H.E. Mr. Kiryowa Mugambe Kiwanuka, Attorney General, Ministry of Justice and Constitutional Affairs of the Republic of Uganda and Vice-President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: INTERNATIONAL TRADE AND INVESTMENT LAW**

**Vice-President:** Distinguished delegates, welcome back from your 30 minutes break. We'll now take on the next topic, "International Trade and Investment Law" and I'll invite the Secretary-General of the AALCO Secretariat to make the introductory remarks. Secretary-General, you have the floor.

**Secretary-General of AALCO:** Mr. Vice-President, distinguished delegates, the agenda item, "International Trade and Investment Law", as the name suggests, focusses on two specific regimes of international law. They have traditionally been kept separate due to their specific negotiating history and their parallel conception, but nonetheless, share common synergies.

Historically different aspects of the topic were dealt with separately in the work program of AALCO, under the separate agenda items such "the World Trade Organization (WTO) as a Framework Agreement and Code of Conduct for the World Trade", "the treatment of aliens" 'Regional Cooperation in the Context of the New International Economic Order' and "the work of UNCITRAL and other international organizations in the field of international trade law."

However, since the Fifty-Seventh Annual Session of AALCO held in Tokyo, 2018 the topics were grouped together under the agenda item "International Trade and Investment Law" and deliberations focused on topics on international trade law in relation to the WTO, the Investor-State Dispute Settlement Mechanism Reform currently undertaken by the UNCITRAL and the International Investment Agreements under the auspices of the UNCTAD. Over the years it was acknowledged that the deliberations should also cover the work of other international organizations whose work have an important bearing on the harmonization and unification of international trade and commercial transactions around the world. Accordingly the work of the UNIDROIT and the HCCH were also placed for consideration under the same agenda item.

This year the document AALCO/62/BANGKOK/SD/S4 contains the report prepared by the Secretariat on the agenda item "International Trade and Investment Law."

The document highlights the developments in the field of international trade and investment law over past one year and includes reports on the 13<sup>th</sup> Ministerial Conference of the World Trade Organization (WTO), and reports of the work of the UNCITRAL, UNIDROIT and the HCCH. Further, the document also provides an overview of the UNCTAD World Investment Report, 2024 that presents key data and trends on International Investment Agreements and Investor-State Dispute Settlement.

In conclusion I encourage the distinguished delegates to deliver statements on the agenda item focusing on the issues that have been identified in the document for your consideration. Thank you.

**Vice-President:** Thank you very much Secretary-General. Now, distinguished delegates, the list of speakers from Member States, we have the Kingdom of Thailand, we have Oman, Islamic Republic of Iran, Malaysia, Japan, China, Indonesia, and South Africa. For Non-Member States, we have Asian Academy of International Law, and an UNCITRAL Regional Office for Asia and the Pacific. May I now invite the distinguished delegates from the Kingdom of Thailand to deliver their statements. Kingdom of Thailand, you have the floor.

**The Delegate of the Kingdom of Thailand:** Thank you, Mr. Vice-President. Mr. Secretary-General, Mr. Vice-President, Excellencies, distinguished delegates, international trade law and international investment law are two distinct and important areas of international law that AALCO Member States have engaged and worked together to exchange views and foster common positions to benefit our two continents. Recent developments in these two areas come from various frameworks, notably under the World Trade Organization (WTO), the United Nations Commission on International Trade Law (UNCITRAL), the United Nations Conference on Trade and Development (UNCTAD), the International Institute for the Unification of Private Law (UNIDROIT), and the Hague Conference on Private International Law (HCCH). Given limited time, the Thai delegation would like to focus on works done under the 13th WTO Ministerial Conference (MC13) and the fifty-seventh session of the UNCITRAL.

Earlier this year, the MC13 held in Abu Dhabi, concluded with mixed results. For Thailand, we welcome the ministerial decision to provide countries graduating from least-developed countries (LDCs) status with a three-year transition period. This should ensure smoother path and give the flexibilities needed for these countries to integrate into the multilateral trading system. However, the meeting could not agree on several issues that are of vital importance. In this regard, the Thai delegation calls for more efforts from AALCO Member States to collaborate in particular on fisheries subsidies and agricultural disciplines as they are consequential to our economies. Furthermore, we should also double our effort on the WTO dispute settlement reform and revive the Appellate Body as soon as possible. This is critical to a rules-based multilateral trading system where economic might does not equate to right.

The fifty-seventh session of the UNCITRAL held in New York during June and July has shown good progress made in a number of issues that will accommodate and facilitate modern trade and investment practices, namely the draft model law on warehouse receipts, the draft model clauses on specialised express dispute resolution, and the draft provisions on automated contracting. In addition, under Working Group III, Investor-State Dispute Settlement (ISDS) Reform has reached another milestone as the draft statute of an advisory centre on international investment dispute resolution has been adopted in principle, which is a critical step towards the establishment of an advisory centre.

Mr. Vice-President, the ISDS Reform under Working Group III is an issue that AALCO Member States have paid close attention to given that LDCs and developing countries are at the receiving end of ISDS cases more often than their developed-country counterparts. This is reflected in the UNCTAD's 2024 World Investment Report. It is the view of this delegation that the establishment of the advisory centre will help AALCO Member States with legal services in the short-term when faced with an ISDS case and with capacity building in the long-term to prepare their internal legal counsels and required expertise.

To expedite the establishment process and upon endorsement of the fifty-seventh session of the UNCITRAL, Thailand is hosting a preparatory meeting to operationalise the Advisory

Centre in Bangkok on the 2<sup>nd</sup> to 4<sup>th</sup> December at Siam Kempenski Hotel. In this connection, we invite all interested AALCO Member States to attend the meeting in person, but virtual participation is also possible. Invitations will be sent out in due course after the meeting of Working Group III in Vienna at the end of September.

Moreover, Thailand has expressed our interest to host the Advisory Centre in Bangkok. We are confident that not only can Bangkok provide modern conveniences at reasonable costs, but it can also support the Advisory Centre's services with its excellent infrastructure and connectivity as well as its strategic location where potential State clients may utilise various well-established arbitration centres in the region. Consequently, Thailand seeks AALCO Member States' support for our bid to host the Advisory Centre here.

In addition to the work carried out under Working Group III, ISDS reform inherently requires discussions on substantive provisions of investment treaties such fair and equitable treatment and indirect expropriation. In this regard, an inclusion of such topic in the International Law Commission's long-term programme of work, as suggested by Her Excellency Ambassador Vilawan Mangklatanakul on Tuesday, will meaningfully complement the more procedure-oriented work by Working Group III.

Mr. Vice-President, international trade law and international investment law are evolving rapidly due to the ever-changing trade and investment practices in the digitalised world. The pace is likely to pick up even more amid the artificial intelligence revolution. It is therefore important that international trade law and international investment law can meet the demand of today's global market place. AALCO Member States should work together to shape these areas of international law in such a way that reflects our needs and unique circumstances. I thank you.

**Vice-President:** I thank the distinguished delegate from the Kingdom of Thailand. I now invite the distinguished delegate from Oman followed by the Islamic Republic of Iran. Oman you have the floor.

**The Delegate of the Sultanate of Oman:**<sup>1</sup> First, I would like to express my gratitude for the opportunity to elucidate my country's, the Sultanate of Oman's, stance on international trade and investment law.

The subjects of international trade and investment hold significant importance in international law in general, and in international trade law specifically during these times, for both developed and developing countries. They contribute to the process of economic development and both experience developments and challenges on the international level. As you know, our organization has previously discussed these topics jointly in past sessions, yet developments in the World Trade Organization regarding commercial law have continued. We thank the Secretariat for its efforts in keeping track of these developments in international forums.

The pursuit of establishing a multilateral regulatory framework on a global scale in the field of investment is one of the significant legal phenomena emerging on the international scene in the field of international trade law. Both capital-exporting and importing countries, at national, regional, and global levels, are seeking an international charter for the protection of foreign investments that reassures these countries. However, there are practical challenges in

---

<sup>1</sup> The statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

formulating international law that helps solve issues related to the protection of foreign direct investments.

The World Trade Organization is considered a pillar of the contemporary economic system, significantly impacting any national economy as it opens a country's economy to the global market. Since foreign investment is one of the most economically affected sectors by the accession to this organization, it becomes crucial to highlight its impact on foreign investment flows to countries.

Political and economic stability, along with an excellent geographical location, appropriate regulatory framework, and outstanding human resources, have made the Sultanate of Oman an attractive place for those seeking business and investment opportunities.

Oman provides unique advantages due to its geographical location. It is a Gulf State, but its deep ports enable it to enhance trade exchange across the Indian Ocean. Additionally, it connects Asia with the Middle East the Middle East with Africa. Moreover, my country offers incentives in special economic zones like the Special Economic Zone at Duqm and free zones like the free zone in Sohar. Furthermore, new laws regulating foreign investment allow 100% foreign ownership and provide many incentives and privileges as outlined in the Foreign Capital Investment Law. The government of my country has also offered many incentives to investors, including granting foreign investors residency for up to ten years.

In this regard, my country is keen to create an adequate environment for trade and investment and continues working on developing everything in its pioneering path within the international system as a leading investment destination in the region, granting it competitive ability to direct foreign direct investment according to well-planned investment strategies. Recently, it enacted a set of related legislations, such as the Foreign Capital Investment Law, the Public Private Partnership Law, the Privatization Law, the Commercial Companies Law, and the Bankruptcy Law. Thank you very much for your kind attention.

**Vice-President:** I want to thank the distinguished delegate of Oman. Thank you very much for your intervention. I now invite the distinguished delegate from the Islamic Republic of Iran to take the floor. Iran, you have the floor.

**The Delegate of the Islamic Republic of Iran:** Thank you Mr. Vice-President, at the beginning, I would like to thank the efforts made by the Secretariat under the leadership of the Secretary-General of AALCO for preparing a valuable report for the current Session.

Mr. Vice-President, the delegation of the Islamic Republic of Iran welcomes the progress made by the United Nations Commission on International Trade Law in further harmonization and modernization of the law of international trade during the past year.

My delegation notes with appreciation the finalization of the texts prepared by the Working Group III in the context of Investor-State Dispute Settlement Reform. "Provisions on Mediation" as well as "UNCITRAL Guidelines on Investment Mediation" facilitate settlement of such disputes while keeping the possibility of further business between the concerned parties. "The Code of Conduct for Arbitrators in International Investment Dispute Resolution" and its commentary is also a useful tool for arbitration process and avoiding undue delays in proceedings. Meanwhile, my delegation considers adoption of "the Code of Conduct for Judges in International Investment Dispute Resolution" and its commentary to be premature as this

code is clearly linked with the possible establishment of an independent mechanism; an idea which is still under consideration in the Working Group III and the Commission.

The Islamic Republic of Iran also welcomes the development of “The Guide on access to credit for micro, small and medium-sized enterprises (MSMEs)” by the Commission. The Guide generally provides a good practice especially for developing countries in reducing obstacles faced by MSMEs for access to much needed credit. It is also an appropriate technical tool for the financiers and guarantors. Furthermore, we observed with appreciation the decision by the Commission to include a new Note on “Early Dismissal and Preliminary Determination” into the UNCITRAL Notes on Organizing Arbitral Proceedings adopted in 2016. This new Note is aimed at diminishing undue delays in proceedings and business.

Mr. Vice-President, the Commission held a colloquium on climate change and the law of international trade during its annual session, and decided on a further study on carbon credit in cooperation with UNIDROIT and other organizations. Reviewing the content of that rich colloquium, my delegation is of the view that the UNCITRAL should take a very cautious approach and examine appropriateness of every step. Any work on this important issue should have due regard to the Principle of the Common but Differentiated Responsibilities as well as Respective Capabilities (CBDR-RC) and specific needs of States. Moreover, adverse effects of unilateral coercive measures (UCMs) on international trade in general and on climate change in particular needs to be duly addressed. Persons and companies within the sanctions-affected territories do not have access to related technology, equipment or funding for addressing requirements of climate change due to imposition of unilateral sanctions and do not stand on equal footing and should be treated differently in terms of legal responsibilities.

The Islamic Republic of Iran is also following with interest the exploratory work of the UNCITRAL on digital economy and expresses support for comprehensively addressing various aspects of emerging technologies in the dispute resolution process.

To conclude, I would like to express that the Islamic Republic of Iran will continue to make best use of the texts prepared by the UNCITRAL for improving the efficiency of its legal framework as appropriate. Thank you for your kind attention.

**Vice-President:** Thank you very much the distinguished delegate from the Islamic Republic of Iran. I now call upon the distinguished delegate of Malaysia followed by Japan. Malaysia you have the floor.

**The Delegate of Malaysia:** Thank you Mr. Vice-President, Mr. Secretary-General, Excellencies, distinguished delegates, ladies and gentlemen, Malaysia thanks the Secretariat for the report on this topic, our intervention is in response to the issues highlighted in the report. Malaysia notes that since the 13<sup>th</sup> Ministerial Conference of the WTO, the proposed Investment Facilitation for Development (IFD) Initiative has not yet been incorporated into the World Trade Organisation’s official document and legal text. As one of the original WTO Members that has participated in the Joint Statement Initiative of the IFD from its inception in 2017 until its endorsement at the MC13, we urge for the IFD text to be included into the WTO official document and legal text and supports for the inclusion of the IFD in the WTO Agreement be done as soon as possible.

Malaysia also supports any efforts made to review and enhance the WTO’s functions in order to restore the effectiveness and credibility of the WTO as the main forum for the negotiation

of trade rules and further liberalisation. We believe that WTO must be capable of responding more effectively to the multi-faceted challenges facing the world's overall trading system today.

We further note that the WTO Dispute Settlement Reform process has been formalised by the appointment of Ambassador Usha Dwarka-Canabady of Mauritius as the Facilitator. Malaysia welcomes the Facilitator's way forward, which considers Members' concerns particularly on the topic that should be the key focus i.e. the appeal review and accessibility, as well as ensuring transparency and inclusivity of the process. In addition, Malaysia also welcomes the appointment of technical experts as co-conveners leading the technical work.

To date, Malaysia has participated in both the formal meetings and technical level meetings of the reform process and we give our full support and assistance in the reform process to ensure that the WTO has a complete and fully-functioning dispute settlement mechanism.

Mr. Vice-President, Malaysia supports the work done under the United Nations Commission on International Trade Law (UNCITRAL). Malaysia participated at the fifty-seventh session of the UNCITRAL held in New York whereby the UNCITRAL had among others, adopted the Model Clauses on Specialised Express Dispute Resolution ("SPEDR") and Dispute Resolution in the Digital Economy.

Specifically, under Working Group III, Malaysia commends the work of UNCITRAL in establishing an advisory centre on international investment dispute resolution. The establishment of the advisory centre will provide support and assistance in the area of international investment dispute resolution by providing representation services and enhancing the capacity of States in preventing and handling international investment disputes, in particular, least developed countries and developing countries. Malaysia is optimistic on the smooth operationalisation of the centre and will provide the necessary support.

In addition, UNCITRAL has been working on the Draft Toolkit on Prevention and Mitigation of International Investment Disputes. The draft is a descriptive document setting out various strategies and measures that have been adopted by States to prevent and mitigate investment disputes involving foreign investors. Malaysia urges all Member States to continue to provide the necessary documents and information to ensure that the toolkit is a living document for the benefit of all Members.

Mr. Vice-President, Malaysia commends the work of the United Nations Conference on Trade and Development (UNCTAD) in the publication of the World Investment Report ("the Report") which supports policymakers by monitoring global and regional foreign direct investment (FDI) and sustainable finance trends, and by documenting national and international investment policy developments.

Malaysia notes the observations made in the Report that the majority of agreements remain having the old generation of investment agreements without provisions for sustainable development or considerable policy space. With regard to sustainable development provisions, most international investment agreements do not specifically provide for sustainable development provisions due to the inability of the host State to enforce or implement such provisions, the necessity for the host State to attract capital-intensive investments and the assurance of the State's economic growth.

Therefore, Malaysia is of the view that the issue of whether and to what extent international investment agreements should be sustainable development-oriented not only depends on the availability and types of sustainable development provisions contained in the agreements, but also relies on the practical effectiveness of the provisions.

In practice, Malaysia has always dealt with the elements of sustainable development under specialised treaties and their implementation regimes. Therefore, if there are concerns in addressing sustainable development, then such concerns should be addressed in those specialised treaties.

With regard to investment provisions in the agreements, Malaysia's proactive measures and favourable investment facilitation policies have positioned it well in the global foreign direct investment landscape. To this end, Malaysia has introduced a dedicated visa facilitation service for strategic investors identified by the Malaysian Investment Development Authority. Another notable initiative by Malaysia is the implementation of the fast-track "green" lanes and simplified processes to ease investment.

The above demonstrates Malaysia's endeavour in bolstering its attractiveness as an investment hub by strengthening its investment agreements and adopting approaches that will benefit the investors without compromising its interests and right to regulate.

Mr. Vice-President, the aforementioned exemplifies Malaysia's active contribution and participation in the realm of international trade and investment law. Furthermore, Malaysia's decision to stand for another re-election and be voted again as a member in the UNCITRAL shows our commitment in supporting the work of UNCITRAL. Of this, rest assured that Malaysia will continue our engagement to ensure that dynamic and robust discussions are held as well as significant outcomes are achieved for the betterment of the international trade and investment. Thank you.

**Vice-President:** I thank the distinguished delegate from Malaysia. Now I call upon the distinguished delegate of Japan, you have the floor.

**The Delegate of Japan:** Mr. Vice-President, Distinguished Delegates, on behalf of my delegation I would like to express our gratitude for the opportunity to comment on this important issue International Trade and Investment.

Commenting on MC13, the result of the MC13 was disappointing as it did not deliver as much as initially expected. The WTO is an important infrastructure of the world economy that secures free trade for both developed and developing countries, but as many countries become more inward-looking, this should not be taken for granted. We need to achieve tangible results with a sense of urgency.

In order to regain confidence in the WTO, we need to demonstrate to the world that the WTO's rule-making function remains alive by achieving tangible results. For the time being, we should tackle issues which did not come to fruition at MC13.

Regarding the negotiations on the second phase of the Fisheries Subsidies Agreement, which came close to an agreement at MC13, it is important to continue discussions without losing momentum towards its early conclusion. It is also important to bring the Agreement on Fisheries Subsidies adopted at MC12 into force as soon as possible. Japan has accepted the

Agreement in July, 2023, and would like to encourage those countries that have not yet accepted the Agreement to do so.

DS reform remains a priority in WTO reform. We will continue to work with all Members to restore a full and well-functioning dispute settlement system by 2024.

Japan will continue to spare no efforts foreseeing MC14 and beyond to maintain and strengthen the rules-based, free and open multilateral trading system through the WTO.

Mr. Vice-President, in the fifty-seventh session of the Commission, the UNCTIRAL adopted two model laws and other legal instruments. Japan has participated in all of the Working Groups and highly appreciates this adoption that shows the progress of each working group of the UNCITRAL.

The UNCITRAL Working Group III is working diligently on the ISDS reform. We recognize that this expresses the will of many countries to establish a comprehensive and improved ISDS mechanism. Japan believes that a fair and effective ISDS mechanism is meaningful in ensuring a stable investment environment and attaches importance to the discussion in the working group.

In the fifty-seventh session of the Commission, the Commission finalized and adopted in principle the Statute of the Advisory Centre on International Investment Dispute Resolution. Japan notes the importance of the role of the Centre in ensuring the fairness and legitimacy of the ISDS mechanism. Japan intends to contribute to the future discussions on the operationalisation of the Centre.

At its forty-ninth session, Working Group III will continue to discuss the draft provisions on procedural and cross-cutting issues. Japan recognizes the importance of discussing such draft provisions in order to provide for a cost-effective and efficient resolution of international investment disputes. Japan considers that the ISDS mechanism needs to strike a balance between the protection of investors and the right of the State to regulate.

Mr. Vice-President, UNCTAD has contributed to the development of the international investment agreements regime through various initiatives and capacity building. As an example of the contribution by UNCTAD to the formation of investment rules in international forum, UNCTAD's expertise has recently been utilized in the efforts of the WTO Investment Facilitation for Development. It provides for technical assistance to developing countries and LDCs. Japan hopes that this agreement will contribute to attracting investment and achieving the Sustainable Development Goals in these countries.

International investment agreements play an important role in promoting sustainable energy. It is important to strike a balance between the promotion of investment and States' rights to regulate. We will continue to work on improving the legal foundation to enhance predictability for investors and promote investment activities.

Mr. Vice-President, Japan welcomes the recent progress made by HCCH and UNIDROIT. HCCH and UNIDROIT are also key institutions to develop and maintain a robust cross-border legal framework in private law as well as UNCITRAL.



Especially, we believe that the UNIDROIT's cooperation with UNCITRAL to develop the Model Law on Warehouse Receipts and Legal Nature of Voluntary Carbon Credits is one of the best examples that symbolizes the cooperation between each international institution.

Japan believes it is important that wide varieties of States join these international institutions to enhance the international private law. The projects carried out by both organizations vary from those related to digital assets to investment contracts, and may influence private law system of AALCO Member States. It is important that more countries will join the on-going discussion to reflect their position.

Japan hopes that more AALCO Member States will participate in HCCH and UNIDROIT. Thank you Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate from Japan. I now invite the distinguished delegate from China to take the floor. China you have the floor.

**The Delegate of the People's Republic of China:** Thank you Mr. Vice-President. Thank you for the comprehensive report by the AALCO Secretariat. With respect to the work of the United Nations Commission on International Trade Law (UNCITRAL), we note that since July 2017, UNCITRAL initiated Investor-State Dispute Settlement (the "ISDS") reform. Its Working Group III has identified the problems with the current ISDS mechanism and confirmed the need for reform. UNCITRAL Member States are discussing various reform options. This reform will have a significant impact on international investment arbitration rules and practices and has attracted wide attention from the international community.

At present, the reform has entered the stage of substantive negotiation on the draft text, and UNCITRAL Member States have reached preliminary agreements on some issues such as the code of conduct for arbitrators, an advisory centre and mediation rules, while many issues remain to be solved.

China supports addressing the shortcomings in the current ISDS regime by refining multilateral rules and mechanisms to boost confidence in dispute settlement and uphold the rule of law. China supports the establishment of an appellate mechanism as a key part of ISDS reform and a multilateral instrument to extend this new mechanism for broad application.

I would also like to take this opportunity to introduce Hong Kong's special role in international trade and investment. Under the principle of "one country, two systems", Hong Kong has the unique strength of a common law legal system with the presence of world-class dispute resolution institutions including the AALCO-Hong Kong Regional Arbitration Centre.

As an international legal and dispute resolution service centre as well as a capacity-building hub, Hong Kong has the determination and capability to contribute to ISDS reform and support AALCO Member States on international trade and investment law.

The Chinese Government established the China-AALCO Exchange and Research Programme (CAERP) in 2015 and has held seven sessions of training. With contribution from Hong Kong experts and institutions, international trade and investment law is an essential part of our training courses. We call upon Asian and African countries to strengthen cooperation in international trade and investment law and will continue to provide capacity-building as well

information exchange with our friends through CAERP and other initiatives. Thank you, Mr. Vice-President.

**Vice-President:** I thank the distinguished delegate from China and now call upon the distinguished delegate from Indonesia followed by South Africa. Indonesia you have the floor.

**The Delegate of the Republic of Indonesia:** Thank you, Mr. Vice-President. At the outset Indonesia would like to convey its gratitude to the AALCO Secretariat for providing useful and informative updates on the very significant issue. Mr. Vice-President, the 13<sup>th</sup> WTO Ministerial Conference (MC13) has been successfully held in Abu Dhabi in February 2024 and has concluded several outcomes addressing global trade challenges, among others, WTO Dispute Settlement Reform, e-commerce, and fisheries subsidies.

On the issue of WTO Reform, Indonesia will continue to support initiatives that are aimed at strengthening and enhancing the functions of the WTO bodies while underscoring the importance of inclusive, transparent, and open discussions on the WTO Reform.

Indonesia also stands ready to fulfil the commitment concluded at the MC13 to achieve a fully functioning dispute settlement system that is accessible to all WTO Members by 2024.

Indonesia actively engages in negotiations concerning the WTO dispute settlement reform, particularly in preserving the existence of the standing body to review appeals. Indonesia reiterates its belief that the WTO's two-tier dispute settlement mechanism remains vital for ensuring the stability and predictability of the multilateral trading system.

With regard to e-commerce, MC13 has decided to maintain the current practice of not imposing customs duties on electronic transmissions (CDET) until the 14th Session of the Ministerial Conference or 31 March 2026, whichever is earlier. The moratorium has been in place for 25 years, with its extension having been renewed 11 times at each WTO Ministerial Conference. However, there is still no clarity on the scope, definition, and impact of the moratorium. Collective efforts and joint commitments during the Work Programme on Electronic Commerce (WPEC) negotiations are crucial to discuss on these aspects. Indonesia is also of the view that the moratorium pertains only to transmission and does not cover the content or products transmitted electronically. Indonesia has also been actively engaged in the plurilateral negotiations of the Joint Statement Initiatives on Electronic Commerce (JSI E-Commerce).

The negotiations have concluded several finalized texts on topics such as open government data, online consumer protection, single windows, electronic contracts, electronic signatures or authentication, and unsolicited commercial electronic messages (spam). Essentially, Indonesia is open for constructive dialogues with the Co-Convenors in the negotiations related to e-commerce.

As for the issue on fisheries subsidies, Indonesia attaches importance on the second wave negotiation of the Fisheries Subsidies Agreement with the objective to achieve a comprehensive agreement. We believe that it is essential for the comprehensive agreement to have a balanced discipline of subsidies that contribute to overfishing and overcapacity while also taking into account appropriate and effective special differential treatment (SDT) for developing and least developed countries as mandated by the Sustainable Development Goals 14.6 as the basis of negotiations. Indonesia encourages that the second phase of the Fisheries Subsidies Agreement to provide sufficient and balanced policy space for developing countries.

This shall include special and differential treatment, in particular flexibilities for small-scale and artisanal fishermen, including ensuring their integration to the economy. Furthermore, the Comprehensive Agreement should impose a stricter discipline to those who are historically proven responsible for global marine stock depletion, in particular heavily subsidized large industrial fishing vessels and distant water fishing fleets operating in the high seas and beyond their national jurisdiction.

Mr. Vice-President, acknowledging the complexities of civil and commercial matters which span multiple jurisdictions, Indonesia commends the Hague Conference on Private International Law (HCCH) as it is continuously working towards the harmonization of private international law by developing multilateral legal instruments to promote legal certainty in addressing private international law issues.

We recognize the importance of international cooperation in solving issues arising from the cross-border application of various legal systems. Therefore, we are currently preparing to become HCCH members and in the midst of fulfilling the requirements under our national law to apply for membership and to accept the HCCH Statute.

We are also positively considering accession to the HCCH Service Convention and Evidence Convention in the future, as an effort to strengthen mutual legal assistance in civil and commercial matters. These conventions provide a framework to streamline procedures related to service of documents and obtaining evidence across borders, which can contribute to the efficiency and effectiveness of international legal cooperation.

We are now at the initial stage of the preparation to accede to Service Convention by conducting in-depth research and engaging in discussions with the relevant stakeholders to prepare the necessary arrangements.

By actively pursuing the accession to Service Convention, on top of continuously improving our Apostille services, we are proactively aligning our legal practices with the international standards. This initiative is undertaken not only for the interests of our nation and its people, but also to contribute to the development of a more interconnected and collaborative global legal framework. With that I thank you, Mr. Vice-President.

**Vice-President:** Thank you very much the distinguished delegate from Indonesia. I now invite the distinguished delegate from the Republic of South Africa.

**The Delegate of the Republic of South Africa:** Mr. Vice-President, Excellencies, distinguished delegates, South Africa is grateful for the opportunity to briefly speak on this subject, which provides a platform for discussion of matters relevant to International Trade and Investment Law.

South Africa is concerned with the growing number of African States which have been referred to international arbitration by investors. Also concerning is the expenses associated with resolving disputes through international arbitration forums which remain extremely significant.

This is despite the fact that the legal framework for arbitration in many jurisdictions and under the rules of many arbitral institutions encourage procedures to make arbitration more attractive,

flexible, and cost effective. Many States have voiced their displeasure of the biases that favour investor claimants.

Alternative Dispute Resolution (ADR) is an alternative to both investment treaty arbitration and resort to national courts. ADR can involve either conciliation or mediation, but it may also concentrate on a fact-finding exercise that makes it possible to narrow down the actual extent of the dispute. The advantage of these alternative approaches is to provide for a faster and less costly settlement, the more so when the problem is tackled at an early stage and with the specific goal of avoiding escalation.

African countries have established the African Continental Free Trade Agreement (AfCFTA), the largest free trade agreement in the world, which is partially aimed at solving arbitration challenges. Adopted in 2023, States parties to the African Continental Free Trade Agreement are currently negotiating a number of necessary implementation measures, one of which is the creation of an Investor-States Dispute Settlement (ISDS) mechanism.

South Africa has been at the forefront in drawing attention to the shortcomings of the ISDS system. We have maintained that these issues are ingrained in the core values, norms, and philosophical underpinnings of the current investment treaties. In this context, South Africa has advocated for the ISDS reforms to address fundamental concerns with international investment law in addition to overhauling procedural aspects.

We value the work that has been done in regional and global fora thus far in an effort to provide cost-effective and efficient alternative conflict resolution procedures. In this regard, we commend the UNCITRAL for adopting the Statute of the Advisory Centre which will provide low-cost legal assistance and services to developing countries and least developed countries, when involved in investment disputes.

South Africa participates actively in the UNCITRAL Working Group III responsible for Investor-States Dispute Settlement. My delegation follows with great interest the negotiations on the Statute that establishes a standing mechanism for the resolution of international investment disputes in UNCITRAL.

Although South Africa agrees with the principle underlying the creation of the standing mechanism, we hope that the consideration of procedural and cross-cutting issues will also be given equal priority.

We encourage AALCO Member States to continue working together on mainstreaming a developing country perspective on International Trade and Investment Law. We are grateful for the role that AALCO plays in this regard. I thank you Mr. Vice-President.

**Vice-President:** Thank you very much the distinguished delegate from South Africa. If we have no more interventions from Member States, you will allow me to open the floor to the Observer organisations that I have. We have three Observer organisations that are going to make interventions here the UNCITRAL Regional Officer for Asia and the Pacific, the Asian Academy of International Law and the Hague Conference on Private International Law. So the UNCITRAL Regional Officer for Asia and the Pacific you have the floor.

**The Delegate of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific (UNCITRAL-RCAP):** Thank you, Mr. Vice-President, and

special thanks to the AALCO secretariat for extending this invitation to the United Nations Commission on International Trade Law, and for the regular inclusion in the agenda of AALCO's Annual Session of the item "Report on the Work of UNCITRAL and other International Organizations in the field of International Trade Law".

Greetings to the distinguished representatives of AALCO Member States. I'm Athita Komindr, head of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific located in Incheon, Republic of Korea.

For those newer to UNCITRAL, the United Nations Commission on International Trade Law was established by the United Nations General Assembly in 1966 to further the progressive harmonization and modernization of rules facilitating trade and investment. UNCITRAL texts are developed through an international process involving a variety of participants to ensure they are widely accepted as offering solutions responsive to the contemporary commercial landscape and reflecting worldwide consensus of the different legal and economic systems, and cover the lifecycle of businesses ranging from business registration, including simplified incorporation for micro, small, and medium-size enterprises, to e-commerce and sales, access to credit and financing, dispute settlement, insolvency, and other topics. UNCITRAL texts, including the reports of its Working Groups, are published and freely available on the UNCITRAL website in the 6 United Nations official languages (namely, Arabic, Chinese, English, French, Russian and Spanish) at [uncitral.un.org](http://uncitral.un.org).

All AALCO Member States are invited to join UNCITRAL Working Group sessions which alternate between Vienna, Austria, and New York, and which currently cover warehouse receipts, dispute settlement including investor state dispute settlement reform, e-commerce and digital trade, insolvency, and negotiable cargo documents. As select outcomes of the latest Commission session this July are already included in this session's substantive brief, I will not elaborate here and would be happy to further discuss with any interested Member States.

All aspects of UNCITRAL's work on international trade law and legal harmonization benefit developing countries including AALCO Member States, but allow me to highlight in particular the on-going work of two UNCITRAL working groups:

The first is Working Group III wherein UNCITRAL continues its work on possible reform of investor state dispute settlement or ISDS. This includes the establishment of an advisory centre to support developing countries in order to address inequality in terms of access to resources as well as legal services concerning international investment dispute resolution. Once established and operational, the Centre is expected to provide crucial legal services in the field of ISDS including training and representation services with the aim of enhancing the capacity of States to prevent and handle international investment disputes, especially least developed countries and developing countries.

This July, the Commission adopted the statute of the advisory centre on international investment dispute resolution in principle and also decided to utilize an informal process to discuss the operationalization issue. For this purpose, Thailand will host the Advisory Centre Operationalization Meeting from 2 to 4 December 2024 in Bangkok. To learn more about UNCITRAL work on ISDS including the Advisory Centre, I invite Member States to join the side event taking place after this session. Please note that there may be travel support for developing countries to attend sessions of UNCITRAL Working Group III. Please feel free to contact me with any questions.

Allow me to also briefly highlight Working Group VI which is currently developing a new instrument on negotiable cargo documents. The project is a proposal from an AALCO Member State, China. While bills of lading have been widely used as documents of title in the maritime sector, transport documents issued by rail, road and air carriers, often known as “consignment notes”, which are typically non-negotiable, cannot serve that function. The new instrument intends to create a new type of document of title entitled “negotiable cargo document”, which could perform an analogous function as a maritime bill of lading for the carriage of goods for any mode of transport in a multimodal or unimodal context. The new instrument also provides a legal framework for the recognition and use of negotiable electronic cargo records.

During its latest session this July, the Commission was informed that Working Group VI might be able to transmit the draft instrument on negotiable cargo documents and negotiable electronic card records to the Commission for finalization during its next session in 2025. AALCO Member States are invited to provide inputs to the Working Group so that the final product could adequately address the needs and concerns of relevant industries in your country (particularly transport, banking and insurance sectors).

In addition, UNCITRAL would be grateful to receive from AALCO Member States and AALCO Regional Arbitration Centres abstracts on judicial decisions and arbitral awards relating to UNCITRAL instruments, for inclusion in the Case Law on UNCITRAL texts, or CLOUT database. The UNCITRAL mandate of advancing harmonization of international trade law in practice requires that the laws concerned are interpreted and applied in a uniform manner. The CLOUT system was therefore established in 1988 to collect and disseminate freely in all 6 United Nations languages information on court decisions and arbitral awards from around the world relating to UNCITRAL texts. The CLOUT database is searchable by jurisdiction and also by UNCITRAL instrument, and is freely accessible on the UNCITRAL website. Many AALCO Member States are already active CLOUT contributors, especially those in Asia, and the secretariat would be keen to receive more abstracts from Member States and African countries, and would be happy to organize an online meeting with interested delegations.

To learn more about UNCITRAL, please visit [uncitral.un.org](http://uncitral.un.org) where free online learning courses are available in Chinese and English, with additional United Nations languages forthcoming. Courses currently include Introduction to UNCITRAL, including how UNCITRAL’s work contributes to sustainable development, UNCITRAL Texts on Public Procurement and Public-Private Partnerships, the UNCITRAL Mediation Framework, and the UNCITRAL Arbitration Framework. These interactive, self-paced courses are free and participants may download a certificate upon completion.

UNCITRAL also invites AALCO Member States to support local universities, especially law faculties, to co-host events under the UNCITRAL Days flagship academic series to increase awareness of how legal harmonization facilitates international trade and investment amongst law students, academics, government officials, and other stakeholders. The UNCITRAL Days currently comprise the UNCITRAL Asia-Pacific Days led by my office, the UNCITRAL Days in Africa, the UNCITRAL Days for the Arab States, and the UNCITRAL Latin America and Caribbean Days. Last year UNCITRAL co-hosted over 60 UNCITRAL Days events globally. The 2024 series is on-going and I would be delighted to discuss with interested delegates how your institutions could join us.

Thank you again for providing UNCITRAL the opportunity to highlight our work and how AALCO Member States could deepen engagement. The adoption of uniform legislative texts significantly contributes to establishing a legal environment conducive of cross-border trade and investment, thus fostering economic development and the advancement of the Sustainable Development Goals. UNCITRAL looks forward to continuing our collaborations with the AALCO Secretariat and Member States to promote awareness of UNCITRAL texts and supporting their adoption, especially at this critical juncture for international trade. I know I have gone over my time thank you very much for your patience.

**Vice-President:** Thank you very much the distinguished delegate from UNCITRAL Regional Centre for Asia and the Pacific. I know invite the Asian Academy of International Law, you have the floor.

**The Delegate of the Asian Academy of International Law (AAIL):** Vice-President, distinguished delegates, AAIL thanks the Vice-President for allowing us to take the floor again. In the Sixty-First Annual Session, we intervened to highlight the importance of the Advisory Centre or its branches under discussion at UNCITRAL Working Group III to be set up at within or in the proximity of developing States.

This year we intervene to make three points. First, some States may have unsavory or even bitter experience with the process of arbitrations/arbitral tribunal/arbitral institutions and some may even have decided to resort back to national courts which may not be conducive to attracting foreign investments. The use of a third-party tribunal to resolve disputes are more receptacles and still to be preferred. However, it must be recognized that mechanisms ought to be put in place to ensure that institutions remain vigilant in administering arbitrations and tribunals are genuinely neutral in managing and adjudicating cases. The item of draft provision on procedural and cross-cutting issues to be discussed at the Working Group III will be a forum by which measures such as time limit to render award, managing or regulating third-party funding in investor state disputes, availability of interim measure such as security for costs, capping recoverable costs or costs to be incurred by a party are some of the ways in which, through procedural directions, the arbitration can be managed to be more cost-efficient. In the meantime, another alternative is actually open to AALCO States is for them to consider using the AALCO Regional Arbitration Centres as their designated arbitral institutions when drafting the Model BIT. Member States have a report from these bodies and know how they are operated professionally, with credibility and neutrality.

Secondly, many efforts have been devoted to dispute resolution. Yet, one of the mandates of Working Group III is to look at dispute avoidance. It is not a given that people tend to function to avoid disputes. The legal cultural difference is noteworthy: adversarial or inquisitorial. The culture of the investor and host States may be different, confrontational or conciliatory. Foreign investors may be approaching the project with a view that all viable claims will be made and the proceeds of the arbitration will be counted as proceeds of the project. Host States may be creating obstacles to the project due to unforeseeable circumstances, such as political changes, change in economic or social environment of the host State. All differences must be addressed so that they do not become a dispute. The use of Dispute Adjudication Boards (DABs) or Dispute Resolution Boards (DRBs) in construction contracts, or some such mechanism is worth considering when devising a suitable method in a concession agreement to avoid dispute. The Working Group III will be looking into this as part of the mandate and we urge that States do embrace the subject with enthusiasm for the sustainable development of international investment law.

Thirdly, it is expected that in two weeks' time, the Working Group III will be looking at the subject of the possible Investor-State Dispute Settlement Reform, the Standing Mechanism for the Resolution of International Investment Disputes. The fundamental question is whether the standing mechanism for dealing with investment dispute and the appellate mechanism should be bundled together when considering these issues? A number of issues about the appellate mechanism will have to be addressed to make the appellate mechanism work smoothly, and I name a few for the Member States to consider. The matter must be approached bearing in mind the original reason why such is considered. The question of how the decision of the Appellate Body can be "binding" or "strongly persuasive" will have to be addressed. Second, the implications on the two regimes, ICSID and non-ICSID arbitrations have to be addressed. Third, to ensure that this mechanism is not abused, the subject matter that can be appealed must be clearly defined in the legal instrument. Fourth, the grounds of appeal have been set out in the paper, but we would suggest that instead of just an automatic right of appeal, there should be a preliminary hurdle of seeking permission to appeal.

Fifth, the enforceability of the result of the appeal must be addressed. Is it an award and on relies on New York Convention, or should a new enforcing mechanism be put in place which means it will go to the court again. Or should one adopt the mechanism of ICSID that is such "judgment/award" from the appellate body is immediately enforceable without the need to invoke national court proceedings again.

Mr. Vice-President, AAIL thanks the Secretariat for having put together the papers which is not only informative and of high quality, but also very clear and succinct. Thank you for allowing us to take the floor and for your attention.

**Vice-President:** Thank you very much the distinguished delegate from AAIL for your intervention and I would now like to call upon the distinguished delegate from the Hague Conference on Private International Law. You have the floor.

**The Distinguished Delegate from the Hague Conference on Private International Law (HCCH):** Thank you, Mr. Vice-President, Secretary-General, Excellencies, dear delegates. First of all, thank you very much for allowing us to talk to this agenda item as well. I would also like to thank the Secretariat for the comprehensive and informative report on the agenda item, and in particular for having included a reference to the on-going work at the HCCH on digital assets.

I would also like to thank wholeheartedly all the various States in this room that have explicitly referred to the work of the HCCH and underscored its importance. May I also take just a few seconds to thank the distinguished delegate from Indonesia for the important announcement that they have made about their upcoming membership in the HCCH and further plans in relation to their on-going integration into the work of the HCCH. I hope it will have inspired other AALCO States to follow suit.

I'm pleased to report that the work of the HCCH on digital assets continues. It is still exploratory work that deals with private international law issues in relation to jurisdiction and applicable law in particular, in relation to digital assets. As you can imagine, this is a fairly challenging topic because by nature all these transactions are digital and therefore we lack the possibility to refer to the traditional physical connecting factors that are traditionally used in private international law.



But it's obviously very important work. The objective of that work is to build upon and further develop the existing work that has been done by UNIDROIT in particular with their principles on digital assets and private law, produce a more refined and developed framework of private international law rules and eventually to be presented as *lex specialis* in these matters. In echoing what has been said by various distinguished delegates earlier this morning, I wholeheartedly and respectfully invite all AALCO States to follow this work at the HCCH, and in particular I invite all AALCO Members that are also members of the HCCH to register their interest in being part of our further work in this important field.

As I stressed yesterday, it is important that you have your voice at the table that you can bring your concerns into these discussions and make sure that they are being addressed effectively. I should also say that we conduct similar projects, not just in the field of digital tokens in general, but in particular also in relation to CBDCs, Central Bank Digital Currencies, and VCCs, Voluntary Carbon Credits. There again, because we are in a digital environment, the development of new private international law rules is fairly challenging, but obviously equally important.

Finally, since we are in an agenda item with trade and stressing the importance of rule-based cross-border trade and commerce, in particular in the form of B2B, business-to-business transactions, I would simply recall the importance of the 2005 Choice of Court Convention and the 2019 Judgments Convention. The Choice of Court Convention is designed to provide effectiveness to exclusive Choice of Court agreements in international commercial contracts between commercial operators, and the 2019 Judgments Convention is a convention that I like to refer to as a proper game-changer, because for the first time the world community, very broadly represented at the HCCH, gave itself an instrument that now facilitates the circulation of judgments at the global level, and I think that is a very important aspect of effective judicial dispute settlement. Thank you very much for your attention.

**Vice-President:** Thank you very much, the distinguished delegate. Colleagues, I think we have now taken all our interventions. We will now take a lunch break and reconvene for the plenary at 1:30. We shall be taking up the substantive topics on the agenda that is International Terrorism first, and the first speaker for that will be the distinguished delegate from the Islamic Republic of Iran.

I would like to inform you all as you leave, the delegations and distinguished delegates that there is a side event going on right now, going to start in a few minutes. That is the ISDS Reform from the Perspective of Developing Countries. It's going to run from 12.15 to 1.00 p.m. at the Chitlada Room 3. You are all invited, Member States and Observers are all invited to this side event.

Thank you very much, distinguished delegates, your Excellencies, for attending this session, and we look forward to seeing you again in the plenary at 1.30, but for the side event at 12.15. Thank you very much and enjoy your lunch.

**The meeting was thereafter adjourned**



**XVI. VERBATIM RECORD OF THE FIFTH  
GENERAL MEETING (CONTINUED) OF THE  
AALCO MEMBER STATES**



**XVI. VERBATIM RECORD OF THE FIFTH GENERAL MEETING (CONTINUED)  
OF THE AALCO MEMBER STATES HELD ON THURSDAY 12 SEPTEMBER 2024,  
AT 1:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: VIOLENT EXTREMISM AND TERRORISM (LEGAL ASPECTS)**

**President:** Excellencies, distinguished delegates, ladies and gentlemen, we are now going to proceed with the agenda item “Violent Extremism and Terrorism (Legal Aspects).” Before we move to the list of speakers, I request the Deputy Secretary-General of AALCO to deliver an introductory statement.

**Dr. Ali Hasankhani, Deputy Secretary-General of AALCO:** Madam President, Distinguished Delegates, Ladies and Gentlemen, it is my honour to introduce the topic of “Violent Extremism and Terrorism (Legal Aspects)” at the Sixty-Second Annual Session of the Asian-African Legal Consultative Organization (AALCO). This critical issue has been a part of AALCO's agenda since 2001, reflecting the urgent need to address the complex challenges posed by international terrorism. I would like to note that the inclusion of this topic in this year's agenda was proposed by the Islamic Republic of Iran, emphasising its continued relevance and importance to our Member States.

In July 2024, the Government of the Islamic Republic of Iran and AALCO jointly organised a two-day “AALCO Regional Conference on Preventing and Countering Terrorism” in Tehran. This conference brought together 70 participants, including representatives from AALCO Member States, United Nations Office on Drugs and Crime (UNODC), Shanghai Cooperation Organization (SCO), African Union (AU), the AALCO Secretariat and academia. The event provided a valuable platform for exchanging insights and best practices in combating international terrorism.

The Secretariat's brief on this topic, as contained in Document AALCO/62/BANGKOK/2024/SD/S9, provides a comprehensive overview of recent developments and key issues related to two critical areas: the impact of social media and online platforms in spreading extremist ideologies and legal responses, and the application of *jus ad bellum* and *jus in bello* principles to address international terrorism.

Terrorism continues to pose a significant threat to international peace and security, inflicting immense suffering and presenting complex challenges to nations worldwide. The international community has recognized the urgent need to address this menace through concerted efforts and robust legal frameworks. In response, international law has evolved to combat terrorism, primarily through the adoption of sectoral and regional conventions.

Recent developments at the United Nations, including the Eighth Biennial Review of the United Nations Global Counter-Terrorism Strategy, highlight the on-going efforts to strengthen the international legal framework against terrorism. The appointment of a new Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism underscores the importance of balancing security measures with human rights protections.

The rise of online radicalisation presents new challenges in combating terrorism. The brief examines various initiatives to address this issue, including the European Union's Regulation on Addressing the Dissemination of Terrorist Content Online, which may serve as a model for other regions. Furthermore, the application of *jus ad bellum* and *jus in bello* principles to international terrorism raises complex legal questions regarding the use of force against non-State actors and the responsibilities of States in combating terrorism.

I encourage all Member States to engage in productive discussions, share their insights and experiences, and contribute to shaping AALCO's efforts in addressing the legal aspects of violent extremism and terrorism. The Secretariat remains committed to supporting Member States in their endeavours to strengthen the international legal framework against terrorism while upholding the principles of human rights and the rule of law. Thank you, Madam President.

**President:** Thank you, Deputy Secretary-General. I now invite the Islamic Republic of Iran to deliver a statement on the agenda item. You have the floor. Thank you.

**The Delegate of the Islamic Republic of Iran:** Thank you, Madam President, at the outset, I would like to thank the Secretariat for the report on "Violent Extremism and Terrorism (Legal Aspects)" contained in document AALCO/62/BANGKOK/2024/SD/S9. We hope the revitalization of the deliberations on the topic will yield fruitful results in terms of sharing views and practices among the Member States of AALCO.

Excellencies, ladies and gentlemen, the nefarious phenomenon of terrorism has always been a threat to international peace and security, undermining human values and violating the fundamental rights of its victims. Apart from the unpleasant human casualties and massacres of innocent victims, terrorism has led to the instability and insecurity of countries and governments worldwide, especially in Asia and Africa, resulting in significant loss of life and property, agony and insecurity within our societies.

As one of its victims, the Islamic Republic of Iran condemns terrorism in all its forms and manifestations, and believes that there is no link between terrorist acts on one side and religion, race, or nationality on the other.

Unfortunately, the Islamic Republic of Iran has been a victim of terrorism over the past years, witnessing the loss of over 17,000 of its citizens, including in the 1980s, witnessing the martyrdom of the President, Prime Minister, some ministers, members of the parliament, and the head of the Judiciary by terrorist groups. This list includes the assassination of Iranian nuclear scientists by the Zionist regime and the assassination of Major General Qasem Soleimani by the US government at Baghdad International Airport, who played a central role in combating terrorists and their supporters in creating and spreading ISIS and Al-Qaeda in the West Asia region and recent assassination of Mr. Haniyeh the political chief of the Palestinian Islamic Resistance Movement (HAMAS) in Tehran, by an aggressive act of terrorism by the Zionist occupying regime of Israel.

Madam President, in line with the international commitments of all States to uphold the UN Charter, it is also our strong belief that under the pretext of fighting terrorism, no State has the right to commit acts of aggression, interfere in the internal affairs of other States or condone

any and all flagrant violations of human rights and international humanitarian law, such as extrajudicial execution and targeted killing.

Regrettably, the unilateral approaches of some countries, led by the United States, including unilateral adoption of a so-called terrorist list, driven purely by political agendas and in blatant contravention of sovereign equality of States, have undermined regional peace and security. Placing the Islamic Revolutionary Guard Corps, the official military force of the Islamic Republic of Iran and the guardian of security and stability in the region, especially in the waters of the Persian Gulf, on the list of so-called terrorist groups is in violation of international law, a threat to regional peace and stability, and a violation of the sovereignty and immunity of the Islamic Republic of Iran. It is evident that the Islamic Republic of Iran will, in the context of reciprocity, provide legitimate responses to any violation of international law and threats against itself.

Madam President, the Islamic Republic of Iran believes that the legitimate efforts of people under colonial or foreign domination and occupation to achieve their right to self-determination and freedom should not be equated with terrorism. This principled belief is in accordance with international law, including the Charter of the United Nations. In fact, it is the suppression of people under occupation that should be considered the most severe form of terrorism. Based on this logic, the Islamic Republic of Iran regards the actions of the Zionist occupying regime in Palestine as clear examples of terrorist acts and recognizes this regime as deserving the description of “terrorist”.

Madam President, before concluding, allow me to thank the AALCO Secretariat for holding “The AALCO Regional Conference on Preventing and Countering Terrorism: Asian-African Perspectives” jointly with the Institute for Political and International Studies (IPIS) in Tehran on 3<sup>rd</sup> and 4<sup>th</sup> July 2024 and for unveiling the proceedings of the same at this Annual Session. The conference highlighted the diverse international legal aspects of terrorism and shed some light on the experience of international organizations, namely AALCO, the United Nations Office on Drugs and Crime (UNODC), Shanghai Cooperation Organization’s Regional Anti-Terrorist Structure (RATS) and the African Union in terms of capacity-building in terms of countering terrorism. Experts from different Member States of AALCO, in their personal and legal capacities, shared valuable insights and experience on preventing and countering terrorism as relates to Asia and Africa.

To sum up, the Islamic Republic of Iran continues to attach great importance to preventing and combating terrorism, calls for intensifying regional and international cooperation to that end and further commands the role of the AALCO and its Member States in bringing together their potential, knowledge and experience on the same. Thank you.

**President:** I thank the distinguished delegate of the Islamic Republic of Iran and now invite the distinguished delegate of the State of Kuwait to deliver their statement. Thank you.

**The Delegate of the State of Kuwait:**<sup>1</sup> Madam President, dear brothers, heads, and members of the honourable delegations. At the outset, we emphasize that terrorism has become one of the most dangerous international and national phenomena, with far-reaching repercussions that transcend borders. Eliminating terrorism requires a concerted global effort, including

---

<sup>1</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the State of Kuwait.

addressing the crimes that fuel and support it. This can only be achieved through international solidarity, confronting these crimes early, eliminating their root causes, and working collectively to protect our national, regional, and global societies from their grave consequences.

In this context, it is important to highlight the comprehensive constitutional and legislative framework in the State of Kuwait, which criminalizes and prohibits acts, participation or planning of anything that compromises security and safety, or threaten societal peace and stability.

At the constitutional level, the State of Kuwait's Constitution enshrines the fundamental principle of combating threats to security, safety, and tranquillity. Article 8 of the Constitution states: "The State shall preserve the pillars of society and shall guarantee security and tranquillity"

With regard to the Kuwaiti Penal Code, it contains numerous provisions designed to counter violence and safeguard the security and safety of society. These penal rules and principles address a wide range of offenses. For example, the Penal Code prohibits acts of violence and terrorism motivated by religious, sectarian, or ideological fanaticism.

The Kuwaiti Penal legislature also addresses acts that could harm individuals or their property, or endanger their lives. The Penal Code includes provisions that criminalize a variety of offenses, including crimes against the person—such as murder, assault, kidnapping, and physical harm—as well as crimes against property, such as destruction and trespass. These provisions are designed to protect public security and order and ensure societal tranquillity.

In 2012, the State of Kuwait passed a law to protect national unity, aiming to combat extremism and violence. This law criminalizes any incitement of hatred or contempt for any group in society, as well as actions that promote sectarian or tribal strife, or the dissemination of ideas that advocate the superiority of any race, group, religion, gender, or ethnicity. It also prohibits incitement to violence.

In a related effort, it is worth mentioning that the State of Kuwait passed the Anti-Money Laundering and Combating the Financing of Terrorism Law in 2013. This law provides definitions for terrorist acts, individuals, and organizations and outlines the crimes associated with financing terrorism. The State of Kuwait has developed a comprehensive strategy to combat money laundering and financing of terrorism, with the active participation of all relevant national authorities.

With regard to the State of Kuwait's stance on international agreements against terrorism, it is worth noting that the State of Kuwait has ratified the vast majority of international treaties and conventions aimed at combating terrorism. Once ratified, these agreements are incorporated into Kuwait's national legal framework and carry the force of law, in accordance with the Kuwaiti Constitution.

Finally, my country's delegation stresses the need to establish a universally accepted definition of terrorism, clearly outlining its moral and material elements, in line with relevant international agreements. We also emphasize the importance of implementing and enforcing the United Nations Convention against Transnational Organized Crime and its protocols, as well as the United Nations Convention against Corruption. These agreements criminalize acts



that support terrorism, such as money laundering, drug trafficking, and illicit arms trade, which inevitably lead to the spread of terrorism.

At the same time, we underscore the importance of ensuring that measures to combat terrorism—whether international, regional, or national—do not infringe upon human rights frameworks. Governments must remain committed to upholding the principles of human rights law and international humanitarian law. May the peace, mercy, and blessings of God be upon you.

**President:** I thank the distinguished delegate of the State of Kuwait and now would like to invite the distinguished delegate of Malaysia to deliver their statement. Thank you.

**The Delegate of Malaysia:** Madam President, distinguished delegates, ladies and gentlemen, Malaysia extends its profound appreciation to the AALCO Secretariat for its diligent preparation of the report on “Violent Extremism and Terrorism”. We commend the Secretariat’s ongoing efforts to address these critical issues, which pose significant challenges to our shared security and stability.

Malaysia acknowledges the importance of the two themes highlighted by the AALCO Secretariat: Online Radicalisation and International Legal Measures *and jus ad bellum* and *jus in bello* to address International Terrorism. These themes are pivotal to understanding and addressing the evolving nature of global terrorism, and Malaysia is committed to actively engaging in these discussions.

The rapid advancement of technology and the pervasive influence of social media have transformed the landscape of radicalisation. As these platforms become tools for extremist propaganda, recruitment, and coordination, it is crucial that the international community develops comprehensive legal measures to counter these threats effectively. Malaysia is deeply concerned about the misuse of the Internet and social media by terrorist organisations and fully supports initiatives led by the United Nations to tackle online radicalisation.

In that connection, Malaysia recognises the importance of regional efforts in combating the spread of terrorist content online. The ASEAN Convention on Counter-Terrorism (ACCT) provides a broad and comprehensive legal framework for counterterrorism efforts in the region, supporting cooperation across various aspects of counterterrorism. Complementing this, the Bali Work Plan to Prevent and Counter the Rise of Radicalisation and Violent Extremism (2019-2025) specifically addresses the challenges posed by online radicalisation. This plan underscores ASEAN's commitment to countering the misuse of the internet and social media through a multidisciplinary approach that involves law enforcement, community engagement and the promotion of moderation and tolerance.

These initiatives, particularly the focus on preventing the misuse of the internet and social media for radicalisation, are directly relevant to the theme of this discussion. They demonstrate how regional frameworks can contribute to the global effort to combat online radicalisation while ensuring respect for fundamental rights, including freedom of expression and privacy. Malaysia firmly believes in the necessity of a balanced approach that protects societies from extremist threats while safeguarding individual freedoms. We advocate for these regional practices as models that can be adapted and implemented by other AALCO Member States.

It must therefore be recognised that countering violent extremism and terrorism requires a concerted and unified effort from the international community. International cooperation, including through Mutual Legal Assistance (MLA) agreements, is already embedded in many counter-terrorism treaties, such as the International Convention for the Suppression of the Financing of Terrorism and the United Nations Convention against Transnational Organized Crime (UNTOC). These treaties provide a framework for cooperation in areas such as information sharing, extradition, and the seizure of assets.

While these existing frameworks are robust, specialised MLA agreements between countries can further enhance the effectiveness of the overall international counter-terrorism architecture. For example, a specialised MLA agreement might expedite the exchange of critical intelligence, streamline legal processes for cross-border investigations, or provide specific mechanisms tailored to the unique challenges posed by terrorism. The Treaty on Mutual Legal Assistance in Criminal Matters among ASEAN Member States (“ASEAN MLAT”) is one such example of a regional agreement that has successfully facilitated cooperation among its members. By developing similar agreements that address specific regional or bilateral needs, we can strengthen the global response to terrorism, ensuring that our collective efforts are coordinated, legally sound, and effective across jurisdictions.

The principles of *jus ad bellum* and *jus in bello* are fundamental to the legal discourse on the use of force and the conduct of hostilities. In the context of international terrorism, these principles take on a renewed significance, especially in addressing the challenges posed by non-state actors.

Malaysia believes that the application of *jus ad bellum*—the right to war—must be carefully considered, particularly when states are responding to threats posed by terrorist organisations that operate across borders. The use of force must always be a last resort, justified under international law, and proportionate to the threat posed. We must ensure that any military action taken against terrorist groups is not only effective but also legally justified and in line with international obligations.

Similarly, the principles of *jus in bello*—the law in war—are crucial in guiding the conduct of hostilities, particularly in asymmetric warfare, where state actors confront non-state terrorist groups. Malaysia emphasises that even in the fight against terrorism, the protection of civilians and adherence to international humanitarian law must remain paramount. Upholding these principles is essential for maintaining the legitimacy and moral authority of the international community’s efforts to combat terrorism.

Malaysia is committed to engaging in discussions on how these principles can be applied in the context of contemporary terrorism challenges. We support efforts to clarify and strengthen the legal frameworks that govern the use of force and the conduct of hostilities, ensuring that they are fit for purpose in today’s security environment.

Madam President, finally, Malaysia reiterates its unwavering commitment to working within the United Nations framework to prevent and eliminate violent extremism and terrorism in all its forms and manifestations. We believe that by upholding international law, fostering cooperation, and addressing the root causes of extremism, we can build a safer and more just world. Malaysia stands ready to collaborate with all Member States to achieve these shared objectives and to ensure that our collective actions are both effective and principled.

In line with these commitments, Malaysia also strongly supports the ongoing efforts to finalise the Comprehensive Convention on International Terrorism (CCIT). This longstanding negotiation has highlighted the challenges posed by the absence of a universally accepted definition of terrorism. However, we believe that now is the time to move beyond these challenges. Malaysia recognises the need for States to demonstrate the necessary political will and flexibility to conclude this vital convention. Indeed, if realised, the adoption of the CCIT would provide a comprehensive legal framework that would complement the practical efforts and considerations among AALCO Member States as well as other regional groups, enhancing our collective ability to combat terrorism while upholding the rule of law and human rights. Thank you.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of Japan to deliver their statement. Thank you.

**The Delegate of Japan:** Madam President, countering terrorism and violent extremism continue to be a major challenge to the international community, which requires transnational cooperation in unity. It is also crucial to ensure due process of law throughout the investigation, prosecution, and treatment of offenders. Fair, independent, and highly transparent criminal justice processes, where human rights and gender sensitivity are ensured, are prerequisites. The establishment of the rule of law will also be conducive to effective counter-terrorism measures.

To highlight the perspective of the rule of law in the investigation and prosecution of terrorism cases, Japan hosted a workshop last February in Tokyo, inviting prosecutors from South and Southeast Asian countries through the cooperation between the Ministry of Foreign Affairs of Japan, the International Institute for Justice and the Rule of Law (IIJ), and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the UNAFEI in short, operated by the Ministry of Justice of Japan. Ms. Kamikawa Yoko, Minister for Foreign Affairs of Japan, participated in the workshop and expressed her expectation for further cooperation in the field of law and justice in the region.

As part of its counter-terrorism efforts, Japan has been working on several measures, such as amending the Act on Punishment of Financing of Offences of Public Intimidation, establishing a new crime of preparation for terrorism and concluding various anti-terrorism treaties.

As part of international cooperation targeting legal professionals, UNAFEI has conducted a training program for criminal justice practitioners from Burkina Faso, Chad, Cote d'Ivoire, Mali, Mauritania and Senegal which focused on various issues related to investigation, prosecution and adjudication of organized crime and cross-border crime including trafficking in persons and terrorism, and issues related to juveniles who were involved in such crimes including as victims.

Furthermore, in accordance with the UN counter-terrorism policy and in response to the international situation at the time, Japan also emphasize a comprehensive approach, providing support for building states' capacity to counter terrorism and violent extremism conducive to terrorism, also assisting social and economic development in supporting a foundation of moderate society as three pillars of cooperation.

I would like to introduce some examples of our support provided in Africa this year. In cooperation with UNODC, Japan has been providing equipment to strengthen the ability of investigation and prosecution for transnational terrorism cases and training in evidence

collection and initial response. The program also includes a curriculum for young local leaders on preventing violent extremism at the regional level and sharing expertise to support survivors of terrorist attacks.

The issues related to terrorism are very complex, and the greatest challenge is to address them effectively. Through consultations with and assistance to other countries, Japan will continue to make efforts to entrench the rule of law in the fight against terrorism and violent extremism. Thank you Madam President.

**President:** Thank you for your statement. Now I would like to invite the distinguished delegate of the Republic of India to make their statement. You have the floor.

**The Delegate of the Republic of India:** Madam President we thank the Islamic Republic of Iran for showing renewed interest in this topic and re-introducing it in the agenda item. It may be recalled that this topic was for the first time introduced in the agenda of AALCO's Fortieth Session held in New Delhi (2001). The recurrence of terrorism in various forms in different parts of the world is a matter of grave concern and calls for renewed discussion.

Madam President, India remains committed to fight the scourge of terrorism in all forms and manifestations. We have established a policy of Zero tolerance against terrorism, through a strong framework of counter-terror laws and empowerment of agencies. The Unlawful Activities (Prevention) Act of 1967, the National Security Act of 1980, the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) are some of specialized laws of India to combat terrorism.

India has been at the forefront of global efforts to counter terrorism. In the recent past, India hosted the special meeting of the United Nations Security Council's Counter-Terrorism Committee in October 2022, which saw the adoption of the Delhi Declaration on Countering Use of New and Emerging Technologies for Terrorist Purposes. We also hosted the 3<sup>rd</sup> Ministerial Conference on Counter Terrorism Financing 'No Money for Terror' in November 2022 and the INTERPOL General Assembly in Delhi in October 2022. The New Delhi G20 Leaders' Declaration recognized terrorism as one of the most serious threats to international peace and security.

Madam President, It is unfortunate that while terrorism remains unabated, destroying humanity and societies around the world, our efforts towards the Comprehensive Convention against International Terrorism (CCIT) are constrained by narrow differences.

India reiterates the need for early finalization of Draft CCIT and hopes that the UN Working Group established for this purpose will move towards achieving this goal.

Madam President, technological advancements have resulted in new challenges for the governments, law enforcement agencies and regulatory bodies given their misuse by non-state actors for criminal purposes. Internet and social media platforms have turned into potent instruments in the toolkit of terrorist and militant groups for spreading propaganda, radicalization and conspiracy theories aimed to destabilize societies.

In the fight against global terrorism including combating the financing of terrorism, intelligence sharing and cooperating in investigative and judicial processes, capacity building and preventing misuse of modern technologies by terrorists and transnational crime syndicates,

India is committed to closely work together in the common. It is essential for all nations to take effective measures to prevent the use of their territories for terrorist bases or the perpetration or sponsorship of terrorist acts against other States or their citizens. Thank you Madam President.

**President:** Thank you very much for your statement. Next on my list is Indonesia so I would like to invite the distinguished delegate of the Republic of Indonesia to deliver their statement.

**The Delegate of the Republic of Indonesia:** Thank you, Madam President. *Assalamualaikum warahmatullahi wabarakatuh. Sawadee khap.* On the agenda of Violent Extremism and Terrorism (Legal Aspects), Indonesia would like to highlight several topics on the issue. First, on our national legal framework.

Indonesia has enacted the Law No. 5 (2018) and Law No. 9 (2013) as two main legal frameworks on countering terrorism and countering terrorism financing, which strikes a balance between counterterrorism and human rights protection. The Laws comprehensively implemented four pillars of the United Nations Global Counter-Terrorism Strategy that covers aspects of peace, security, sustainable development, and humanity and human rights in formulating counter-terrorism policy and adheres to the International Covenant on Civil and Political Rights, Convention against Torture, and the UN Security Council Resolution 1624.

Second, on the Comprehensive Convention on International Terrorism (CCIT). Indonesia supports the effort to adopt the CCIT as a legally binding international legal instrument that serves as common guidance to eradicate all forms of international terrorism, including by identifying its root problems.

Indonesia is fully aware on the difficulties to reach consensus on several fundamental issues such as the very definition of terrorism itself. On this matter, Indonesia underlines the importance to address the issues on the drafting process as mandated by the UNGA Resolution 51/210.

Indonesia supports the Working Group established by the Committee as mandated by the UNGA Resolution 76/121 to synchronize the CCIT draft and to discuss the matter of establishing a high-level conference under the auspices of the United Nations as mandated by the UNGA Resolution 54/110. Indonesia also encourages all nations to exercise their effort to reach a consensus on all pending matters, including the definition of terrorism.

Distinguished delegates, ladies and gentlemen, on international cooperation, Indonesia is committed to counterterrorism efforts, including through an international cooperation framework. Indonesia has ratified 8 out of 19 UN international conventions and protocols on counterterrorism which strengthen our national legal framework. Furthermore, Indonesia is also actively engaged within the UN cooperation framework, including within the UNODC, UNCTED, UNOCT, UN Women, and UNDP.

Recently, in May 2024, on the thirty-third session of CCPCJ, Indonesia initiated a resolution on the Treatment of Children Associated with Terrorist Groups, including Children who are Recruited and Exploited by Those Groups. The resolution encourages the UN to develop principles and guidelines as references for Member States.

Indonesia is also consistently committed to combating terrorism financing. Indonesia has recently joined the Financial Action Task Force as its 40<sup>th</sup> member. Our membership strengthens the commitment to strive for compliance standards and effectiveness in combating terrorism financing, the membership also completes all G20 members' membership in FATF.

Ladies and gentlemen, finally, on the issue of cyberspace and technology, Indonesia is also concerned of the threat of the use of ICT and cyberspace for terrorism. Indonesia acknowledges that cyberspace, including social media platforms, can be misused for various terrorist activities, including the propagation of extremism and terrorism financing.

Indonesia foresees the potential threat on the misuse of virtual and crypto assets. Indonesia also foresees the connection between the use of crypto assets for terrorism financing, international terrorism networks, and nonprofit organizations networks in Indonesia. Indonesia has anticipated the threats by its commitment through FATF 2022-2023 evaluation that shows our compliance in Recommendation 15: New Technologies.

Furthermore, Indonesia has set the National Action Plan on Preventing and Countering Violent Extremism that Leads to Terrorism in line with the 11 UN norms of responsible state behavior in cyberspace. The National Action Plan also includes the Cyber Media Guidelines, which accommodate extremism prevention.

Ladies and gentlemen. Last but not least, in 2023, Indonesia experienced zero terror attacks. This is inseparable from comprehensive and continuous efforts in eradication and prevention by relevant components in countering terrorism.

In conclusion, Indonesia stands ready to work with countries in countering terrorism. Through this valuable moment, Indonesia continues to maintain and support international cooperation with Asian and African countries to fight and prevent terrorism. I thank you, Madam President.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of the People's Republic of China to deliver their statement.

**The Delegate of the People's Republic of China:** Thank you Madam President for giving me the floor, terrorism is the common enemy of humanity, and all members of the international community share the responsibility to fight against it. Although the fight against terrorism has made important advances in recent years, terrorism remains a serious threat to international peace and security, and much remains to be done. Therefore, we support that the AALCO includes the topic "Violent Extremism and International Terrorism (Legal Aspects)" in its agenda.

Currently, the situation of fighting terrorism remains serious and complex, and it is imperative that we make efforts to further strengthen international cooperation. The Global Security Initiative, the GSI, proposed by Chinese President Xi Jinping, calls on countries to address the complex and intertwined security challenges with a win-win mindset. Based on the GSI, the Chinese delegation would like to put forward the following opinions on strengthening international cooperation in fighting terrorism.

First, reaffirm our commitment to multilateralism. Humanity is an indivisible security community, and no country can cope with the threat of terrorism on its own. We call on all countries to stay committed to the vision of common, comprehensive, cooperative and

sustainable security, build a sense of a community with a shared future for mankind, and continue to work together to fight terrorism. We should enhance information sharing, experience exchange and coordination, while maintaining the UN's role as the central coordinator in the global fight against terrorism.

Second, respect the rule of law when fighting terrorism. Operations of fighting terrorism must comply with the purposes and principles of the UN Charter, respect the sovereignty of all countries and take seriously their legitimate security concerns. Terrorism should not be linked to specific countries, ethnicities or religions, and counter-terrorism should not be politicized or instrumentalized. Counter-terrorism treaties universally accepted by the international community, relevant Security Council and General Assembly Resolutions, and the UN Global Counter-Terrorism Strategy should be fully implemented.

Third, take a holistic approach to address both the symptoms and the root causes of terrorism. Counter-terrorism measures should be based on a systemic approach through political, economic, judicial and social means, and countries need to actively carry out preventive counter-terrorism activities and de-radicalization in order to remove the breeding ground for terrorism. Development should be made a priority area and the implementation of the 2030 agenda should be accelerated in order to break the vicious circle of poverty and terrorism. Attention should be paid to issues affecting young people, especially education and employment, in order to prevent them from being influenced by terrorist ideology.

Fourth, enhance capacity building in counter-terrorism. As the rapid expansion of new technology has brought about unprecedented challenges, we need to take full account of new circumstances, address new issues and strengthen our collective efforts in sharing information and best practices in this field. In particular, developing countries need more capacity building to prevent the cross-border movement of terrorists and to combat cyber-terrorism.

Madam President, China was a victim of terrorism. The "Eastern Turkistan Islamic Movement", a designated international terrorist organization by the Security Council, has perpetrated many brutal terrorist attacks in China, causing a large number of casualties among innocent people. Combating the forces of the "Eastern Turkistan Islamic Movement" has been an essential part of the international fight against terrorism and serves the common interests of the international community. We hope that the international community could faithfully implement the relevant sanction measures adopted by the Security Council, and work together to combat this terrorist force.

China opposes all forms of terrorism and has always been a staunch supporter and active contributor to the international counter-terrorism cause. In recent years, China has been deeply involved in international counter-terrorism mechanisms, such as the UN and the Global Counter-Terrorism Forum, and has carried out cooperation within the frameworks of the Shanghai Cooperation Organization, the BRICS and the Conference on Interaction and Confidence Building Measures in Asia. We would like to work together with AALCO Members, continue to make positive contributions to effectively counter the threat of global terrorism and to realize a world of lasting peace and universal security. Thank you, Madam President.

**President:** Thank you for your statement. Now, the rest of the speakers are as follows, Bangladesh, Türkiye and Iraq. So now I would like to invite the distinguished delegate of Bangladesh to deliver their statement.

**The Delegate of the People's Republic of Bangladesh:** Madam President, Excellencies, distinguished delegates, we thank the AALCO Secretariat for its useful and analytical Brief on this agenda item. We also thank the Government of the Islamic Republic of Iran for suggesting the inclusion of this item.

Bangladesh maintains its non-negotiable 'zero tolerance' approach to terrorism in all forms and manifestations. Our government remains committed to not allowing terrorist activities from our territory against any other country. Our sustained engagement at the community level has allowed us to demonstrably address the underlying causes of violent extremism and terrorism among certain vulnerable groups. We strictly maintain that a terrorist is a terrorist irrespective of nationality, ethnicity, religion, belief, caste or creed.

Madam President, Bangladesh is Party to most of the international legal instruments on counter-terrorism. We have a proven domestic legal framework to combat terrorism and financing of terrorism. Since the tragic terrorist attacks at a local eatery in July 2016, our law enforcement agencies managed to neutralize most of the terrorist outfits barring some fringe elements.

We attach importance to the implementation and review of the UN Global Counter-Terrorism Strategy and the interface of its four key pillars. Our government maintains close collaboration with the UN Office of Counter-Terrorism and the UN counter-terrorism network. We underscore the importance of consensus on the outcome documents of the UN Global Strategy's periodic review, especially to promote a cohesive and coordinated approach by the UN system.

Madam President, we have taken note of the constructive work and recommendations of the UN Special Rapporteurs on the Promotion and Protection of Human Rights while Countering Terrorism. The issue of inviting the Special Rapporteur to visit Bangladesh remains under our government's consideration. We see merit in consulting the EU Regulations on containing the propagation of terrorist content online for the seemingly effective transparency and accountability mechanisms. We underscore the relevance of UN Security Council Resolution 2354 (2017), and the need for continued investment in developing and disseminating alternative narratives online in a customized format for different target groups. In Bangladesh, we have seen positive results from targeted interventions on the risks of online and offline radicalization among the forcibly displaced Rohingya from Myanmar sheltered in our territory.

In this context, it may be pertinent to mention that earlier this year, Bangladesh notionally graduated from a financing programme conducted by the Geneva-based Global Community Engagement and Resilience Fund (GCERF) - the first country to have done so under the Fund's remit. We encourage other interested AALCO Member States to consider exploring need-based association with GCERF.

To conclude, we wish to thank the AALCO Secretariat for its explanatory note on the application of *jus ad bellum* and *jus in bello* in the context of counter-terrorism while upholding IHL and human rights. Our delegation recommends further focused engagements on this issue involving relevant experts and practitioners from AALCO Member States. I thank you. *Khob-khun krab.*



**President:** *Khob-khun krab.* Thank you very much. Now, I would like to give the floor to the distinguished delegate from Türkiye. You have the floor.

**The Delegate of the Republic of Türkiye:** Madam President, distinguished delegates, Türkiye has been effectively countering terrorism in all its forms and manifestations for decades, and our own struggle against this menace has taught us one crucial question, that we cannot succeed in our counterterrorism efforts in the absence of international cooperation. Accordingly, Türkiye has been on the forefront of efforts to increase awareness of the international community on the threat of terrorism. We have worked hard and are still working hard, bilaterally, regionally, and at various international platforms to create mechanisms for more effective counterterrorism measures.

Türkiye is also a member of the Financial Action Task Force, the global anti-money laundering and countering terrorist financing body. Türkiye is also an active contributor to counterterrorism with capacity-building programmes of several states around the world.

Madam President, Türkiye has all along been underlying that terrorism poses a major threat to international peace and security, and to sustainable and rules-based order. All acts of terrorism are unjustified, regardless of their motivation, wherever, whenever, and by whoever committed. The international community should not discriminate between terrorist organizations, and must act with equal determination in preventing, suppressing, pursuing, and prosecuting all terrorist groups, their members, and activities. In fact, the growing threat of terrorism showed there is an increased need for international cooperation against this menace.

What we are being faced with today is unprecedented. Madam President, by virtue of its universal representation and capacity to interlink various aspects in addressing terrorism, the UN is playing a central role in garnering a global response to this scourge. It is very important that we now have a global framework that criminalises terrorist acts and obliges members to cooperate in suppressing various aspects of terrorism.

I can proudly state that Türkiye has been playing an active role in the development of a universal legal framework under the UN system. Accordingly, Türkiye has become party to all UN counterterrorism instruments. We strongly support the global strategy and implement UN Security Council resolutions in a determined manner.

Madam President, in line with this understanding, we welcome the revitalisation of the counterterrorism agenda item within AALCO. The regional event hosted in Tehran during July this year has been a fruitful forum to identify and build upon legal perspectives on terrorism.

Madam President, Türkiye has also been targeted by terrorist groups which exploit religion. Among these, global networks of Al-Qaeda and Daesh have been most notorious. As a member of the international coalition against Daesh, Türkiye has been the only NATO country which countered Daesh with boots on the ground, eliminating more than 4,500 Daesh terrorists. In Türkiye, just last year, 1,500 operations were conducted against Daesh and Al-Qaeda. 2,800 suspected terrorists were taken into custody.

As an active member of the global coalition and as the co-chair of the working group on foreign terrorist fighters, Türkiye takes all the necessary measures to prevent FTF travel in cooperation with other states in accordance with Resolution 2178 of the United Nations Security Council.

Terrorist organisations abusing religion have increased the number and intensity of their attacks in Africa.

Türkiye cooperates with its partners in Africa with the mentality of implementing African solutions to African problems. Türkiye also closely follows the developments of the global coalition against Daesh, particularly in Sahel and West Africa, and the work of the Global Counterterrorism Forum and its inspired institutions.

Madam President, in a nutshell, I would like to once again underline that the international community must act with equal determination against all terrorist organisations. A selective approach is counterproductive to our collective security. In fighting against one terrorist organisation while relying upon the support from another leads to serious flaws in overall countering terrorism efforts and can set a dangerous precedent. A principled stance against all terrorist organisations is a prerequisite for a viable success in the fight against terrorism.

I would like to underline that Türkiye will continue to do whatever it takes to fight against this global menace called terrorism. I thank you, Madam President.

**President:** Thank you very much. I would now like to invite the distinguished delegate of Iraq to make their statement. You have the floor. Thank you very much for your statement.

**The Delegate of the Republic of Iraq:**<sup>2</sup> Thank you Madam President, thank you for including this important topic in the agenda of the Session. Since 2014, Iraq has sought to play a pivotal role in the field of combating terrorism represented by the ISIS terrorist groups. The Iraqi government has encouraged the international community to form an international coalition to fight the terrorist groups and increase the security cooperation and coordination to confront these groups, due to that Iraq was at the forefront of countries that fought terrorism, hosted the meeting of the Support Group for the Restoration of Stability in the Liberated Areas, followed up the file of foreign terrorist groups, concluded many memoranda of understanding between the Iraqi institutions and their counterparts in other countries, and also participated in conferences and workshops concerned with combating terrorism. We also mention to follow up on the implementation of Security Council Resolution No. (2379) of 2017 concerned with collecting, storing and preserving evidence of ISIS crimes in Iraq, and the implementation of Council decisions on freezing the terrorist funds.

We also refer to the legislation of many laws concerned with combating terrorism, including Law No. (13) of 2005 to Combat Terrorism, which punishes with severe penalties those involved in acts of incitement, financing or organizing terrorist operations, and Law No. (31) of 2016, which was issued to combat terrorism and deal with the operations of terrorist groups, in addition to the Iraqi Penal Code No. (111) of 1969, which is one of the first laws criminalized terrorist crimes. All these show Iraq's previous role in criminalizing these crimes and confronting their perpetrators.

**President:** So now we have concluded the list of speakers on this particular agenda item and I see no more requests for the floor. I propose that we take a coffee break for about 30 minutes and I suggest we come back at 3.15 sharp, to begin with the deliberations of the next agenda

---

<sup>2</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Republic of Iraq.

item on “International Law in Cyberspace” and I invite the first speaker, who will be Iran, who proposed this topic. So we will come back in half an hour at 3.15. I adjourn the meeting.

**The meeting was thereafter adjourned**



**XVII. VERBATIM RECORD OF THE FIFTH  
GENERAL MEETING (CONTINUED) OF THE  
AALCO MEMBER STATES**



**XVII. VERBATIM RECORD OF THE FIFTH GENERAL MEETING (CONTINUED)  
OF THE AALCO MEMBER STATES HELD ON THURSDAY, 12 SEPTEMBER 2024,  
AT 3:30 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: INTERNATIONAL LAW IN CYBERSPACE**

**President:** Thank you very much. Welcome back. We are almost towards the end of the day. We are making very good progress. Congratulations to all Member States of AALCO. So now we now turn to the fourth substantive topic-International Law in Cyberspace. I would like to invite the AALCO Secretariat to make the introductory remarks.

**Mr. Yong Zhu, Deputy-Secretary General:** Thank you Madam President. Excellencies, distinguished delegates, ladies and gentlemen. I have the honour of presenting before you the introductory statement on the topic 'International Law in Cyberspace'. This topic was for the first time introduced in the work programme of AALCO at the Fifty-Third Annual Session of AALCO held in Tehran, Islamic Republic of Iran in 2014 at the recommendation of the People's Republic of China. Member States noting the high contemporary relevance of the topic have in previous year's deliberated major aspects of the topic including state sovereignty in cyberspace, peaceful use of cyberspace, international cooperation in combating cybercrimes, and identifying relevant provisions of the UN Charter and other international instruments as applicable to cyberspace.

We are happy to note that AALCO is reintroducing this topic as an agenda item for the Annual Session after a gap of 3 years on a recommendation made by the Islamic Republic of Iran. The Note Verbale received from the Islamic Republic of Iran had indicated that the deliberations on this topic focus on recent efforts currently underway to frame an international treaty on cybercrimes. On August 8, 2024, the Ad-Hoc Committee on Cybercrimes adopted the first international legally binding treaty for dealing with cybercrimes. With a key thrust on encouraging transnational cooperation in combatting cybercrimes, the treaty adopted by the Ad-Hoc Committee will be presented to the UNGA for adoption and pursuant thereto come into force post the ratification by 60 States. The AALCO Secretariat appreciates the work of the Ad-Hoc Committee and congratulates Member States who have participated in the process over the last few years. It is hoped that AALCO can emerge as an important international forum where States can share their views on issues dealing with the global fight against cybercrimes and thereby strengthen the international cooperative mechanism between States to effectively deal with cybercrimes. In this spirit, we encourage Member States to closely engage with this topic and work with the AALCO Secretariat in efforts to clarify the intricate nuances of this topic in light of fastly evolving challenges facing the domain of cyberspace. Thank you Madam President!

**President:** Thank you very much, the Secretariat for your remarks. So we now move on to the agenda 'International Law in Cyberspace'. I would like to invite the following members to make statements: Islamic Republic of Iran, Kuwait, Viet Nam, Japan, People's Republic of China, Indonesia, Republic of Korea, Iraq, India and Thailand. As this is an initiative of Iran, I now invite the distinguished delegate of Iran to make their statement. You have the floor.

**The Delegate of the Islamic Republic of Iran:** Thank you Madam President. At the outset, I would like to express my gratitude to the Secretariat for the comprehensive report contained

which not only gives a clear background on the work of the AALCO on the topic so far, but also delineates the legal framework for our deliberations.

The Islamic Republic of Iran has been eagerly following the work of AALCO and the OEWG on International Law in Cyberspace on this topic, and considers them a convenient platform for the member States to exchange views in a legal context and to contribute to development of international law on cybercrime.

Information communication and technology (ICT) has become an integral part of global communication, business, and governance, offering numerous opportunities while at the same time introducing evolving threats. Addressing these threats requires a multifaceted approach encompassing technological, legal, and cooperative strategies.

The primary responsibility for maintaining secure, safe, and trustworthy ICT rests with individual States. States must act responsibly and in accordance with international law. The prominent role and active involvement of States in the ICT environment governance at the global level, especially in policy and decision-making, must be enhanced and ensured. ICT governance should be developed in a manner that does not adversely affect the rights of States to determine their own development, governance, and legislation concerning the ICT environment. In this regard, the “Draft United Nations Convention against Cybercrime has been adopted on 8 August 2024.

The Islamic Republic of Iran, in principle, welcomes the need to strengthen and bolster international cooperation in the field of cyberspace. To this extent, Iran welcomes international treaty-making initiatives that seek to shape cooperative frameworks between States in the area of countering criminal behavior in cyberspace; but there are some concerns regarding this draft treaty that need to be addressed;

First and foremost, the very nature of the Convention and the purpose envisaged for it requires a technical approach akin to that employed in drafting the UNCAC and thus to avoid the duplication of work and refrain from addressing matters that, in principle, fall within the purpose and scope of human rights treaties. The UNCAC, UNTOC and other relevant treaties, to which nearly all UN members States are parties or signatories, do not include human rights provisions. The established practice related to the UNCAC and UNTOC in not involving in human rights throughout their elaboration does not prejudice the importance of human rights obligations; rather, it signifies the very simple fact that criminal justice conventions focus on specific technical aspects of fighting crimes, and that it remains for other inclusive intergovernmental bodies to address human rights obligations in this area.

Along similar lines, we concur with the view of many countries regarding the negative impact of the inclusion of certain provisions under the guise of human rights obligations on international cooperation in fighting the use of ICT for criminal purposes. Such provisions, which are not even commensurate with international human rights law, might be considered as an attempt to rewrite human rights obligations while we do not have such a mandate or authority. This would only defeat the purpose of the Convention and risk its venture and being dragged into politicization and selectivity of few; it would hinder cooperation and prevent us from protecting the human rights of victims of ICT crimes as well as the society as a whole in the face of criminals who are relentless in employing legal loopholes to victimize people.

Madam President, we believe that the current Article 14 of the draft United Nations Convention against Cybercrime is not sufficient to protect our children against the horrendous crime of child sexual exploitation online. The main goal of the Article is to counter child sexual exploitation and prevent children from falling victim to the hands of criminals. There should



be no exception, which would allow for the commission of any form of child sexual exploitation or otherwise normalize such criminal conduct. However, Paragraph 3 of Article 14 manifestly defeats the purpose of the Article and visibly justifies child sexual exploitation when it is not related to a real person. The central element in Article 14 is the protection of “children” not the form of the content; thus, it is not appropriate to create artificial boundaries of real and non-real material in this regard.

We also express our concern over the current formulation of Article 16 of draft United Nations Convention against Cybercrime, which did not take into account the position of many delegations who proposed or otherwise supported a paragraph to make this Article acceptable in the domestic laws of many countries. The Islamic Republic of Iran proposed and supported languages that provide latitude to differences among various legal systems without undermining the purpose of the Article. The inclusion of a caveat paragraph is the minimum requirement for this Article to gain support and consensus.

The shared responsibility of State parties in realizing a safe, secure, reliable and ethical virtual space as well as multilateral governance of such environment through equal participation of all States constitutes important requisites for ensuring peaceful use of cyberspace via information and communications technologies. In this context, the Islamic Republic of Iran attaches great importance to the debates on the international law in cyberspace in the framework of AALCO.

To conclude, we support the continuation of the work of the OEWG on international law in cyberspace and follow up the progress of the AALCO’s work on the topic with interest. Thank you for your attention.

**President:** Thank you very much for your statement. Now I would like to give the floor to the distinguished delegate from Kuwait.

**The Delegate of the State of Kuwait<sup>1</sup>:** In the name of God, the Most Gracious, the Most Merciful. Brothers and sisters in attendance.

In the modern era, the use of international information networks as a means of communication has expanded across various aspects of life. These networks play a vital role in fulfilling humanity’s aspirations by reducing time, distance, and both physical and mental effort. They now encompass information related to personal, economic, scientific, and numerous other fields. However, this increased reliance on networks and information systems has led to new types of risks, notably the emergence of cybercrimes.

As a result, cybersecurity has become critically important for nations, especially as countries build robust IT infrastructures, digitize, and govern their sectors using advanced information networks and modern technologies.

Recognizing the importance of cybersecurity, the State of Kuwait joined the Arab Convention on Combating Information Technology Crimes under Law No. 60 of 2013. This law aims to enhance cooperation between Arab nations in countering cybercrimes, safeguarding the security, interests, and welfare of Arab societies. It establishes a legislative framework for punishing perpetrators of these crimes and includes legal provisions for mutual assistance and the exchange of information.

In line with this, Kuwait also issued Law No. 63 of 2015 on Combating Information Technology Crimes, which includes strict punitive measures for anyone found guilty of committing crimes outlined in this law, ensuring the security and safety of society.

---

<sup>1</sup> The Statement was delivered in Arabic. This is an unofficial translation done by the Secretariat.

In 2017, Kuwait introduced its National Cybersecurity Strategy for the period 2017-2020, which set out a series of objectives, including the protection and monitoring of critical assets and infrastructure, safeguarding national information and networks, and promoting cooperation, coordination, and information-sharing among various entities in the field of cybersecurity. Additionally, the strategy aimed to foster a culture of cybersecurity that promotes the safe and responsible use of cyberspace.

Further advancing its cybersecurity agenda, Kuwait issued Decree No. 37 of 2022 establishing the National Cybersecurity Center. The Center's goal is to build an effective, organized cybersecurity system at the national level, equipping the state to efficiently combat cyber threats and ensuring the sustainability of operations, protecting vital interests in cyberspace, and promoting a culture of cybersecurity. It is also tasked with safeguarding and monitoring vital assets and networks, as well as developing national strategies, policies, and plans to address the risks and threats unique to this vital field.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate of Viet Nam to deliver their statement. You have the floor.

**The Delegate of the Socialist Republic of Viet Nam:** Madam President, distinguished delegates, first of all, our delegation would like to thank the Secretariat for the report on the topic “International Law in Cyberspace” which has provided us with updated information on the recent effort of the Ad hoc Committee in the process of developing an international legally binding Convention against Cybercrime.

Madam President, cybersecurity is a critical issue in today's interconnected world, and cooperation between countries is essential to ensure a peaceful, secure, and human-centered cyberspace. It is imperative that countries collaborate at national, regional, and global levels to promote an open and friendly ICTs environment. Such cooperation should meet the legitimate and legal rights of countries, organizations, and individuals.

At the heart of this effort is the need to continually improve the international legal framework governing cyberspace, cybersecurity, and the fight against cybercrime. This can only be achieved through multilateral fora, with the United Nations playing a central role. A consensus-based approach is vital to facilitate effective international cooperation and to address the evolving nature of cyber threats.

Madam President, Viet Nam welcomes the adoption of the draft United Nations Convention against cybercrime by the Ad Hoc Committee. This marks a significant step towards the UN General Assembly's eventual adoption of the Convention, which will establish the first global legal framework aimed at combating cybercrime. Once in effect, this Convention will provide a robust foundation for countries to work together in responding to the growing challenges posed by cybercrime.

One of the most notable provisions in the draft Convention is its emphasis on technical assistance, capacity building, and technology transfer, particularly tailored to the needs of developing countries. Given the borderless nature of cybercrime, this mechanism will help strengthen the scientific and technological capabilities of these nations, enabling them to respond more effectively to cyber threats. Ultimately, this will contribute to creating a healthier and safer global cyber environment, benefitting us all.

Madam President, Viet Nam stands firm in our determination to promote an open, secure, stable, accessible, interoperable, and peaceful global cyberspace. As we navigate the complexities of the digital age, it is imperative that we establish a robust international legal

framework for ICT security. We believe that the current United Nations Open-Ended Working Group (OEWG) on ICTs provides an important platform for early discussions and the development of such a framework. This will ensure that we address the evolving challenges in cyberspace with a unified and effective approach. I thank you Madam President.

**President:** Thank you very much for the statement. Now, I would like to invite the distinguished delegate of Japan to make the statement.

**The Delegate of Japan:** Madam, President, thank you very much for the floor. Madam President, distinguished delegates, Japan concurs with an importance of deepening the discussion on how international law applies to cyber operation. Japan recognizes the importance of maintaining the balance between control based on territorial sovereignty and freedom of data flow as discussed in the treaty negotiation in the UN Ad Hoc Committee.

Regarding the draft UN Convention against Cybercrime, 7 sessions of negotiations took place since February 2022, and it is expected that the draft treaty will be submitted to the General Assembly in this term and adopted by the General Assembly later. Japan carefully follows the development of the process.

It is more appropriate to discuss the issue of the convention at the UN. On the other hand, at AALCO, we may focus on discussing how existing international law, including the UN Charter, applies to cyber operations based on discussions in the UN GGE and OEWG.

As it have been confirmed repeatedly in past UN GGE and OEWG reports, existing international law including the UN Charter is applicable to cyberspace. Going forward, Japan believes it is important to deepen the discussion on how international law applies to cyber operations such as application of state responsibility, breach of sovereignty, due diligence, international humanitarian law etc.

For example, on international law applicable to cyber operations during peacetime, Japan believes that a common understanding that cyber operations, which may cause physical damage against critical infrastructure, will not be tolerated under international law should be fostered. Japan thinks we should deepen our understanding on how international law applies to cyberspace.

Madam President, in the cybersecurity field, it is important to advance efforts to support regional capacity building, including those not related to international law. Japan has been supporting capacity building mainly in ASEAN. In the ASEAN-Japan Cybersecurity Policy Meeting, which has been held since 2009, we have promoted step-by-step efforts ranging from capacity building of cybersecurity authorities to industry-government-academia collaboration for critical infrastructure protection and have facilitated profound network building.

Japan has also contributed to the Cybersecurity Multi-Donor Trust Fund, a new fund launched by the World Bank in 2021 specifically for cyber security, to support its activities including provision of knowledge, technical cooperation, and practical tools to support cyber and digital security capacity building.

In addition, stakeholders such as the private sector and academic institutions are very important in capacity building. One of the goals of Japan's capacity building assistance is to conduct responsible cyber operations through multi-stakeholder efforts that include the private sector, academia, and the technical community. There are many useful seminars and programs offered by these stakeholders. In Japan, for example, the Japan International Cooperation Agency (JICA) provides capacity-building support such as "Cyber Attack and Defense Exercise" and "Capacity Building in International Law and Policy for Strengthening Cyber Security

Measures" in which multiple stakeholders participate as lecturers and others. Thank you Madam President.

**President:** Thank you very much for your statement. I would now like to invite the distinguished delegate of the People's Republic of China to deliver their statement. You have the floor.

**The Delegate of the People's Republic of China:** Thank you Madam President. First of all, I would like to join the previous speakers by thanking the delegation of Iran for proposing the inclusion of this very important issue in our agenda this year. My thanks also go to the Secretariat for the comprehensive report.

Nowadays, human society has advanced into a cyber plus AI age, while the development of international law is lagging. AALCO member states should participate in the discussion and negotiation on the international governance and rules in cyberspace, in a more active manner, to safeguard our common interest in this Era of digital and AI technologies.

On 8<sup>th</sup> August 2024, in New York, the UN Convention against Cybercrime had been adopted by the Ad Hoc Committee unanimously. This is the first UN Convention in cyberspace. It is also an important UN Convention in the area of criminal justice and crime prevention, establishing a practical and balanced legal framework for countering cybercrimes globally. What's more important, this Convention is initiated by developing countries, including China. During the negotiation process, Asian and African countries played an essential role and made substantial contributions to the successful adoption of the Convention. In this Convention, Chapter VI Prevention Measures and Chapter VII Technical assistance and information exchange are proposed by developing countries, which fully reflect the needs and concerns of the developing countries.

The Convention is a victory of multilateralism, and a victory for Global South. The Convention will come into force after ratification by 40 countries. China looks forward to working closely with all AALCO member states to bring this Convention into effect as early as possible. Furthermore, as agreed by the Ad Hoc Committee, we will continue negotiation on an additional protocol on criminalization after two years of the adoption of the Convention. We call upon AALCO member states to actively take part in the negotiation of the protocol. Together, we can take one more step in enhancing the international legal framework on countering cybercrimes. Thank you Madam Chair.

**President:** Thank you very much for your statement. I would like to invite the distinguished delegate of Indonesia to present their statement.

**The Delegate of the Republic of Indonesia:** Thank you Madam President. Under the agenda of International Law in Cyberspace, Indonesia would like to convey our views on the updated draft of the United Nations Convention against Cybercrime, as well as highlight the development of our national legal framework.

The reconvened concluding session of the United Nations (UN) Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes ("AHC"), on 8<sup>th</sup> August 2024 has reached an agreement to finalize the "Draft United Nations convention against cybercrime; strengthening international cooperation for combating certain crimes committed by means of information and communications technology systems and for the sharing of evidence in electronic form of serious crimes".

The latest draft has quite sufficiently included balanced disciplines by covering important areas, such as international cooperation, cybercrime prevention, serious crimes, child protection, as well as protection of human rights.

The draft text of the treaty will be submitted to the UN General Assembly for formal adoption later this year. If successfully adopted, this convention will be the first legally binding global instrument on cybercrime.

Madam President, Indonesia also commends the work of the Open-Ended Working Group (OEWG) on Security of and in the Use of Information and Communication Technologies, including the establishment of the Global Points of Contact (POC) Directory.

We believe that optimization of the Global POC Directory is essential as it could facilitate communication and coordination between countries, strengthen trust-building measures, improve incident response capabilities, support capacity-building initiatives, and promote international cooperation and information exchange in handling information and communication technology (ICT) incidents.

This directory serves as a centralized platform for sharing contact information, enabling efficient communication, rapid response to incidents, and the exchange of technical information and best practices. In addition, this directory could also build trust, transparency, and mutual understanding between countries, contributing to a safer and more stable ICT environment. It could open a wider scope of information sharing between countries, not only limited to handling cyber incidents but also the latest potential cyber threats to occur in cyberspace, as well as experience in dealing with an incident so that other countries can learn and minimize the threat from happening again.

Indonesia also attaches great importance on transfer of knowledge on cybersecurity by sharing knowledge, skills, and technology between countries, organizations, and individuals to strengthen cybersecurity capacity. This includes training, workshops, research collaborations, and sharing of best practices. With effective transfer of knowledge, developing countries, in particular, can improve their technical capabilities in detecting, preventing, and responding to cyber threats.

Therefore, we are of the view that it is also necessary to continue encouraging developed countries to support developing and underdeveloped countries in increasing ICT capacity and implementing responsible state behavior in the use of ICT through tailored capacity building, including sharing knowledge, skills, and technology.

Capacity building is essential to improve the ability of individuals, organizations, and countries to address cybersecurity challenges. This could include technical training, policy and infrastructure development, as well as the establishment of international partnerships. Effective capacity building should ensure that all parties have the resources and knowledge needed to protect critical infrastructure and sensitive data.

Madam President, as for our regulatory framework, last year Indonesia has enacted the Presidential Regulation in the year 2023 on the National Cyber Security Strategy (NCSS), which aims to protect the national digital economic ecosystem, enhance cyber security capabilities, and uphold national interests and support an open, safe, stable, and responsible global cyber space.

The NCSS focuses on these 8 following areas of governance; risk management; resilience and preparedness; enhancing the protection of vital information infrastructure; national

cryptography self-reliance; enhancing capability, capacity, and quality; cyber security policy; and international cooperation.

Furthermore, Indonesia through its National Cyber and Crypto Agency has established the National Action Plan on Cyber Security 2024 – 2028 (NAPCS 2024 – 2028) to implement the NCSS. This Action Plan underlines the importance of quad helix collaboration between the government, business sector, academics, and community. It also includes several measures to combat cybercrimes, such as:

1. Promoting cyber security awareness to address the rising trend of cybercrime;
2. Establishing protection program for women and children, elderly, and person with disability in cyber space to address cybercrime targeted to vulnerable group; and
3. Establishing coordination forum for law enforcers to respond to cyber incident, as well as integrated legal complaint service program, which is safe and accountable.

In principle, Indonesia encourages the use of an open, secure, and peaceful cyberspace for all stakeholders under inclusive and tolerant principles. Indonesia also supports the implementation of international law in cyberspace and underscores the importance to promote international collaboration through constructive dialogues to address cybersecurity threats. With that, I thank you Madam President.

**President:** Thank you very much for your statement. Now I would like to invite the distinguished delegate from the Republic of Korea to deliver their statement.

**The Delegate of the Republic of Korea:** Thank you Madam President for giving me the floor. We appreciate the opportunity to speak on this important topic of international law in cyberspace. My delegation would like to thank the AALCO Secretariat for preparing the excellent report on this agenda item. We believe that cyberspace is governed by the established principles of international law, including the Charter of the United Nations. As a responsible member of the international community, we recognize that adhering to these legal frameworks is the first crucial step toward strengthening global cooperation on cybersecurity. This, in turn, would provide a solid foundation for future progress in this field.

The rapid growth of cyberspace presents us with unprecedented opportunities and complex challenges. We need to address new legal questions. In particular, the anonymous and transboundary nature of cyberspace poses unique challenges that require careful consideration and detailed discussions in legal forums. In this context, we welcome the adoption of the UN Convention against Cybercrime this past August. It is noteworthy that all UN Member States participated in the process of shaping this important convention. We believe this demonstrates the global consensus on the need for stronger legal instruments to tackle cybercrime. We anticipate that this convention will serve as a widely accepted and effective tool. It will significantly contribute to the establishment of a comprehensive international framework for combating cybercrime.

With the convention's entry into force, the Republic of Korea looks forward to the benefits of transboundary legal assistance in cybercrime investigations and prosecutions. This cooperation will greatly enhance our ability, and that of other Member States, to investigate, prosecute, and adjudicate cross-border cybercrimes effectively.

The Republic of Korea will continue to work closely with the global community to further develop the legal frameworks in this critical area. Thank you, Madam President.

**President:** Thank you very much for your statement. Now, I turn to the distinguished delegate of Iraq to make their statement. You have the floor.

**The Delegate of the Republic of Iraq<sup>2</sup>:** In light of the rapid digital developments, Iraq, through its National Cybersecurity Strategy, is striving to enhance cybersecurity and safeguard its vital information infrastructure. The strategy aims to create a safe and reliable cyber environment that protects the national assets and interests, and enhances opportunities for economic development and digital innovation. Iraq has taken various legislation and administrative measures to ensure the achievement of this goal.

The most important of these are as below:

- Iraq has enacted several laws to protect cyberspace, such as the Information Crimes Law, which addresses cyber-attacks such as cyber espionage, hacking, and sabotage operations targeting the government websites and digital infrastructure. It issued laws to combat cybercrimes such as electronic fraud, and enhance data protection and privacy in an increasingly digital environment.

- Establishment of National Cyber security Centres: The Iraqi government has established specialized units to monitor cyberspace, such as the Cyber Emergency Response Teams (CERT), which monitor constantly cyber threats. In addition, training programs are implemented for employees in the both government and private institutions on how to confront and reduce cyber threats. Public awareness campaigns are also conducted to educate citizens about cyber security.

Iraq is working to enhance its cooperation with the international community and institutions specialized in cyber security, such as the United Nations and regional organizations. This collaboration focuses on exchanging information and developing best practices to address increasing cyber threats.

These measures aim to secure the Iraq's cyberspace and protect the citizens and the national economy from cyber threats, in addition to enhance the digital governance and support the country's digital transformation.

The National Cybersecurity Strategy outlines a clear roadmap for Iraq to achieve a digital economic integration by ensuring a secure cyberspace. This strategy is vital for bridging gaps in trade, innovation, education, and mobility, which will contribute to reducing poverty and boosting Iraq's digital economy.

Additionally, the strategy addresses cyber risks that threaten national security. It includes plans to confront expected and unexpected risks resulting from Iraq's interconnectedness with countries of the world.

- Countering cyber threats:

Iraq's cyberspace faces significant threats, including sabotage attacks targeting the government websites, fraudulent operations, hacking, and coordinated espionage. These activities pose serious economic damages and threaten the national security. Addressing these threats requires a robust cyber security framework that offers a comprehensive understanding of the current and future cybersecurity landscape in Iraq.

---

<sup>2</sup> Statement was delivered in Arabic. The Secretariat acknowledges with gratitude the official translation provided by the Delegation of the Republic of Iraq.

Finally, the enhancing of cyber security and protecting of the digital infrastructure are the top priorities of the Iraqi government. To build a secure cyber environment, it requires collective efforts of the all parties (government, private sector, and citizens). Together, these stakeholders can ensure a safe and sustainable future for Iraq in the digital age.

**President:** Thank you very much for your statement. Now, I turn to the next speaker, which is the distinguished delegate from India. You have the floor.

**The Delegate of the Republic of India:** Madam President, India welcomes the initiative of Islamic Republic of Iran for introducing the topic of ‘International Law in Cyberspace’ for discussion. Cyberspace represents a complex and evolving environment that extends beyond the traditional realms of land, sea, air, and space. Its distinctive characteristics introduce both unique opportunities and significant challenges. The absence of physical boundaries and the anonymity of users in the cyber domain possess a challenge to the recognized concepts of sovereignty, jurisdiction, and privacy. Cybersecurity laws, policies, and practices should align with international law. In light of these obligations, it is crucial for States to engage in meaningful discussions on how international law applies in cyberspace.

Madam President, we believe that there is a growing need for international instruments to address threats from cyberspace. Currently, the international law is not well positioned, for instance, to support responses to cyberattacks, especially against critical infrastructure, information and financial systems, and government networks. India has been participating in UN-mandated cyber processes and consultations that support a global, inclusive and transparent intergovernmental participation with the objective of realizing a safe and secure cyberspace. We believe a multi-stakeholder collaboration is essential to be informed of and understand the emerging threats in cyberspace.

Madam President, towards achieving uniformity in bringing laws to counter cybercrime and harmonizing cyber security benchmarks, best practices and regulations, India has actively engaged in the negotiation of the “Draft UN Convention against cybercrime; strengthening international cooperation for combating certain crimes committed by means of information and communications technology and for the sharing of evidence in electronic form of serious crimes” that was adopted by the Ad Hoc Committee on Cybercrimes recently, established under the UNODC framework. However, in order to develop an effective legal order in cyberspace, it is important the Convention is adopted by consensus. We are confident that the discussions here will provide greater clarity and relevant guidance for the member States of AALCO to address the issues in cyberspace. Thank You Madam President.

**President:** Thank you very much for the statement. Now, I invite the distinguished delegate from the Kingdom of Thailand to deliver their statement. You have the floor.

**The Delegate of the Kingdom of Thailand:** Thank you very much Madam President. Excellencies and distinguished delegates. It is an honor to address this assembly on the critical issue of international law in cyberspace. In today’s digital age, the opportunities for progress are immense but so are the threats posed by cyber operations that undermine international security. It is essential that we work together to uphold international law in cyberspace.

First, we affirm that existing international law including the UN Charter applies to State behavior in cyberspace. Respect for sovereignty remains a core principle. States must refrain from conducting cyber operations that violate the territorial integrity or political independence of other nations. The prohibition of the use of force applies equally in cyberspace. Cyber operations that result in significant harm to infrastructure or populations may be viewed as acts of force and we must ensure that cyberspace does not become a battleground. Non-intervention



is critical. Cyber operations designed to interfere in the internal affairs of other States violate international norms and we must work to prevent such actions. Also, Thailand fully supports the norms of responsible State behavior in cyberspace. These norms endorsed by the UN include protecting critical infrastructure and fostering cooperation among nations. Thailand is committed to implementing these norms and encourages all States to do the same as they complement the principles of international law.

Cybersecurity is not only a legal matter but also a matter of building capacity. Thailand is committed to regional and international cooperation to enhance cybersecurity capabilities, particularly through capacity-building initiatives. We also underscore the importance of confidence-building measures (CBMs) to promote transparency and reduce the risks of cyber conflicts.

While challenges such as the rapid pace of technological development and attribution difficulties remain, they should drive us toward greater cooperation. Thailand strongly supports continued dialogue in forums such as the UN Open-ended Working Group (OEWG) where nations can build a common understanding on how international law applies to cyberspace.

In conclusion, Thailand is committed to promoting a secure, stable and peaceful cyberspace by upholding international law and norms of responsible behavior. Together, we can ensure that cyberspace remains a force for progress, free from conflict and we look forward to continuing our cooperation with our Asian and African partners to address these shared challenges. Thank you very much.

**President:** Thank you very much for that statement. I have exhausted the list of Member States. Now I move on to non-Member States. The Russian Federation has requested the floor so I invite the distinguished delegate of the Russian Federation to deliver their statement.

**The Delegate of the Russian Federation:** Madam President, dear colleagues, please allow me to express sincere gratitude for the opportunity to take part in the deliberations regarding development of legal frameworks in the area of information and communications technologies (ICTs). We would like to thank our Iranian colleagues for introducing this item to the agenda and, of course, praise all the support expressed along the way for the advancement of respective initiatives launched by the Russian Federation together with our partners in the UN.

Adoption of the Draft Convention on Countering the Use of ICTs for Criminal Purposes by the Ad Hoc Committee on Cybercrime in August was certainly a major event. This mechanism could have not succeeded without dedicated efforts of its co-sponsors — to a large extent those present in this room.

The Convention is aimed at upholding the key principles enshrined in the UN Charter, primarily the sovereign equality of States and non-interference. This document paves the way for various new streams of work dedicated to creating a fair international cybersecurity system. We firmly believe that it must be built on the principles of equality, mutual respect, trust, and consideration of all States' interests. At the same time, we do share concerns voiced by the Iranian delegation on human rights provisions in the text.

As rightly mentioned in the background brief for the present deliberations, the Ad Hoc Committee process is, however, “not the sole mechanism currently underway to arrive at a common understanding on the international law applicable in cyberspace at the global level”.

It should be stressed in that regard that the United Nations Open-ended Working Group on security of and in the use of ICTs 2021–2025 (OEWG) remains the first and only inclusive, open, transparent and truly democratic negotiating mechanism in this area. We should therefore

focus on continuing an in-depth study of all controversial issues concerning legal regulation of the ICT-sphere under the OEWG auspices.

For that reason, I have to draw your attention to one particular point. As you may know, the 34th International Conference of the Red Cross and Red Crescent will be held in Geneva next month. We attach great importance to this event that will cover a lot of different crucial issues. However, its preparation is marked by a controversy over one of the draft resolutions entitled “Protecting civilians and other protected persons and objects against the potential human cost of ICT activities during armed conflict”.

The draft resolution is focused on the issue of applicability of international humanitarian law (IHL) in the sphere of international information security. However, it fails to duly recognize the central role of the Open-ended Working Group, its unique mandate and ongoing work on that subject matter. As for the substance, there are various elements in the text that are based on the concept of automatic and full applicability of IHL in the “cyber domain”.

For instance, a number of provisions on IHL principles (namely, those of necessity, proportionality, distinction and precaution) do not correspond to the unique nature of ICTs. It ignores that respective norms of IHL are specifically linked to conventional means and methods of warfare. A new concept of “ICT-enabled information operations in armed conflicts” also goes way beyond in our opinion existing IHL legal frameworks. Language on risk mitigation by private technology companies, in its turn, may be easily misused to deny access to ICT resources and undermine global connectivity. Lastly, the draft seeks to operationalize an initiative on “digital emblems” which still lacks universal recognition.

I would like to encourage everyone to closely look at this draft resolution and join efforts in mitigating the risks including duplication it might create for the process of ICTs at the OEWG in the UN. We stand ready to share additional information if needed.

Let me conclude by saying that Russia is convinced that contribution to the UN mechanisms aimed at promoting peaceful use of ICTs and ensuring respect for international law is key to our mutual security and prosperity. We are pleased to see that AALCO continues to play a vital role in advancing this approach. Thank you Madam Chair.

**President:** Thank you very much. I think this topic is very timely and I think the floor has touched upon a very important and key issue, which is capacity building. I noticed that most delegates touched on this very important matter. Cyberspace itself is very broad. There are issues concerning cybercrimes, which is for financial and material gain and there are issues of cybersecurity, which is using cyber as a means, and methods of warfare. AALCO is very well positioned to actually address this issue as a forum. Before we close, I would request ICRC to make their statement.

**The Delegate of the International Committee of the Red Cross (ICRC):** Thank you very much Madam President for allowing me to say a few words. Let me stress once again the risk of the potential human cost of ICT activities during armed conflict including for example medical services and humanitarian relief, which has been shared as a concern by many delegates. Since 2021, States have repeatedly underscored that recalling IHL in the ICT environment by no means legitimizes armed conflict. Delegations have rightly emphasized that IHL does not prevent armed conflict. Indeed international law obligations to prevent armed conflict and maintain peace and security are set out in the UN Charter.

The precious humanitarian consensus that war has limits must persist when new means and methods of warfare are used. Your populations, the communities that delegations in this room represent need this protection.

Discussions have given impetus for a growing number of States to express their views on the application of international law including IHL to the use of ICTs. Various national and regional statements including the recently published Common African Position for which we express strong support and appreciation shows that building common understanding is possible.

Recognizing IHL applicability does not preclude discussions on additional binding obligations. As we have repeatedly stated if existing rules of IHL are interpreted in ways that undermine the protective function of IHL in the ICT environment by leaving unaddressed the new kinds of harms resulting from the use of ICTs during armed conflict, additional rules will need to be developed to strengthen the existing legal framework so as to ensure that it remains adequate in light of the digitalization of armed conflicts. Thank you.

**President:** Thank you very much for your statement. Not only capacity building is necessary but also partnerships between public and private entities is also important. Discussing cyberspace issues including state responsibility issues including questions of attribution is other matter. Issues of human rights and due diligence are also important i.e. not allowing a State's territory to be used for cyber operations against another State. These are some issues under discussion. I urge, as we move forward with the years' work for AALCO, if State's are interested to engage on many of these very interesting topics. I am sure that Thailand will be most interested in engaging with such conversations. I think there are no more requests. We are doing very well on time. I thank you very much for the interesting statements that were made on this very important topic and I would like to say that we also have the drafting committee that was scheduled for 5 PM. If States were willing, I would propose that the Drafting Committee meet right after the plenary is adjourned so that we can continue the work and have a lovely evening and dinner. So tomorrow's deliberations will begin with the Third Meeting of Delegations of the AALCO Member States, which will start at 9 AM and will continue until noon. This meeting is exclusively for Member States. Non-Member States and Observer Organizations may join us at the concluding session at 1 PM. With that, I thank you all for today's deliberations and I adjourn the meeting. Good evening.

**The meeting was thereafter adjourned.**



**XVIII. VERBATIM RECORD OF THE THIRD  
MEETING OF DELEGATIONS OF THE AALCO  
MEMBER STATES**



**XVIII. VERBATIM RECORD OF THE THIRD MEETING OF DELEGATIONS OF THE AALCO MEMBER STATES HELD ON FRIDAY, 13 SEPTEMBER 2024, AT 9:00 AM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**AGENDA ITEM: SIXTH AALCO OPEN ENDED WORKING GROUP MEETING ON INTERNATIONAL LAW IN CYBERSPACE**

**President:** Good morning, Excellencies, Distinguished Delegates, Ladies and Gentlemen. Welcome to the final day of the Sixty-Second AALCO Annual Session hosted by the Government of Thailand and to the Third Meeting of Delegations of the AALCO Member States. This meeting is exclusively for Member States. May I request all the non-Member States and observers to join us for the concluding session at 1 PM. The Drafting Committee meeting will start at 10:30 AM and run in parallel with this meeting. We are honoured to give the floor to the Secretary-General of AALCO H.E. Dr. Kamalinne Pinitpuvadol. Your Excellency. You have the floor.

**Secretary-General:** Madam President, distinguished delegates. I take this opportunity to welcome each one of you to the Sixth AALCO Open-Ended Working Group (OEWG) on Cyberspace being organized as part of the plenary proceedings at the Sixty-Second Annual Session of AALCO. The topic ‘International Law in Cyberspace’ has been a topic of interest for AALCO ever since its introduction on the agenda of AALCO in the Fifty-Third Annual Session of AALCO held in Tehran, Islamic Republic of Iran in 2014.

We have had five OEWGs in the past where various aspects of international law in cyberspace like peaceful use of cyberspace, international cooperation in combatting cybercrime, regulation of harmful online content and data sovereignty among other aspects have been discussed by Member States. AALCO Member States have actively participated in the OEWG’s and diverse opinions on topics have been expressed in the past reflecting the complexity of the topic and the need to apply international law principles to cyberspace.

I am pleased to note that this year, the topic ‘International Law in Cyberspace’ was been re-introduced in the agenda of AALCO as a substantive agenda item for the Sixty-Second Annual Session on the proposal made by the Islamic Republic of Iran. The OEWG is part of the Plenary of the Annual Session this time and it gives an opportunity for Member States to have deeper discussions on this matter. We greatly benefitted from the Advance Report shared by the Special Rapporteur, which will form the basis of our discussions today.

The AALCO OEWG on Cyberspace is a Member-State driven process. Member States are encouraged to engage with the Special Rapporteur to enhance our collective understanding on the topic in this informal structure. As we all know, there are a large number of aspects in cyberspace where clarity on the nature and manner of applicability of legal principles remains unclear. The purpose of the OEWG is to help us examine these nuances and complexities.

I am honoured to note that the Islamic Republic of Iran as the Chair has been playing an important role steering the OEWG. Needless to mention, the contribution of the Chair has been invaluable in the process and we look forward to the Chairperson’s Report that will be presented in the plenary. I take this opportunity to thank Prof. Huang Zhixiong of the People’s Republic of China for his role as the Rapporteur of the OEWG. He is a renowned scholar in

this field and we all look forward to his presentation that will steer the course of our deliberations today.

The AALCO Secretariat is happy to support this platform and we hope that the Sixth OEWG on cyberspace will be a fruitful exercise for our Member States. With this, I hand over the proceedings to the Chair to take the proceedings forward. Thank you.

**H.E. Dr. Seyed Ali Mousavi, Director-General of the Department for International Legal Affairs, Ministry of Foreign Affairs of the Islamic Republic of Iran and Chair of the AALCO OEWG on International Law in Cyberspace:** His Excellency Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO, Deputy-Secretaries General of AALCO, Distinguished Delegates, Ladies and Gentlemen and particularly the President of the 62nd Annual Session of AALCO.

I thank the Secretary-General for his introductory address. The address by the SG has set the stage for the Sixth Meeting of the AALCO Open-ended Working Group on International Law in Cyberspace. The Islamic Republic of Iran as the Chair welcomes each one of you to this meeting and hopes that the deliberations today being held on the sidelines of the Sixty-Second Annual Session of AALCO in the beautiful city of Bangkok, Kingdom of Thailand will be of immense value and significance to AALCO Member States. Going forward, we will be astutely listening to the presentation made by Prof. Huang, Special Rapporteur of the AALCO Working Group on International Law on his report. The advance version of the report was sent to the Member States in August 2024 by the AALCO Secretariat and we now have the opportunity for a direct interaction with the Special Rapporteur.

As always, Member States are invited to share their thoughts and ideas on the topic and we will have a dedicated session for your views after the presentation. The outcome of today's meeting will be captured in the Chair's Report and will be an official part of the proceedings of the Sixty-Second Annual Session.

I take this opportunity to dwell a bit on the history of the OEWG process in AALCO. During the deliberation of the Agenda Item "International Law in Cyberspace" at the Fifty-Fourth Annual Session held in Beijing, China in April 2015, Member States decided to establish an Open-Ended Working Group on International Law in Cyberspace.

The First Meeting of the Open-Ended Working Group on International Law in Cyberspace took place during the Fifty-Fifth Annual Session of AALCO on 19<sup>th</sup> May 2016.

The meeting was chaired by H.E., Mr. Hossein Panahi Azar, then Director-General for International Legal Affairs, Ministry of Foreign Affairs, Islamic Republic of Iran. Delegates addressed crucial aspects of the topic, including State sovereignty in Cyberspace, applicability of international law in cyberspace, state practice and cooperation for combating cybercrimes in a highly productive session, in addition to discussing the future work of the Working Group.

Prof. Zhixiong Huang of Wuhan University Law School, of the People's Republic of China was elected the Rapporteur of the Working Group in this meeting.

The Second Meeting of the Open-Ended Working Group on International Law in Cyberspace took place at the AALCO Headquarters in New Delhi, from 9<sup>th</sup>-10<sup>th</sup> February 2017.

Twenty-three Member States of AALCO participated in the meeting. Six sessions were held during the 2-day meeting. The sessions dealt with four substantive topics: a) Sovereignty in Cyberspace: Balancing Rights and Obligations, b) Law and Governance in Cyberspace, c) Cyber Warfare: Legal Implications and d) Cybercrimes and International Law.



During the Fifty-Sixth Annual Session held in Nairobi, Kenya, in 2017, Member States again discussed the topic International Law in Cyberspace. Significant aspects of the subject were touched upon in the discussions and the Chairperson, Mr Panahi Azar, presented a Summary Report of the second meeting of the Open-Ended Working Group on International Law in Cyberspace. The resolution adopted during the Annual Session, inter alia, directed the Rapporteur of the Open-Ended Working Group on International Law in Cyberspace to prepare a Report based on discussions that have taken place till date among the Member States, and the Special Study prepared by the Secretariat, laying down a future plan of action for the Working Group.

Prof. Zhixiong Huang, Rapporteur of the AALCO Working Group on International Law in Cyberspace, prepared a “Report on the Future Plan of Action of the Working Group Meeting, based on the mandate received from the Nairobi Annual Session. This report was sent to all Member States by the Secretariat on 5<sup>th</sup> April 2018 for their comments and observations. Comments on the Rapporteur’s Report were received from 4 Member States: Islamic Republic of Iran, People’s Republic of China, Japan and the Islamic Republic of Pakistan. Based on the comments, a revised Report of the Rapporteur was again sent to all Member States on 6<sup>th</sup> August 2018 for their comments and observations.

The Third Meeting of the Open-Ended Working Group took place during the Fifty-Seventh Annual Session of AALCO, held in Tokyo, Japan on 8<sup>th</sup> October 2018.

Twenty-Four Member States participated in the Working Group, which deliberated on the report of the Special Rapporteur.

The Report of the Special Rapporteur, discussed in the Third Meeting of the Open-Ended Working Group was divided into 3 parts: a) Development of International Law in Cyberspace; b) Progresses within AALCO so far; and c) Suggestions as to the Future Plan of Action of the Working Group. It is important to mention that this report was prepared based on the comments and observations received from Member States.

In the first part, the Report highlighted the work of the UN Group of Governmental Experts on Developments in the field of Information and Telecommunications in the Context of International Security (UNGGE), and the Open-Ended Intergovernmental Expert Group established by the Commission on Crime Prevention and Criminal Justice (CCPCJ). He also mentioned the Draft UN Convention on Cooperation in Combating Information Crimes, which was submitted by the Russian Federation to the UN General Assembly as an UN official document.

In the second part, the Report highlighted the progress made by AALCO in incorporating the topic ‘international law in cyberspace’ as a regular agenda item, which was witnessing interesting discussions over the last few years.

As regards the third part, thrust was placed on facilitating greater co-operation between AALCO Member States in combatting cybercrimes and deeper discussions on State sovereignty in cyberspace in addition to the possibility of adopting a potential ‘Declaration on Principles of International Law in Cyberspace’, that would summarize and identify core and common position of AALCO Member States on cyberspace, such as respecting State sovereignty in cyberspace among other aspects.

The Third Meeting of the Open-Ended Working Group concluded acknowledging the diverse views expressed on the discussed topics, while highlighting the continued relevance of the topic for AALCO Member States.

The Fourth Meeting of the Open-Ended Working Group on International Law in Cyberspace was held from 2<sup>nd</sup>-4<sup>th</sup> September 2019 at Hangzhou, China.

The Meeting attended by ten Member States of AALCO. These included the People's Republic of China, Islamic Republic of Iran, Republic of Iraq, Japan, Pakistan, State of Qatar, Kingdom of Saudi Arabia, Kingdom of Thailand, United Arab Emirates (UAE) and the Socialist Republic of Viet Nam. Representatives of the International Committee of the Red Cross (ICRC) were also present as observer.

The meeting discussed the Rapporteur's report on the outcome of the Member States' responses to the questionnaire. The questionnaire, consisting of 38 questions, was prepared by the Rapporteur, and circulated among the Member States, to which responses from 11 Member States were received.

This was followed by substantive discussions on four topics, namely, a) international cooperation for combating cybercrime, b) data sovereignty, trans border data flow and data security; c) regulating online harmful content; and d) peaceful use of cyberspace.

The Chairman of the Open-Ended Working Group (OEWG), H.E. Dr. Abbas Bagherpour Ardekani, suggested two important actions to the Member States. Firstly, he recommended that Member States actively respond to the Rapporteur's questionnaire, which was circulated to prepare a report on the "Special Need of the Member States for International Cooperation against Cybercrime," as per the mandate received during the Fifty-Seventh Annual Session of AALCO in Tokyo in 2018. In line with this, the Secretariat reissued the questionnaire to request responses.

Secondly, the Chairman proposed that Member States seek guidance and assistance from the Secretary-General in creating a non-binding general document, a preliminary draft outlining the fundamental principles of international law applicable in cyberspace that would be agreed upon by consensus. He sought the opinions of Member State delegates on this proposal. Support for this idea was expressed by delegates from the UAE and the Islamic Republic of Iran. The delegate from the People's Republic of China also strongly supported this proposal and encouraged Member States to collaborate with the Secretary-General and the Secretariat in drafting the document.

Following the Chairman's second proposal, the Secretary-General prepared a draft of these non-binding, non-exhaustive consensual basic principles of international law applicable in cyberspace. This draft was based on the work of the OEWG Rapporteur and various efforts within the United Nations and other relevant international organizations. The drafted proposal was then circulated to Member States for their input. The Secretariat received comments on the first draft from four Member States (Qatar, People's Republic of China, India, and Japan), as well as one observer (ICRC). The comments generally supported the draft and offered constructive suggestions for further elaboration, addition, and modification to ensure that it accurately represented the positions and shared perspectives of AALCO Member States and aligned with current international practices in this field.

Based on the feedback received, the Rapporteur created a second draft of the document, which was finalized on 26<sup>th</sup> July, 2021. This revised draft was then sent to Member States for their comments. To date, eight Member States, including Japan, the Republic of the Philippines, Malaysia, the Sultanate of Oman, the Islamic Republic of Pakistan, the State of Qatar, Mauritius, and the Republic of India, have provided feedback on the revised draft.

While some countries had expressed general support for the principles outlined in the draft document, they have also stressed the need for these principles to closely align with existing international law in the field. Specifically, they have referred to previous reports from the UN Group of Governmental Experts (GGEs) and the 2018 UN-mandated Open-Ended Working Group on Developments in the Field of ICTs in the Context of International Security (OEWG) as important sources of guidance.

Additionally, many countries had suggested changes to the draft, primarily focusing on improving its overall structure and clarity. Furthermore, several States have emphasized that since the intended nature of these principles is non-legally binding, they should avoid using legally binding terms such as "agree" and "shall" in the text.

The Fifth Meeting of the Open-Ended Working Group on International Law in Cyberspace was held on 15<sup>th</sup> October 2023 in Bali, Republic of Indonesia on the side-lines of the Sixty-First Annual Session of AALCO.

Fifteen Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Fifth Meeting of the Open-Ended Working Group on International Law in Cyberspace, namely, the Republic of Korea, Democratic People's Republic of Korea, Japan, People's Republic of China, Islamic Republic of Iran, Republic of Indonesia, Brunei Darussalam, Nepal, Singapore, Kingdom of Thailand, Socialist Republic of Viet Nam, Republic of South Africa, Malaysia, Yemen and the Republic of Türkiye.

The Special Rapporteur highlighted his role in developing the non-binding consensual basic principles of international law applicable in cyberspace in July 2021 and the importance of Afro-Asian perspectives in the field. It was agreed that the Special Rapporteur will be "updating his report containing the draft basic principles of July 2021" based on the comments and observations of Member States received at the Fifth OEWG and presenting them at the next OEWG.

It is in this backdrop that we begin the Sixth Meeting of the Open-Ended Working Group on International Law in Cyberspace based on the draft report prepared by the Special Rapporteur titled 'Recent Developments in the Field of International Law in Cyberspace'. A copy of the Draft Report is placed before you for your reference.

With this, I would like to conclude my introductory statement and hope that the Sixth Open-Ended Working Group meeting on International Law in Cyberspace is a successful one and collectively helps in laying down the path for the future Plan of Action of the Working Group.

I now call upon the Special Rapporteur to make his presentation. You have the floor sir.

**Prof. Zhixiong Huang, Special Rapporteur, AALCO OEWG on International Law in Cyberspace:** Thank you Chair. Distinguished delegates, it is great honour for me to present the draft report on the recent developments in the field of international law in cyberspace in my capacity as the Special Rapporteur of the AALCO Open-Ended Working Group on International Law in Cyberspace following the suggestion from the AALCO Secretariat. The purpose of the report as indicated in the title is to summarize and briefly discuss some of the recent developments in the field of international law in cyberspace both within and outside the AALCO. However, given the limited space of the draft report, I have to admit that it is virtually impossible to cover all the important developments in this new and dynamic field. In other words, it cannot be and does not intend to be comprehensive in scope.

Distinguished delegates, if you have the printed copy of the Draft Report from the Secretariat, you can see that the Draft Report consists of five parts. Part I provides an overview of

AALCO's engagement with the topic 'International Law in Cyberspace'. Part II introduces the drafting process and the substantive content of the consensual basic principles of international law applicable in cyberspace and the Explanatory Note. Part III elaborates developments in the field of international law in cyberspace in various multilateral forums. Part IV offers a general survey of recent national position statements in which States share their understanding on the applicability of international law in cyberspace. Part V tries to offer some suggestions to AALCO and its Member States based on the discussions.

His Excellency, the Chair has provided an excellent summary of AALCO's engagement with the topic 'International Law in Cyberspace' so I will skip over my first part and start from the second part, namely, the Consensual Basic Principles of International Law applicable in Cyberspace of AALCO and its Explanatory Note.

The origins of the Consensual Basic Principles can be traced to the eight non-binding, non-exhaustive consensual basic principles of international law applicable to cyberspace proposed by former Secretary-General, H.E. Dr. Kennedy Gastorn pursuant to the mandate of the Fourth Meeting of this Working Group held in Hangzhou, China in September 2019. As noted by the Chair, the Consensual Basic Principles had undergone several rounds of consultations, comments and revisions. To save time, I will not repeat that process.

In preparation for today's Working Group meeting, the Consensual Basic Principles were again revised and updated to reflect the international discussions relating to this topic in the past years, including the deliberations within the United Nations, the AALCO and other relevant international organizations. In view of the rapid developments of new and emerging technologies in cyberspace, the revised draft of August 2024 incorporates the applicability of artificial intelligence in cyberspace. Overall, the 15 principles outlined in the most recent draft primarily address fundamental principles of international law such as State Sovereignty, Non-Intervention, Peaceful Settlement of Disputes, Non-Use of Force and the Respect and Protection of Human Rights. While there is a general international consensus on the applicability of these principles, the special application of these principles in cyberspace remain open to various interpretations.

Additionally, the 15 Basic Principles cover issues such as State responsibility, due diligence, regulation of harmful content, protection of critical infrastructure, ICT supply chain integrity, transboundary data flow, building the digital divide, international cooperation in the fight against cybercrime, formulation of international digital trade rules and the peaceful use of new and emerging technologies in cyberspace as mentioned just now. Although, these topics have received global attention there is still a need to strengthen international consensus.

During the preparation of the Draft Basic Principles, it appears that most AALCO Member States support reflecting international consensus from other forums particularly discussions within the United Nations where unique contributions from Asian and African countries are covered internationally by having their interests factored in. In future discussion, I will try to strike a balance between the two based on inputs from Member States.

Turning to the third part on progress in various multilateral forums, it can be recalled that the topic of international law in cyberspace involves a number of complicated and controversial issues including how existing international law can be applied in cyberspace and whether the development of new treaties or non-binding norms of responsible State behaviour are specifically designed for cyberspace is needed. Recent years have witnessed much international deliberation on these issues in a number of forums particularly multilateral institutions like the United Nations. This part mainly focusses on three forums within the framework of the UN, which have had crucial impacts on the discussions of international law in cyberspace.

First is the UNGGE, which has convened six sessions during its existence from 2004 to 2021 and had produced four consensus reports contributing to international deliberations on international law in cyberspace. A landmark consensus report adopted by the UNGGE in June 2013 confirmed the applicability of international law particularly the Charter of the United Nations in the ICT environment, which in a sense paved the way for later international deliberations in this field. The UNGGE also paid great attention to the norms of responsible State behaviour in cyberspace. In particular, its consensual report adopted in July 2015 proposed 11 voluntary, non-binding rules for the responsible behaviour of States. In short, the UNGGE served as the most important international forum for discussing international law in cyberspace before it finished its mandate in 2021. However, its limited and controversial representativeness largely led to the emergence of a new forum, namely the UNOEWG which is the second forum discussing this topic. The UNOEWG was established for the purpose of allowing a wider range of States to participate directly in the discussion on international law in cyberspace. Many of you know, today two OEWGs have been established by the UNGA. The 2019-2021 OEWG, which co-existed with the last and Sixth UNOEWG and the 2021-2025 OEWG, which operated without the UNGGE. The GGE has now been replaced by the OEWG.

The First UNOEWG adopted its final substantial report on cybersecurity discussions in March 2021 with some helpful reaffirmations and clarifications. For example, on the applicability of international law including the Charter of the United Nations in cyberspace although consensus on the applicability of specific principles like State sovereignty and IHL was still rather limited.

The Second UNOEWG established in 2021 has adopted three Annual Progress Reports with some progress in confidence building measures, capacity building and official launch of the Global Points of Contact directory in May 2024. The ongoing debates include but are not limited to how IHL applies to cyberspace and what kind of obligations States have under the framework of responsible State behaviour in the use of ICTs. In brief, despite all the disagreements among States, the UNOEWG has provided an open-ended forum for all States to share their viewpoints, which hopefully will lead to cohesion of consensus before it releases its final report in 2025.

The Third is the Ad-Hoc Committee to negotiate a global convention against cybercrime. As the deliberations of AALCO focussed on this issue, I would just like to briefly recall that the draft text on the United Nations Convention against Cybercrime was unanimously adopted on 8<sup>th</sup> August 2024 and will be submitted to the General Assembly for consideration later this year. By establishing a legal framework and cooperation mechanism for the international community to address the threat of cybercrime, the adoption of the cybercrime convention marks a major breakthrough in combatting cybercrime at the global level. In order to solidify the valuable outcomes achieved through numerous negotiations, it is recommended that all States should consider signing and ratifying the UN convention against cybercrime at their earliest convenience.

Lastly, it should be recalled that progress has also been achieved in a number of inter-governmental forums beyond the UN such as the Association of South East Asian Nations, the Organization of American States, the African Union and other forums like the G20 and G7. Various multilateral stakeholder processes such as the Tallinn Manual Process and the Oxford Process has also played an important role in the field of international law in cyberspace. In the interest of time, I cannot elaborate further.

The Fourth Part of the draft report is national position statements on international law in cyberspace, which discusses that in recent times more and more States have begun to issue their national position statements on international law in cyberspace through written documents

or speeches by senior officials. By the end of July 2024, 39 such national position papers have been released. Among them 38 have been presented by individual States with the exemption of the Common African Position on the application of international law in cyberspace or CAP for short as the joint effort of 55 African States. Most of the individual national positions were released by developed countries and only a few are from developing countries. In total, 21 AALCO Member States have issued their position papers either individually or as part of the CAP and it is as follows:

- Islamic Republic of Iran (2020)
- People's Republic of China (2021)
- Japan (2021)
- Republic of Kenya (2021)
- Republic of Singapore (2021)
- Islamic Republic of Pakistan (2023)

16 African Member States (Burkina Faso, Cameroon, Egypt, Gambia, Ghana, Kenya, Libya, Mauritius, Nigeria, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Tanzania and Uganda) shared their national positions jointly in the Common African Position on the Application of International Law in Cyberspace.

I would just like to add that the Common African Position released in 2024 marks a new paradigm for the involvement of developing countries in developing international law in cyberspace gathering the State consensus of 55 Member States of the African Union. The CAP has 11 pages, which is already long and detailed compared with the position paper of many developed countries. It included carefully articulated viewpoints on sovereignty, due diligence, non-intervention, peaceful settlement of disputes, non-use of force, international human rights law, attribution and capacity building in cyberspace. Largely, thanks to this collective endeavour, a group of African States that are relatively weak in terms of cyber and overall strength were able to effectively voice their views on international law in cyberspace.

Looking ahead, it is foreseeable that national position statements will continue to proliferate in the years to come and will be an important form of national participation on international rulemaking in cyberspace.

The fifth and the last part of the draft report are the suggestions for AALCO and its Member States in view of the current situation and the recent developments in the field of international law in cyberspace discussed earlier. The following suggestions were made:

1. **Greater focus on international law in cyberspace:** Given the vital importance of the developments of international law in the strategic domain of cyberspace for the sovereignty, security and development interests of all States in the twenty-first century, AALCO and its Member States should pay more attention and give more resources to this field. This will ensure that Asian and African States are not be left in a disadvantageous position.
2. **Accelerating Discussion on the Consensual Basic Principles and the Explanatory Note:** The Consensual Basic Principles on International Law play a foundational role for international rule of law in cyberspace and discussions on the consensual basic principles within AALCO in the past years is fruitful overall. AALCO and its Member States should expedite discussion and consider adopting or polishing these principles and explanatory note in an appropriate manner.

3. **Enhancing Engagement in Multilateral Forums:** Today, much of the deliberations on international law in cyberspace occur in various multilateral forums primarily within the UN. AALCO and its Member States should be more active in their involvement in such multilateral forums including but not limited to the UNOEWG, the newly adopted UN cybercrime convention etc.
4. **Promoting Release of National Position Statements:** Release of national position statements on international law in cyberspace have proved to be an effective way for States to allow their voice to be heard on this topic. AALCO should encourage and provide necessary assistance to its Member States so that they can articulate their national positions either individually or collectively like in the case of the Common African Position.
5. **Strengthening Capacity Building:** The limitations in capacity represent a major obstacle for many AALCO Member States to participate effectively in the development of international law in cyberspace. Greater cooperation in capacity building such as technical assistance and training among Member States should be encouraged and a lot can be learnt from the experience of African Union Member States during the preparation for the CAP.

So with this, I finish my presentation, I would like to take this opportunity to thank the AALCO Secretariat for the support for preparing this draft report, and comments from all Member States will be most sincerely welcome. In the meantime, it is my hope that the AALCO OEWG will continue to play in the international deliberations on international law in cyberspace for the interest of all AALCO Member States. Thank you.

**Chair:** I thank Special Rapporteur, Prof. Huang for your in depth and scholarly presentation which covered important dimensions of the topic. Now, I open the floor for questions, discussions and deliberations. AALCO Member States are encourage to engage with the Special Rapporteur on the recommendations of the Special Rapporteur and developments on this issue. The floor is open. According to list prepared by the Secretariat, I give the floor to the Kingdom of Thailand.

**The Delegate of the Kingdom of Thailand:** Mr. Chair, at the outset, my delegation extends our appreciation to the AALCO Secretary-General and you, Mr. Chair, in facilitating the meeting of this Working Group to keep momentum of the discussions on international law in cyberspace in AALCO. I would like to thank the Special Rapporteur for preparing and presenting the Draft Report. We have seen increased number of discussions on the applicability of international law in cyberspace in various forums especially those under the auspices of the United Nations including the Open-Ended Working Group (OEWG) on security of and in the use of information and communications technology where Thailand has been actively participating in. We believe that such discussion is necessary in our efforts to promote security and peaceful use in the cyberspace.

Referring to the previous discussions raised at the OEWG of the UN, we have observed that there is a consensus among States that international law applies in cyberspace just like in other domains. Yet, there remains some gaps or differences among States in their interpretation on 'how' particular international rules and principles apply in cyberspace. Therefore, Thailand encourages AALCOs' Member States to continue to share and exchange their views either through voluntarily publishing their national positions and statements, or through discussion at various international forums like this one.

In this regard, Thailand also wishes to congratulate the African Union in publishing its ‘Common Position of the Application of International Law in Cyberspace’ earlier this year. We see the merits of this initiative and believe that it would help to minimize the interpretation gaps and elaborate international law in cyberspace.

In Thailand’s view, capacity building on both legal and technical aspects on cyberspace is critical. Thailand attaches great importance to regional and cross-regional frameworks as the most appropriate platform to share best practices and strengthen cooperation among States, especially developing States in AALCO.

In conclusion, Thailand reaffirms its commitment to working closely within AALCO and with its Member States to develop and support capacity building on the issue of international law in cyberspace. Thank you.

**Chair:** I thank the delegation of Thailand. I now give the floor to the People’s Republic of China. You have the floor.

**The Delegate of the People’s Republic of China:** Thank you Mr. Chair. China appreciates the work of the Open-Ended Working Group (OEWG) on International Law in Cyberspace under the able leadership of the Islamic Republic of Iran. We welcome the report prepared by Prof. Huang Zhixiong, Special Rapporteur of the Open-Ended Working Group on International Law in Cyberspace and the updated draft “Consensual Basic Principles of International Law Applicable in Cyberspace”.

This updated draft, based on the need of developing countries, tried to deal with issues including the governance of Artificial Intelligence and other advancing technologies, cross-board flow of data and digital trade, and to enhance international cooperation in cyberspace. Once adopted, it would enrich the discussion on international law in cyberspace by providing the perspectives of developing countries and would also contribute to the establishment of a peaceful and secure cyberspace. China also notes with appreciation that Africa Union and some other developing countries have published their position on the application of International Law in Cyberspace in recent years. We appreciate the suggestions for AALCO and its Member States in Prof. Huang’s report and hope that AALCO and its member states could use this Open-ended Working Group as a regular platform to strengthen discussion on the application of international law in cyberspace as well as to promote exchange of information and experiences in this regard. In order to advance the development of international law in cyberspace, we should speak louder in one voice.

Thank you, Mr. Chair.

**Chair:** I thank the delegation of the People’s Republic of China. I now give the floor to the Islamic Republic of Iran. You have the floor.

**The Delegate of the Islamic Republic of Iran:** Thank you Mr. Chair. First of all, I would like to appreciate the efforts of the Secretariat and the special rapporteur for preparing the report on “the Recent Developments in the Field of International Law in Cyberspace”.

Information communication and technology (ICT) has become an integral part of global communication, business, and governance, offering numerous opportunities while at the same time introducing evolving threats. Addressing these threats requires a multifaceted approach encompassing technological, legal, and cooperative strategies.



The responsibility for ICT security lies primarily with individual States, which should act responsibly and enhance their involvement in global ICT governance without infringing on their rights to self-determination in ICT governance, development and legislation.

The Islamic Republic of Iran supports international cooperation in this regard but has some concerns about the draft treaty. Islamic Republic of Iran argues that the treaty should not duplicate efforts of existing human rights treaties like the UNCAC and UNTOC and should avoid provisions that could politicize or undermine international cooperation.

Due to significance of the UN convention against cybercrime and its effective implementation, my delegation proposes that AALCO Secretariat conduct a study on national legislations of the AALCO member states and their best practices on preventing and countering cybercrime. This study will assist the AALCO Member States to exchange their experience and expertise for proper implementation the convention when they become party therein.

The Islamic Republic of Iran believes that, after long consideration by AALCO and its Member States regarding the "Consensual Basic Principles of International Law Applicable in Cyberspace of AALCO," it is necessary for these principles to be adopted by AALCO and published as soon as possible. These principles can then be submitted to various forums active in the field of information and telecommunications within the context of international security, including the UN GGE and UN OEWG.

At the end, Iran stresses the importance of multilateral governance and equal participation in ensuring a safe cyberspace and supports continued work on international law in cyberspace through the OEWG and AALCO. Thank you Mr. Chair.

**Chair:** I thank the delegation of Iran. Now, I give the floor to the distinguished delegation of Japan.

**The Delegate of Japan:** Thank you Chair for the floor and for the outline of the work for this discussion. My thanks also go to Prof. Huang Zhixiong, Special Rapporteur of the Open-Ended Working Group on International Law in Cyberspace for his presentation. Japan believes that discussion on "International Law in Cyberspace" in AALCO should be in line with the continued discussion in the UN GGE and OEWG. In particular, concerning international law applied in cyberspace, the UN GGE and the OEWG have conducted balanced discussion on the relationship between controls based on territorial sovereignty and freedom of data flow. The discussion in the AALCO should not be excessively inclined towards one side of the discussion in the UN forums. In light of this, the latest draft of the "AALCO's Consensual Basic Principles of International Law Applicable in Cyberspace" seems to place too much emphasis on sovereignty, and seems to be significantly different from the discussions in the UN GGE and OEWG.

Japan submitted its comments in 2021 and 2023 to the Revised Draft of "AALCO's Consensual Basic Principles of International Law in Cyberspace". I would like to highlight that this comment should be reflected in the near future. Japan is committed to engage in future discussions in the AALCO OEWG. Thank you very much Chair.

**Chair:** Thank you delegation of Japan. Now, I give the floor to the delegation of the Republic of Korea.

**The Delegate of the Republic of Korea:** Thank you Chair for giving me the floor. We appreciate the efforts made by Special Rapporteur, Prof. Huang to prepare the revised report. First, we would like to recall the relevant mandate. The mandate was drafting a non-binding general document clarifying the consensual basic principles of international law applicable in

cyberspace. Following this mandate, we believe that it would be appropriate to avoid the word “shall” altogether. We have no need to lock ourselves in chains. Additionally, we find that a number of paragraphs in the revised draft go beyond what is accepted as international law applicable to cyberspace. Many of the paragraphs seem to address issues related to desired conduct rather than existing law. We believe that the draft should reflect what is supported by consensus or by general practices of States. As a general matter, the Republic of Korea reaffirms its view that existing international law including universally ratified treaties, customary international law, international human rights law, international humanitarian law, principles of international law, international law on State responsibility, and in particular, the Charter of the United Nations in its entirety is applicable to cyberspace. We believe that we should discuss the specific applications of existing international law rather than the idea of creating a new convention on cyberspace. Thank you Chair.

**Chair:** Thank you so much, the distinguished delegation of Korea. Is there any other distinguished delegation that wants to take the floor? I see no delegation. Okay, according to the deliberations first of all, I would like to thank Member States for their interventions and suggestions. I do believe that one of the issues that delegations mentioned their views were on the consensual basic principles of international law in cyberspace including the adoption and publishing this document by the Secretariat. Based on today’s deliberations, we can ask the Secretariat to make a deadline for final perspectives and observations from the different Member States. According to this deadline, the Secretariat may publish the basic principles. Special Rapporteur, do you want to add something? Regarding substantive observations like applicability of human rights, international cooperation, mutual legal assistance they are all inter-related. One landmark development is the adoption of UN cybercrime convention by the Ad-Hoc Committee and it is going to be adopted by the General Assembly this year in the Third Committee. This development is very important and could pave the way for addressing other issues pertaining to cybersecurity matters. I do believe that we need to learn from each other, to share and exchange our experiences, best practices pertaining to legislations, judicial as well as executive activities of all Member States of AALCO. One delegation mentioned about a study to be conducted by the Secretariat to collect all the best practices that could be useful. According to the schedule of the Secretariat, we can consider it. As the Chair of this meeting, I will be placing my report before all of you. Distinguished delegations, as the meeting is informal in nature, we will not be adopting any documents. With this, I come to the end of the Sixth AALCO Open-Ended Working Group Meeting on International Law in Cyberspace. I thank the delegations who participated in this meeting. Finally, the Secretary-General or Madam President, do you have something to add? No.

#### **AGENDA ITEM: REPORT ON AALCO’S REGIONAL ARBITRATION CENTRES**

**President:** Thank you very much for that very productive session and wonderful way to start off our Friday morning. So, we move quickly to the next Agenda Item regarding the Report on AALCO’s Regional Arbitration Centres. We usually have a coffee break at around 10:30 but I ask for your indulgence here and we move quickly towards our agenda that we have. If any delegate would like to have their coffee break, you are free to go out but please quickly come back in so we can continue with the rest of the Agenda Items. So, now I would like to invite the AALCO Secretary-General to make his introductory remarks regarding the Regional Arbitration Centres. You have the floor, Secretary-General.

**Secretary-General:** Madam President, it is my distinct pleasure to deliver a short introductory statement on the agenda item “Report on the AALCO’s Regional Arbitration Centres” and

provide a background before the Directors of the Centres present respective reports. The Secretariat report on the agenda item is contained in document no. AALCO/62/BANGKOK/2024/ORG 3. The document comprises of the five reports of the AALCO Regional Arbitration Centres, namely, Asian-International Arbitration Centre (AIAC), the Cairo Regional Centre for International Commercial Arbitration (CRCICA), the Tehran Regional Arbitration Centre (TRAC), the Nairobi Centre for International Arbitration (NCIA), and the AALCO-Hong Kong Regional Arbitration Centre (AALCO-HKRAC).

With a view to provide a background, it is important to recall that the establishment of the Regional Arbitration Centres arose out of the need to retain the adjudication of commercial and investment disputes within the Asian-African region. This concern was rightly observed by the AALCO Member States, and it led to the adoption of the AALCO Integrated Scheme on the Settlement of Disputes in Economic and Commercial Transactions. The scheme envisaged the creation of regional arbitration centres and it was first operationalized by the creation of a AALCO Regional Arbitration Centre in Kuala Lumpur in 1978, quickly followed by another centre in Cairo, Arab Republic of Egypt, in Lagos, Federal Republic of Nigeria, in Tehran, Islamic Republic of Iran, in Nairobi, Republic of Kenya and the most recent one opening its doors in 2022 in the Hong Kong Special Administrative Region, the People's Republic of China.

Over the years the regional arbitration centres have acquired a stellar reputation for world class, cost effective and timely arbitration proceedings. They have also expanded their dispute resolution services to alternate dispute resolution and offer crucial support to mediation, conciliation as well as some novel hybrid forms of dispute resolution. On the whole it can said without doubt that the establishment of the regional arbitration centres under the auspices of AALCO are counted as among the most successful endeavours of the Organization.

I would like to take this opportunity to express a sincere congratulations to the Directors and representatives of the centre as well as their respective Host Governments for the tremendous progress the centres have made in realizing their vision and mandate. In a competitive space such as dispute settlement with so many competitors, it is no easy feat to be recognized as the foremost providers of dispute resolution services, serving the parties from the region and beyond. With these words of praise and gratitude I conclude my introduction I thank you, Madam. President.

**President:** Thank you very much. Before I give the floor to Regional Centres who are with us today, I would like to make a quick announcement that the Drafting Committee will convene at 10:30 today in the room behind us. I would like to kindly request that each of the presentation made by the Regional Arbitration Centres be limited to about ten minutes or less and I will call on each of the representative to give their representations up here on the podium. I will call first the Nairobi Centre for International Arbitration followed by the AALCO Hong Kong Regional Arbitration Centre and then the Asian International Arbitration Centre. So now I would like to call upon the representative of the Nairobi Centre for International Arbitration or NCIA to make their presentation. Please I invite you to the stage.

**Mr. Lawrence Muiriri Ngugi, Registrar/Chief Executive Officer of Nairobi Centre for International Arbitration (NCIA):** Thank you, Madam President. Madam President, Excellencies, Distinguished Delegates and Colleagues, this being the first time we take the floor; I take this opportunity to congratulate you Madam President and the Vice-President on your appointment. We are confident that this Session will be successful under your leadership. We also thank most sincerely the Government of the Kingdom of Thailand for the warm welcome and hospitality of her people during our stay.

We commend His Excellency, the Secretary-General and Secretariat of AALCO for their excellent coordination and support to the Regional Arbitration Centres in ensuring our continued inclusion in the agenda of this important session.

This Session will recall the aspirations of AALCO under a study in the Seventieth Session titled “Integrated Scheme for Settlement of Disputes in the economic and commercial matters,” which included the establishment of a network of Regional Arbitration Centres.

As an AALCO Regional Arbitration Centre, the Nairobi Centre for International Arbitration has continued to serve disputants within the Member States and globally. To highlight some of the activities in the year under report, the Centre recorded a caseload of 41 new cases, the highest in one single year thereby surpassing the 100th case. Of these cases, 96.4% were requests for arbitration under the NCIA Arbitration Rules and 3.6% were requests for mediation under the NCIA Mediation Rules. As the Secretary General has rightly noted, the Centres are supporting various methods of dispute resolution.

The total sum in dispute represents a case value of USD 234.6 million of which USD 54.3 million are cases in the year under report 2023. These cases are distributed into 97.6% domestic cases and 2.4% international cases. I pause here to note that even within the domestic cases, many of these involve international parties who have registered their entities in Kenya.

The disputes and sectors have grown in variety notably: construction, supplies and delivery, agriculture, commercial, technology, finance and education. In the year under report, 61% of the disputes were supply of commodities with a notable rise in the agricultural sector.

We also continue to build the capacity of the Centre to respond to requests for international cases with a panel of arbitrators from across 11 countries including AALCO Member States as you can see from the slide presented. The Centre has deliberately promoted the inclusion of underrepresented groups in the panel based on gender, age and geographical disparity and this is to deal with the problem of underrepresentation in international commercial arbitration.

Madam President, in conclusion, the Nairobi Centre for International Arbitration has continued to hold various activities including promotion of partnerships across the globe and also took the bold step to publish the NCIA Journal now at its third publication as a resource for arbitration, knowledge-sharing and promotion of writing in arbitration from the continent and beyond. Within the same period, we took the bold step to host the first ever arbitration week on the continent – the Nairobi Arbitration Week 2023.

We invite delegates to consider the Report of AALCO Regional Arbitration Centres titled AALCO/62/BANGKOK/2024/ORG3 where the activities of the Centre are elaborated in greater detail for the Report of the year 2023.

We take the opportunity to urge all Member States to encourage the use of the rules and facilities of the AALCO Regional Arbitration Centres and promote their activities.

Madam President, Distinguished Delegates and Colleagues, I also extend our invitation to Member States and colleague Observers to participate in the Nairobi Arbitration Week 2025, which will be held from 17<sup>th</sup> to 21<sup>st</sup> March 2025. As said before, the holding of the Nairobi Arbitration week was not a feature on the continent, and it has now become a biannual event which will be bringing participants from the globe including Member States to promote the practice of arbitration so that we can meet the ideals of AALCO as foreseen by our forefathers.

And with this I thank you, Madam President, for your kind attention.

**President:** Thank you very much, NCIA for that presentation. I now invite the representative of the AALCO Hong Kong Regional Arbitration Centre to make their presentation.

**Mr. Nick Chan, Director of AALCO Hong Kong Regional Arbitration Centre (AALCOHKRAC):** Thank you. Your Excellency Madam President Mrs. Suphanvasa Chotikajan Tang, Secretary-General, Dr. Kamalinne Pinitpuvadol, fellow heads of AALCO Arbitration Centres, your Excellencies, Distinguished Guests, ladies and gentlemen, *Aroon sawat!*

On behalf of the AALCO Hong Kong Regional Arbitration Centre, I would like to express our sincerest gratitude for the opportunity to report on the work of our regional centre for the past year, and to seek further help in some specific areas for deeper collaboration in the legal, mediation, arbitration and business communities in Asia, Africa and beyond.

AALCO Hong Kong Regional Arbitration Centre is proud to operate under the auspices of AALCO and be part of the AALCO Dispute Settlement System. We are here to wholeheartedly serve the AALCO community and beyond in furtherance of the objectives set out for us in the Memorandum of Understanding Agreement between AALCO and host country the People's Republic of China.

The year of 2023/2024 marks a significant milestone for our regional centre, with notable developments which I shall highlight in this report. These positive developments would not be possible without the tremendous support of the AALCO, our host country, the People's Republic of China, and the Department of Justice of the Government of the Hong Kong Special Administrative Region. We would also like to thank the unfailing support of our other five AALCO disputes resolution centres, and the support of AALCO Member country consulate office staff in Hong Kong, and people around the world who supports peaceful resolution of disputes, including many experienced mediators, arbitrators, and so on.

Our AALCO regional centre in Hong Kong, with the support of other AALCO centres, is building a strong reputation as the hub to help coordinate and enhance collaboration with AALCO regional centres and other centres for disputes resolution in the region. AALCO's regional dispute resolution centres are set up by international law as mentioned by Secretary-General. We operate under the auspices of AALCO with the support of the host country and forty-eight Member States.

We are impartial and nationality-neutral and respect party autonomy. Host country China has given the centre immunities and certain privileges including the ability for parties in disputes using our arbitration services to have special access to interim relief measures from the courts in Mainland China so that people don't need to wait for long time and end up with empty award.

Our Centre being situated in Hong Kong, enjoys all the benefits of "One Country, Two Systems". Hong Kong is highly ranked in the Rule of Law Index, and is the only common law jurisdiction in the People's Republic of China. We are fast becoming a natural and best choice for contracting parties who wish to grow their local and international business, and for parties seeking stronger comfort to enforce arbitral awards relying on the New York Convention or otherwise.

A good number of disputes have been resolved at our centre. The "AALCO" brand name, the AALCO Dispute Settlement System and the Regional Centre's services, are now brought to the forefront of the local and regional business communities, users of disputes resolution services, law professors and the next generation. We had the honour to host the 2023 AALCO

Annual Arbitration Forum in Hong Kong which was attended by over 3000 people online and offline. We organised monthly fireside chats with ambassadors, renowned experts and business leaders.

We have actively participated in 20+ trips and major conferences in 10 major cities and countries, including our host country China, Republic of Indonesia, Malaysia, the Russian Federation, the Kingdom of Saudi Arabia, the Kingdom of Thailand and United Arab Emirates. We are recognized as supporting organisations and have delivered 50+ speeches in various legal and business events, featured in business chamber magazines and so on.

On the screen you will see a screenshot of our Online Dispute Resolution platform. I welcome you to try and use it. For our sister centres, we would be very keen to work with you if you like to use it for your centres. Our AALCO arbitration centre in Hong Kong has been actively promoting Online Dispute Resolution and LawTech in and beyond Hong Kong and facilitates access to justice. To promote ODR, we have first built our own cost-effective ODR platform and deployed it for use in real live cases and widely promoted its use in law schools and moot court competition settings. We are particularly grateful to Department of Justice of the Hong Kong Government for their support and marketing support, introducing us to senior delegations visiting Hong Kong.

Our AALCO regional centre in Hong Kong is strengthening and building our strategic alliances with leading professional bodies in the region. We are very selective in the MoUs we sign and we have signed 18 MoUs working very hard to implement them to realise opportunities together. On the screen, you will see our Model Arbitration Clause. They are simple, ready-to-use. You can only use the first five lines, and you are protected. There are also opportunities to use the optional clauses below.

Now, on the screen is our mediation course. Our centre is dynamic and responsive to the needs of the business and professional communities. We have recently introduced our 2024 AALCO-HKRAC Mediation Rules. The business communities have praised and adopt our easy-to-deploy party-autonomy-centre Arbitration Rules which was first issued in 2022.

As “Mediate First” is gaining strong support and momentum from the local communities here, we have in May of 2024 launched our 2024 AALCO-HKRAC Mediation Rules which is user-friendly, cost-effective. The Mediation Clause is an optional clause to “plug-in” to our arbitration clause.

Our AALCO regional centre in Hong Kong is now also pioneering sports dispute resolution in the regional. We have done this following the steps of our sister Regional Centre in Egypt and Malaysia. They have done a great job. In Hong Kong, we have the full support of the Sports Federation and the Olympics Committee of Hong Kong, and we have resolved quite a number of disputes and we are expanding our services. We are also offering domain name dispute resolution services now.

Looking ahead, our AALCO regional centre in Hong Kong will continue with all the work we mentioned, objectives set out in our MoUs for us to work on. We will also continue to work on capacity building. We are active in a lot of Arbitration Forums.

Next month in October, we will be flying a number of business and professional people to Egypt to visit the AALCO Centre there. They are hosting the Cairo Arbitration event and we are going there to give full support. We will also be going to South Africa. Thank you, my friends for organising the visits for us and we will be meeting the professional business community and try to learn from each other.

Finally, I would like to offer our working assistance in Hong Kong. Madam President pointed out in the inaugural session that there are three important elements regarding Law in Cyberspace, namely inclusive, just and equitable. Same is applied to AI Law. In the EU, they have the EU AI Act. In Asia and Africa, we don't seem to have our own body of laws or guidance for that. I think if we extend the cyber law discussion, there is something we can do and contribute on.

With that I close. I thank AALCO Secretary-General and friends for granting me this opportunity to report on the work and focus of the AALCO Hong Kong Regional Arbitration Centre, and to learn from each of you during this Annual Session.

*Sa Wat Dee Khrap.*

**President:** *Khrap khun kha.* Thank you so much for your presentation. Now I would like to invite the Asian International Arbitration Centre or AIAC to present their presentation.

**Mr. Danesh Chandran, Assistant Director of the Asian International Arbitration Centre (AIAC):** A very good morning, Madam President, His Excellency, the Secretary-General of AALCO, the Secretariat, and Ms. Geetika Sharma from the Head of Policy and Communication of AALCO and all esteemed Delegates and Members present here today.

First and foremost, it is my pleasure to stand before you today to deliver a presentation on behalf of the Asian International Arbitration Centre's development and upcoming plans to strengthen our commitment to promote alternative dispute resolution in Asia, Africa and beyond. I have to convey the appreciation and greetings to the Madam President and the Secretary-General, from the Members and the Chairman of the Centre and also from our Chief Executive Officer who was supposed to be here Datuk Almalena Sharmila Johan who is unable to be here due to unforeseen circumstances and also Director Dato' Mary Lim and I am taking this opportunity to walk you through very briefly on what AIAC at the moment doing and how we are going to take opportunity to work together with all members of AALCO to make sure we serve our mandate well.

The AIAC, formerly known as the Kuala Lumpur Regional Centre for Arbitration (KLRCA), I believe the name is very familiar to you is the first regional arbitration centre established under the auspices of AALCO way back in 1978. Today we have our brother and sister organization of arbitrations centres altogether six centres under the auspices of AALCO. The AIAC has experienced instrumental rebranding and transformation, leading to today's reputable stature as among the preferred arbitral institutions in the region and globally. The institutional reforms launched early this year resembles a shared vision between the Government of Malaysia, the host country and AALCO to further streamline and strengthen the AIAC's governance and institutional framework in enhancing global confidence towards its effectiveness and efficacy.

As all AALCO centres, we are also a not-for-profit centre. Since 1978 we have the benefits and privileges of the immunities and by virtue of a status of an IO and our commission is nothing other than to support the domestic and international arbitration and ADR fraternity at large.

As you can see this building today, I take this opportunity to welcome each and every delegate to Malaysia if you are in a visit or you happen to be there, get in touch with us and come and visit us. The door of AIAC is always open to welcome any members who are able to visit us. This is an old heritage building. Of course, with the support of the government of Malaysia, we are the occupiers of this building. We have many arbitral centres which are also housed together with us. It is a hub of ADR in Malaysia to make sure that we continuously develop and continuously serve our mandate in the ADR fraternity.

This is a monumental supplementary Agreement like what I said, the Government of Malaysia renewed this once again in 2023 for another five years and together with that this Supplementary agreement has also been signed earlier this year which was in 20 February. This has brought a remarkable change to the AIAC where some of the milestone changes like introduction of AIAC Board of Directors.

We have set up a Protem Committee for the AIAC Court of Arbitration with members coming from seven to eight jurisdiction which is setting up the inaugural AIAC Court of Arbitration under AIAC. This will be the first centre in Malaysia that has a full-fledged court of arbitration. With the passing of the Arbitration (Amendment) Bill 2024, I take this opportunity to say we have successfully tabled and passed by the parliament just two months again and we are waiting for the law to come into force after attaining royal assent soon.

Next, it is a pleasure to introduce the AIAC Board of Directors that are with us. The Chairman of the Board is appointed with consultation of AALCO and other members of the Board both locally and internationally.

We have the Protem Committee for the inaugural AIAC Court of Arbitration comprising of members from various jurisdictions of the world and are renowned names in the area ADR and some of them need no introduction.

This is an overview of some of AIAC's achievements and initiatives carried out between September 2023 to July 2024. The last report presented to AALCO was in Bali last year. So we are presenting from September to July and I believe the same has been tabled on your table as well.

These are AIAC's products. AIAC being an arbitration centre is readily available to serve our AALCO Member States and also the global community. Generally, we have the Arbitration Rules 2023. The Islamic Arbitration Rules being one of the very few arbitration rules that has Islamic arbitration rules as one of the products. We have just launched our Asian Sports Arbitration Rules being one of the only arbitration centres that has sports arbitration rules. We also have the AIAC Mediation Rules and Guide to Domain Name Dispute Resolution, which we worked on with four other countries apart from Malaysia, and the AIAC of Adjudication Rules and Procedures. It is an honour for me to say that the AIAC is the pointing authority when it comes to adjudication cases that has been the case since the law has been passed for construction disputes and it is up until today, we are still the pointing authority. We take pride in being a leader in the adjudication industry with more than a decade of experience. We have been actively involved in talks and exchanges of ideas with many other arbitration and ADR centres to have them on adjudication as well.

This can be found in our website as well. We have just launched AIAC's dispute avoidance products. We have just launched the conventional Standard Form of Building Contract and the Shariah compliant SFC which are tailored to cater to the expectations and needs of the construction industry. These are free and can be obtained from our website.

The statistics of case registration. I will just show the caseloads from July 2023 to June 2024 which has evidently surged to 692 cases, as compared to the earlier fiscal year of 662 cases. As demonstrated in the bar chart, the AIAC administers predominantly adjudication payment disputes in line with our statutory mandate under CIPAA which is a domestic adjudication act followed by domestic and international arbitration cases.

This is a breakdown of the AIAC's caseload from July 2023 and June 2024 with a total of 692 cases. You can see the total amount of disputes in international and domestic arbitration and



also in adjudication. The amount of value of disputes that we resolved by the centre during this period of time, we have undertaken close to 500 appointments and 84% of the appointments undertaken were for adjudication cases. 88% of all the arbitration matters that have been appointed are administered under the AIAC Arbitration Rules.

We also take pride to share with all Member States that this is the current standing of our panellists which keep increasing. As of 30 June 2024, the AIAC has empanelled 2816 panellists comprising arbitrators, adjudicators, mediators that has been empanelled with us. Many of the members in this floor have also been empanelled with us and have done remarkable jobs over the period of 40 years in existence of AIAC.

These are the cross-border efforts just to give a glimpse of the things we are doing. The Asia ADR Week 2023 that took place previously and are having our Asia ADR Week coming up from 17 to 19 October 2024 with the theme “Supernova: Igniting the transformation of ADR”. I take the opportunity to invite all members, the President and the Chair to attend the Asia ADR Week if you happen to be in this region or Malaysia at that time. You can also plan and let us know. We will certainly facilitate your visit.

These are the International Arbitration Colloquium that we have done, the State sovereignty and immunity of commercial arbitration. This is a fight of Malaysia against the sham award that AIAC has also been part and parcel together with the Attorney-General chambers of Malaysia. We have got a win in a Netherlands Court, a hearing that is going to take place soon. So, it is a continuous battle of the country and AIAC stands firm in its principle that we are against any form of abuse in international arbitration and commercial arbitration platforms.

Next one. This is something that I have just shared that we have the Islamic Arbitration Conference 2023 which we have launched the Islamic Standard Form Contract. This can be found in our website.

Next is all the speaking engagements that we do worldwide. We try our best to be with all our Member States and other countries worldwide to support all arbitral centres in the world.

Next. Courtesy visits and engagements coming from all across the world.

Next one. These are some of the examples of the Memorandum of Understanding. We have a Memorandum of Understanding with most of our AALCO Centres and also with other arbitration centres globally and also with other institutions that we are working together with on areas that we can work together.

Next one. Next. These are some of the examples of activities that are going to be taking place to inform the members and delegates. If you happen to be able to attend any of these, you are most welcome. 12<sup>th</sup> November will be in Malaysia, 17<sup>th</sup> to 19<sup>th</sup> will be in Malaysia in our place called Bangunan Sulaiman, its where we are housed. 29 September we will be in Beijing together with C-Tec and 28<sup>th</sup> September will be Malaysia with seat at Hong Kong.

Next. Thank you very much, and as we approach the final quarter of 2024, it is our privilege to reflect on the remarkable achievements and milestones that the AIAC have experienced this year. The roll-out of consecutive reforms since the formalisation of the Supplementary Agreement in February have been truly transformative. We extend our sincere gratitude to the Malaysian Government and AALCO’s shared vision in enhancing the AIAC’s institutional framework, aligning it with global standards and best practices.

In parting, as the first arbitration centres established under AALCO, we humbly request all the Member States to actively support AALCO centres which play a crucial role in advancing

alternative dispute resolution across the region. By doing so, we can leverage our collective strength to elevate these centres into globally recognized hubs of excellence. This is not only benefits AALCO Member States by strengthening more effective and efficient dispute resolution services but also extends their contribution at the international stage. Through our collective efforts I have confident that we can enhance the effectiveness of all the Regional Arbitration Centres. There is no two ways about it. It has to be with the support of all AALCO Member States. That is the only way for us to be continuously moving and executing the plans that we have and to position all AALCO centres among the global centres in the world. There are many arbitration centres in all respective MS as well and AALCO centres are there to compliment one another and not to compete to make sure that we ultimately develop our ADR Centres ensuring we become resource centres under the auspices of AALCO in the global ADR landscape and contribute meaningfully to international legal and economic stability. Once again on behalf of me and the Malaysian delegates led by Dato' Umar Saiffudin, we would like to thank all members for being patient and listening to me. I think I took a little bit longer than all my other fellow Members. Sorry for that Madam President.

Thank you for your time and allowing me to walk you through the milestone that the AIAC has achieved throughout the year.

Thank you very much.

**President:** Thank you very much. A very impressive work that all the three Centres are doing. Congratulations and equally high calibre PowerPoints. I have a speaker on the list that would like to make a presentation with remarks. I would now like to invite the Distinguished Delegate of China to deliver their statement.

**The Delegate of the People's Republic of China:** Thank you, Madam President. China would like to express appreciation for the Report by the various AALCO RACs and commend their good work and efforts in facilitating peaceful settlements of international disputes. In particular, we know the significant progress made by the AALCO Hong Kong Regional Arbitration Centre which is the most recently established Regional Arbitration Centre of AALCO. For instance, it has successfully hosted AALCO Annual Arbitration Forum in December 2023 attracting more than 3000 in person and online participants.

The AALCO Hong Kong Regional Arbitration Centre has also made invaluable contributions to promoting the goals and effective functioning of alternative dispute resolution including online dispute resolution. We encourage the AALCO Hong Kong Regional Arbitration Centre to continue to make good use of the unique strength of Hong Kong as the only common law jurisdiction within China and as leading international dispute resolution service centre in Asia and Pacific. We will continue to support the work of AALCO Arbitration Centres and look forward to more events, capacity building and other initiatives by the Regional Arbitration Centres for AALCO Member States and beyond. Thank you.

**President:** Thank you very much for your statement. I no longer have any delegates that wish to make a statement on this, so I think we have concluded our agenda on discussion on the Regional Arbitration Centres.

**President:** So, now I would like to move on to the next agenda on our plenary discussion with regards to the Report of the Sub-Committee on Revision of Statutory Rules. I would like to invite the Secretary-General to present his report.

## **AGENDA ITEM: REPORT OF THE SUB-COMMITTEE ON REVISION OF STATUTORY RULES**

**President:** So now I would like to move on to the next agenda item for our plenary discussion this morning. It is with regard to the Report of Sub-Committee on the Revision of Statutory Rules, I would like to invite the Secretary-General to present his Report.

**Secretary-General:** Madam President, distinguished delegates, it is my privilege and honour to introduce the Report of the Open-Ended Sub-committee of the Liaison Officers of the AALCO Member States to Review the Statutory Rules of AALCO, contained in document AALCO/62/BANGKOK/2024/ORG 4.

The Statutes of the AALCO was revised and adopted at the Forty-Third Annual Session, held in Bali, Republic of Indonesia in 2004. The mandate to revise the Statutory Rules of AALCO is also traced to that Session. The Sixtieth Annual Session vide resolution AALCO/RES/60/ORG 1 dated 28<sup>th</sup> September 2022 mandated the “Secretariat to constitute an Open-Ended Sub-Committee of Liaison Officers to review the Statutory Rules of AALCO.” In pursuance of that mandate the Liaison Officers in their 355<sup>th</sup> Meeting decided to constitute the Open-Ended Sub-Committee to review the Statutory Rules of AALCO. Subsequently, the Distinguished Liaison Officers of the India and the Republic of Sudan were elected as the Chairperson and Vice-Chairperson of the Sub-Committee.

In the Member State driven process, the Open-Ended Sub Committee over the course of seven meetings considered rule-by-rule change required to streamline the Statutory Rules in consonance with the Statutes. For this purpose, it considered the revision by examining the original provision, then it suggested the revised provision, along with a justification in a tabular form. The draft of the minutes of these seven meetings, along with the Table were send to the Member States for the consideration.

I am pleased to report that the Open-Ended Sub-Committee has accomplished its mandate and provisionally adopted the text of the “Draft Statutory Rules of AALCO, 2024” that is placed before you for your kind consideration and adoption.

To conclude, I take this opportunity to express my profound gratitude and appreciation to Chair, the Vice-Chair and all the Distinguished Liaison Officers for their participation in the deliberations on the assigned mandate of the Sub-Committee and for timely completion of the work of the Sub-Committee. So I Thank you Madam President.

**President:** Thank you Secretary-General for your Report. Are there any delegates wishing to make comments on this particular item. If not then I consider that we have received and informed of the Report by the Secretary-General on the work of the Sub-Committee on the revision of Statutory Rules and it is adopted.

## **AGENDA ITEM: REPORT OF THE SUB-COMMITTEE ON REVISION OF SCALES OF ASSESSED CONTRIBUTIONS**

**President:** Now we move on to the second topic for our consideration which is the Report of the Sub-Committee of the Revision of Scales of Assessed Contributions. I invite the Secretary-General again to take the floor and make his remarks.

**Secretary-General:** Madam President, distinguished delegates, I have the pleasure of presenting before you, the Draft Report of the Sub-Committee on the Review of the Scale of

Assessed Contributions of Member States for your perusal. The Sub-Committee on the Review of the Scale of Assessed Contributions of Member States was established on 15<sup>th</sup> February 2023 based on the mandate received from the Sixtieth Annual Session of AALCO in New Delhi, Republic of India in the year 2022.

I am pleased to inform you that the work of this Sub-Committee is proceeding in a satisfactory manner and we are engaging with AALCO Member States to solicit all viewpoints on how to review the scale of assessed contributions of Member States in the most appropriate manner acceptable to all. As you are aware, this is a consensual, Member State driven process and we have so far completed five meetings. Two revised options have been presented to Member States for deliberations and we seek the mandate of the plenary to continue our progress on this work in the coming year. As this is a work in progress, I request the continued support and cooperation of Member States for the progress of the mandate of this Sub-Committee. I also take this occasion to express my gratitude to Mr. Mark Anthony Articulo, Chair of the Sub-Committee for leading the deliberations of the Sub-Committee and all the Liaison Officers of AALCO Member States based in New Delhi for actively participating in this process. I thank you Madam President!

**President:** Thank you Secretary-General for that update. This issue is ongoing so I encourage Member States who are interested to assist all of us in reviewing the scales of assessed contributions which is long overdue.

#### **AGENDA ITEM: REPORT OF THE CHAIR OF THE SIXTH OPEN-ENDED WORKING GROUP ON INTERNATIONAL LAW IN CYBERSPACE**

So now, we move to the next item on the agenda. I would like to invite the Chair of the Open-Ended Working Group Meeting on International Law in Cyberspace to present his report based on the proceedings of this morning's Sixth Meeting of the Open-Ended Working Group Meeting on International Law in Cyberspace.

**H.E. Dr. Seyed Ali Mousavi, Director-General of the Department for International Legal Affairs, Ministry of Foreign Affairs of the Islamic Republic of Iran and Chair of the AALCO OEWG on International Law in Cyberspace:** Thank you Madam President. Excellencies, distinguished delegates, ladies and gentlemen, I take this opportunity to present the Chairperson's Report of the Sixth Meeting of the Open-Ended Working Group (OEWG) on International Law in Cyberspace before the plenary of the Sixty-Second Annual Session of AALCO.

The Sixth Meeting of the OEWG on International Law in Cyberspace took place this morning. The Secretary-General of AALCO, H.E. Dr. Kamalinne Pinitpuvadol, in his opening address, welcomed the delegations to the Sixth Meeting of the OEWG on International Law in Cyberspace. He noted that the AALCO OEWG on International Law in Cyberspace is a Member State driven process which has witnessed active participation over the years.

Pursuant to the address by the Secretary-General, I gave an overview of the previous OEWG meetings wherein I highlighted some of the key aspects that were deliberated on prior occasions. Pursuant to my remarks, the Special Rapporteur, Prof. Zhixiong Huang made a presentation on his draft report titled 'Recent Developments in the Field of International Law in Cyberspace' for the delegations. The draft report prepared by Prof. Huang specifically for discussion at the Sixth OEWG is a briefly expressed overview of contemporary developments in the field of international law in cyberspace. It affords much clarity for AALCO's collective

engagement on this front. The draft report provides an overview of recent developments taking place in the field of international law in cyberspace in different multilateral forums like the United Nations Group of Governmental Experts (UNGGE), the UN Open-Ended Working Group and the UN Ad Hoc Committee, among others.

I am also pleased to note that Prof. Huang has updated the Special Rapporteur's Consensual Basic Principles in his latest draft report in line with new technological developments like the impact of artificial intelligence on cyberspace. These 15 principles of the Special Rapporteur, as on September 2024, afford guidance on the applicability of international law in cyberspace. The Special Rapporteur noted the importance of Asian and African engagement in the field of international law in cyberspace and the role that AALCO could play in furthering the discourse on this subject. The Special Rapporteur requested the Member States to reflect on the draft report and revert with their views to him.

Delegations expressed diverse opinions on the draft report with many appreciating the Special Rapporteur for his efforts. Another delegation mentioned that the consensual basic principles should be balanced and in line with the discussions being held at the UNGGE and UNOEWG and should be arrived at only after careful consideration with the AALCO Member States. A delegation noted that the word "shall" should be avoided from the consensual basic principles since they are not a binding framework. Another delegation proposed that the AALCO Secretariat conduct a study on various national legislations and best practices of AALCO Member States on preventing and countering cybercrimes. In my concluding remarks, I suggest and request the Secretariat to set a deadline for getting comments from Member States on the consensual basic principles for the future work of the OEWG.

Thereafter, the Sixth OEWG of AALCO was concluded.

I once again express my gratitude to Prof. Huang for his draft report and his association with AALCO process over the years. His efforts have helped greatly in fostering Afro-Asian engagement in this highly crucial subject. I also thank the AALCO Secretariat for their active engagement with the OEWG process and the inputs given to the Special Rapporteur for this draft report.

Finally, I thank all the Member States who participated in the Sixth Meeting of the OEWG and hope that the updated draft report of the Special Rapporteur that was discussed today will form the basis of our future engagements on the topic. I thank you Madam President.

**The meeting was thereafter adjourned.**



**XIX. VERBATIM RECORD OF THE SIXTH  
GENERAL MEETING OF THE AALCO MEMBER  
STATES**





**XIX. VERBATIM RECORD OF THE SIXTH GENERAL MEETING OF THE AALCO MEMBER STATES AND CONCLUDING SESSION ON FRIDAY, 13 SEPTEMBER 2024 AT 1:00 PM**

**H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO in the Chair.**

**President:** Welcome back to the Concluding Session. We are almost done. Big congratulations to everyone for the wonderful interventions and for keeping with the scheduled agenda. So now I would like to also welcome back the observers to join the session. And we start with the first agenda on our list of things to do this afternoon is to adopt the Message of Thanks to the host government. So, on behalf of all participating Delegations, which should be read out by Dr. Kamalinne Pinitpuvadol, our Secretary-General. So, I invite Mr. Secretary-General to deliver his message of thanks to the host government.

**Secretary-General:** Excellencies, Distinguished Delegates, ladies and gentlemen, it is with deep gratitude and sincere appreciation that I address you today to extend our heartfelt thanks to the Government of the Kingdom of Thailand and its gracious people for hosting the Sixty-Second Annual Session of AALCO. On behalf of all delegations of the Member States and Observers, I express our profound appreciation for the warmth, generosity, and unparalleled hospitality we have experienced throughout our time here.

The Delegates of the Sixty-Second Annual Session of AALCO, wish to place on record our sincere gratitude for the full cooperation extended by the Government of Thailand. From the outset, the Government's unwavering commitment to ensuring the success of this Session has been evident. We take this opportunity to acknowledge and celebrate the collaborative efforts that have made this gathering a resounding success. The meticulous planning and seamless execution of every detail have allowed our delegations to focus fully on the substance of the Session.

We are particularly grateful to Honourable Mrs. Eksiri Pintaruchi, the Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand, for gracing us during the Inaugural Session and setting a tone for the deliberations for the Session. We also extend my heartfelt thanks to Her Excellency Dr. Suphanvasa Chotikajan Tang, Director General of the Department of Treaties and Legal Affairs of the Ministry of Foreign Affairs of the Kingdom of Thailand and the President of the Sixty-Second Annual Session of AALCO, for her steadfast support and exemplary leadership throughout the Session.

Thailand's active participation in the Organization's activities since joining AALCO in 1961 both in substantive and organisational matters. In 1966 at the Eighth AALCO's Annual Session held in Bangkok, AALCO had adopted a set of Principles known as "the Bangkok Principles on the Status and Treatment of Refugees" which represent an exercise in progressive development of international law and is still regarded as one of the authoritative formulations in the field of international refugee law. Prominent lawyers from the Kingdom of Thailand have also contributed to the work of AALCO in the codification and Progressive development of international law. Organisationally, Thailand has kindly supported my candidature as the Secretary-General to lead the Organization.

This year's session saw participation from 39 Member States with 9 Observer States and International Organizations. An array of eminent speakers present at the Session not only underscores the significance of AALCO in the global legal arena but also strengthens our position as a pivotal forum for dialogue and cooperation on international legal issues. The strong participation from Member States this year, reflects a collective commitment to advancing international law and highlights the crucial role AALCO plays in fostering collaboration and addressing legal matters on a global scale.

The Session saw active deliberations and exchange of dialogues on nine (9) substantive topics, including but not limited to, the work of the International Law Commission, the Law of the Sea, Environment and Sustainable Development, International Trade and Investment, Legal Issues in Outer Space. The adoption of the *Krungthep* Declaration marks a notable achievement for AALCO, symbolizing a unified commitment to advancing international legal cooperation and upholding the rule of law. This declaration, along with the deliberations on these crucial topics, reflects the organization's ongoing efforts to address global legal concerns through collective legal frameworks and cooperation.

Our sincere thanks is extended to all the government officials and staff members who have worked diligently to support and ensure the smooth conduct of the session. The hospitality extended to the AALCO Secretariat by the Government of Thailand has greatly facilitated our work, and we are deeply appreciative of this kind support.

Finally, let me once again express our deepest thanks to the Government of Thailand for its unwavering support, hospitality, and commitment to the success of our Annual Session. Your efforts have elevated this gathering beyond a mere conference; it has become a celebration of collaboration, diversity, and the shared pursuit of common goals. Your Excellency, please accept the assurance of our highest respect and consideration as we recall the Bandung spirit of solidarity, friendship, and cooperation that underpins our shared objectives. I thank you very much. *Kob khun krap.*

**President:** Thank you very much, Secretary-General, for delivering the kind words through your message of thanks. I would like to say that I am very grateful from the Thai side for all the work that was put into this Sixty-Second Annual Session, and I will definitely relay the kind words and message of thanks to all of the authorities concerned. It is not only the Ministry of Foreign Affairs that made this event possible, but the collaboration of many of the hardworking people who assisted us upon your arrival and of course will help you in your travel back home.

So, thank you again, Secretary-General. Distinguished Delegates, ladies and gentlemen, a Drafting Committee was constituted by us on the first day of the Annual Session to prepare the Summary Report and finalize the Secretariat draft of the resolutions on organizational, administrative, and financial matters and the draft *Krungthep* Declaration proposed by Thailand. I now call upon the esteemed Chairperson of the Drafting Committee, Dr. Songchai Chaipatiyut, Deputy Director-General of the Department of Treaties and Legal Affairs, Ministry of Foreign Affairs, to present his report. You have the floor.

**Dr. Songchai Chaipatiyut, Chair of the Drafting Committee:** Thank you, Madam President. Madam President, Excellencies, Distinguished Delegates, ladies and gentlemen, it is my privilege and honour to present and report to the plenary meeting about the work of the Drafting Committee as well as the tasks accomplished by it.

The Drafting Committee of the Sixty-Second Annual Session of AALCO was constituted on the 9<sup>th</sup> of September 2024, the first day of the Session. It was entrusted with the task of preparing documents of the session, the draft resolutions on organizational matters and the Summary Report. It also considered the text of the Krungthep Declaration proposed by the host government.

In consonance with the AALCO tradition of a representative of the host Government sharing the Committee, I was honoured to perform the duty entrusted to me. The Drafting Committee met in the evening after the plenary meetings every day. Negotiations took place in a spirit of harmony and cooperation.

With a view to facilitating the adoption of the draft by the plenary meeting, the Committee Members did their best to prepare the resolutions in such a way that would be acceptable to all Delegations. As could be found in the drafts, they reflect the ideas and views commonly shared by Delegations. I take this opportunity to congratulate all the delegates who participated in the discussion and I am indebted to the Delegates for the confidence placed in me, enabling me to efficiently discharge my responsibilities as the Chairperson of the Drafting Committee.

The useful contributions indeed enriched the quality of the documents. I also extend my sincere appreciation to all delegations for their maximum flexibility exercised during the deliberations. The work of the Drafting Committee greatly benefited from the meticulous preparation of the daily proceedings, drafts of the summary report and resolutions.

And on that note, I would like to extend my heartfelt gratitude to the Secretariat team of AALCO for their unwavering support and dedication throughout the process. Their diligent efforts behind the scenes ensure the smooth functioning of our discussions and greatly contributed to the success of the Drafting Committee's work. We highly appreciate their professionalism and commitment.

Madam President, ladies and gentlemen, the documents considered and provisionally agreed upon by the Drafting Committee have been circulated to all the participating Members by email. I am pleased to inform you that the drafts of the following documents have been circulated for consideration of the plenary this afternoon and are now ready for consideration by the Member States with a view to their eventual adoption by the meeting. These documents are Krungthep Declaration, Resolutions on the Report of the Secretary-General on the Work of the Organization, Budget for the Year 2025, Report of the Regional Arbitration Centres, and the Report of the Open-Ended Subcommittee of the Liaison Officers of the AALCO Member States to review the Statutory Rules of AALCO, and the Summary Report. I thank you, Madam.

**President:** I thank you very much for the report, Chairperson of the Drafting Committee, which I think is a very valuable organ to have to assist us in the work of the Annual Session each time. So, I hope that this will be a new tradition that AALCO will adopt in later sessions.

Now, onto the agenda of the adoption of such Resolutions. Allow me to read out the Resolutions that we will be adopting in a few minutes. They concern the Organizational, Administrative, and Financial matters, namely, one, Report of the Secretary-General on the Work of the Organization and Financial Matters of AALCO, document number RES/DFT/62/ORG1.

**President:** Iran has raised flag. Do you have a comment, Excellency?

**The Head of the Delegation of the Islamic Republic of Iran:** Thank you, Madam President. Madam President, with respect to all of the distinguished delegation point of views regarding for the revitalization of the resolutions on substantive matters of the Annual Session of the AALCO. So, I do believe that according to our perspective that was raised in the meeting with the Heads of the Delegations, we do believe that for more visible and more proactive activities of the AALCO, we reiterate revitalising and issuing the resolution. We do not want to go to the reasons for non-adoption of resolutions in this meeting. However, we do believe that having this kind of resolution makes very fruitful and very tangible achievements for all of the AALCO Member States, and it would be very productive manner to working of the AALCO by considering different legal, different texts and the plan of work. And so, my delegation would like to reiterate the consideration of this manner to revitalise the resolutions on substantial matters. But I know we do not want to go to the agreement between us during the meeting of the Head of the Delegations, so for the future sessions, we can consider it properly. Thank you.

**President:** Thank you very much for your comment, and I think the Secretariat will take note of that observation and suggestion. All right, the next document is the Budget for the Year 2025, RES/DFT/62/ORG2. The third document is Regional Arbitration Centres, RES/DFT/62/ORG3. The fourth is Revision of Statutory AALCO, RES/DFT/62/ORG4.

All right, so the draft resolutions I just mentioned is annexed to each organizational brief and circulated to Member States and that was deliberated at the drafting committee. So, we will now adopt the resolutions one by one. So, the first document, the Report of the Secretary-General on the work of AALCO. Are there any comments on this? If none, I propose that RES/62/ORG1 is adopted.

The second document is AALCO's Budget for the year 2025. If there are no further comments, I propose that RES/62/ORG2 is adopted.

The third document is the Report of AALCO's Regional Arbitration Centres. RES/62/ORG3, if there are no comments, it is adopted.

The fourth, a final document, Revision of Statutory Rules of AALCO, RES/ 62/ORG4. If there are no comments, I propose it is adopted. Okay, thank you.

The best part of being a Madam President, you get to use the gavel, all right.

So now we proceed with the adoption of the Krungthep Declaration, which has been deliberated also by the Drafting Committee. Are there any comments, further suggestions on this particular Declaration, which was proposed by Thailand? If there are none, then I propose that the Krungthep Declaration is also adopted.

Distinguished guests, I sincerely hope that this Declaration will serve as a guiding framework for our future collaboration, enhancing the influence of AALCO on the global stage by advocating the unique perspectives and leadership of Asia and Africa. I thank you all for your support and contributions towards this collective endeavour.

Now we move on to the next agenda item, which has to do with the venue of AALCO's Sixty-Third Annual Session. Are there any Member States wishing or interested in hosting the next

Annual Session? I think we are still very shy on this, but I will allow, there is still time to decide. So, if there are any interested State that would like to announce its hosting of the next Session or is under consideration, please contact the AALCO Secretary-General and Secretariat. We will provide all the details. Thailand can also assist any States that are interested also in hosting, and we can provide you with the necessary recommendations on our experience in hosting the Sixty-Second Annual Session. So, I see that there are not yet any express intent to host, so I leave that open for Member States who are interested to contact the AALCO Secretariat and our Secretary-General.

Okay, the next item is the adoption of the Summary Report of the Session. A draft Summary Report of the Session has been circulated by the AALCO Secretariat. I would like to remind delegates that a period of 30 days from today will be given to Member States to examine and consider thoroughly the Summary Report. And if there are any further comments, to please revert to the Secretariat. After which, the Summary Report, if there are no suggestions for amendments, will stand as finalized. So, if any Member State has any comments or corrections to please make your views known at this time, yes. Okay, Türkiye you have the floor.

**The Delegate of the Republic of Türkiye:** Thank you, Madam President. First, I would like to express our heartfelt congratulations to the Drafting Committee and to AALCO Secretariat, to Thailand once again for organizing this wonderful event and for their hard work. Madam President, under the Law of the Sea Convention, sorry, regarding paragraph 7.8, I would like to emphasize that I made, under the Law of the Sea item, I made a statement regarding Türkiye's position about UNCLOS and Türkiye dissociates herself from the references made to UNCLOS in AALCO documents. So, we will contact the Secretariat on our suggestion on the amendments of this report within 30 days. And I would like this to be recorded as well, if possible. We would like, Madam President, that under this paragraph, we would, we request our position to be recorded, to be registered under this paragraph regarding our position on UNCLOS.

**President:** Yes, thank you, Excellency.

**The Delegate of the Republic of Türkiye:** Also, sorry, one more thing. Under paragraph 7.13, it is stated that some Member States condemned the systematic and grave violations of the rights of the Palestinian people. Well, we think that not only some members, but the majority of the members condemned the systematic and grave violation of the rights of the Palestinian people. Maybe the wording can be changed, can be stated like that. This is also our opinion.

**President:** Are you done with your statement, Excellency? Yes, okay. All right, let me respond to that. As I announced earlier, you have 30 days in which to make suggestions and comments. On behalf of the Secretariat, if you could make those substantive changes in written format so they can clearly understand which provision or which paragraph you'd like to amend. And within 30 days, you are able to submit those proposed amendments.

**President:** Okay. And then, of course, once we receive that, we will circulate your amendments to all the Member States so that they can see and also consider. Okay, thank you very much. Okay, so now we move on to, yes, I wanted to make note that, once again, the AALCO Secretariat will take careful note of all the views and recommendations that were expressed during this Annual Session, and they will try their best to reflect that in the summary report. Member States are also reminded that the work plan of AALCO Secretariat for the coming year

will also be prepared in accordance with AALCO Statutory Rules paying due regard to the recommendations expressed during this Annual Session in close consultations with liaison officers of Member States, also bearing in mind the available resources.

**President:** All right, I will now move on to the next agenda item, which is Vote of Thanks by the Asian Member States. Distinguished Delegates, we come to the concluding meeting of this Sixty-Second Annual Session, and I would now like to invite the distinguished delegate from Nepal on behalf of the Asian states to present a vote of thanks. Excellency, yes.

**The Delegate of Nepal:** Thank you, Madam President. Madam President, Honourable Ministers, Excellencies, Distinguished Delegates, ladies and gentlemen. Good afternoon. It is an honour for me to give Vote of Thanks on behalf of the Asian Member States, AALCO. First of all, I would like to extend my sincere thanks to the Royal Thai Government for inviting us to this Sixty-Second Session of AALCO in the beautiful city of Bangkok, Kingdom of Thailand.

I feel privileged to be part of this august gathering. We have come to the end of Sixty-Second Annual Session and we can proudly say that it has been a resounding success under the able leadership to the President. Her Excellency Suphanvasa Chotikajan and Vice-President Honorable Mugambe, the Session has been met with constructive and meaningful engagement by all the distinguished delegates.

This Sixty-Second Session has been successful in bringing almost all important issues on international law for discussion and analysing these issues through a lens of AALCO. The depth and breadth of our deliberation have not only been impressive but have also showcased our collective dedication to advancing international law and a step ahead. The discussion highlighted on the area of crucial issues within international law, each one contributing to a more comprehensive understanding of the problems and challenges we face, the exchange of ideas, views and best practice have been invaluable, enabling each of us to learn from each other and more significantly reflecting on our commitment to address global challenges through a unified approach.

The efforts AALCO has been taking for furthering its contribution in the field of international law is commendable. I would like to request all the distinguished delegates to look forward to the opportunity and challenge with renewed strength and shared commitment made by us during this Sixty-Second Session. Our common interest lies in our solidarity, not in fragmentations. The dialogue and cooperation adopted here will undoubtedly guide our future endeavours and strengthen our collective resolution. I am confident that the outcome of this Sixty-Second Session will be instrumental in fulfilling the ideas and objectives of AALCO.

Lastly, I thank all the delegations from AALCO Member States who participated in this Annual Session. I also would like to extend my sincere appreciation to the organizers for their warm hospitality and excellent arrangement. Your efforts have made our experience here both enjoyable and productive. I look forward to our continued work together in the pursuit of objective and international harmony. Thank you, Madam President.

**President:** Thank you very much for your remarks. Now I move on to the Vote of Thanks by African Member States. I would like to invite the distinguished delegate from Kenya to present their remarks on behalf of the African States.

**The Delegate of the Republic of Kenya:** Good afternoon, everyone. Madam President, Excellencies, Distinguished Delegates, ladies and gentlemen, it is a great honour for me to express our gratitude on behalf of the African Member States of AALCO. I would like to start by congratulating all of us for successful completion of the Sixty-Second Annual Session of AALCO. AALCO stands out as a distinct international organization uniquely dedicated to the interests of Asian and African nations. The organization's mission to codify and progressively develop international law from an Afro-Asian perspective is a commendable effort that is greatly appreciated by all of us in Africa who are proud members of this esteemed organization. Over the years, AALCO has become stronger, and it is our duty to continue building it on this strength following the spirit of Bandung. Let us use this opportunity to pledge our commitment to Afro-Asian solidarity, friendship, and cooperation. I'd like to take this opportunity to extend my heartfelt thanks to Her Excellency Dr. Suphanvasa Chotikajan Tang, President of the Sixty-Second Annual Session of AALCO, and the Honorable Kiryowa Kiwanuka Nsumikambi Mugambe, Vice-President of the Sixty-Second Annual Session.

Both have led and conducted this Session with utmost professionalism, and we eagerly anticipate your continued leadership in the coming year. I also express my heartfelt thanks to the Government of the Kingdom of Thailand for its gracious hospitality in hosting us in Bangkok. I also extend my gratitude to all AALCO Member States and their delegations for participating in this annual session.

Your insights and perspectives have given us much to reflect upon in reaching our knowledge and experience through this engagement. Your collective efforts ensure the success of this Annual Session. Before concluding, I must acknowledge the outstanding leadership and wisdom of His Excellency Dr. Kamalinne, the Secretary-General of AALCO. Under your guidance, the Annual Session was impeccably organised and, I thank you, along with the esteemed Deputy Secretaries-General and the entire team of the AALCO Secretariat, for your dedicated and motivated efforts in coordinating this event. Thank you very much.

**President:** Thank you very much for your statement. Now I turn to the vote of thanks by Observer States. I would like to invite the distinguished delegate from Uzbekistan to present their remarks.

**The Delegate of the Republic of Uzbekistan:** Madam President, esteemed Members, ladies and gentlemen, on behalf of the non-member observers states participating in the Sixty-Second Annual Session of AALCO, I take this opportunity to express our heartfelt gratitude to all participants and to the Host Government and AALCO Secretariat for having invited us. The topics chosen for deliberations and the side events were of contemporary relevance and very well organized. It is our wish and prayer that the deliberations reached will further fortify the Afro-Asian solidarity and will continue to be a useful tool in the progressive development of international law in the two continents. We also extend our profound thanks and place on record our appreciation to the host government and the AALCO Secretariat for their tireless efforts in ensuring the success of this Annual Session.

Over past five days, we were witness to AALCO's commitment to foster legal collaboration and addressing critical legal issues. It was not only been inspiring but also instrumental in bridging gaps and enhancing our mutual understanding. We deeply appreciate the opportunity to engage with esteemed delegates, share perspectives and contribute to the collective dialogue. We also thank you for your gracious hospitality, hard work and unwavering commitment for strengthening our shared goals of peace, prosperity, sustainable development. I'm sure all

present share my sentiments when I say that we will all carry our warmth and wonderful memories of this Bangkok Session to our respective homes. We wish the AALCO and the member states success in abundance of God's blessing. Thank you, Madam President.

**President:** Thank you very much for your remarks. Now I invite a Vote of Thanks from international organization. So, I now give the floor and invite to the podium the distinguished delegate from the Asian Academy of International Law to present their remarks.

**The Delegate of Asian Academy of International Law:** Madam President, Your Excellencies, Distinguished Delegates, ladies and gentlemen. The Asian-African Legal Consultative Organization stands as a prominent platform that elevates the perspective of Asia and Africa in the realm of international law. Its role in shaping and harmonizing legal principles especially from the Afro-Asian perspective is of immense value. Through its initiative to promote cooperation among Member States and international organizations, AALCO has successfully reinforced the pillars of regional and international stability. The organization's commitment to justice, equity and multicultural cooperation is pivotal in shaping a more inclusive and representative international legal order.

On behalf of the Asian Academy of International Law, AAIL, it's my honour and privilege to deliver this Vote of Thanks on behalf of all attending international organizations. We express our sincere gratitude to AALCO for extending the invitation to participate in this annual session. The opportunity to engage with AALCO and its member states on matters of shared interest has been immensely beneficial.

We look forward in the future of deepening our collaboration, building on the common goals that unite us and striving together to address the complex challenging facing the global community. We also extend our heartfelt appreciation to Madam President, Her Excellency Dr. Suphanvasa Chotikajan Tang and Honorable Kiryowa Kiwanuka Nsumikambi, the Vice-President of the Annual Session for their exemplary leadership. Their guidance has been instrumental in ensuring the success of this gathering and we commend them for their dedication and commitment.

Finally, we wish to acknowledge the Government of the Kingdom of Thailand for hosting the Sixty-Second Annual Session of AALCO. The seamless organization and warm hospitality we have experienced in Bangkok have greatly contributed to the success of this event. We are deeply appreciative of the efforts that have been made to facilitate such a productive and enriching session. We wish AALCO continued success in all its future endeavours. Thank you, Madam President.

**President:** Thank you very much for your statement and with that I think we conclude all of the agenda items for the Annual Session this time and I think we all need to thank ourselves for such a wonderful job. I propose that we give ourselves a round of applause.

**{Applause}**

**Closing remarks by the President of the Sixty-Second Annual Session:** Excellencies, Secretary-General, Distinguished Delegates, ladies and gentlemen, as we now come to the end of our Session, allow me to say a few words. I wish to express my sincere gratitude to all AALCO Member States for your unwavering support that made this Sixty-Second Annual Session a success. The past week has witnessed the strenuous efforts and hard work by all of



us here today. A number of topics were discussed that are of practical significance to all of us, including Select Items on the ILC agenda, Environment and Sustainable Development, Trade and Investment, and the Law of the Sea, among others. I am deeply grateful to all of the participants for their patience and contribution to this important discourse. And of course, I am indebted to the Vice-President Kiryowa Kiwanuka, Attorney-General of Uganda, for his invaluable support in steering the course of this Annual Session to a fruitful conclusion.

This Annual Session has been marked by constructive dialogue, consultation and cooperation amongst attending Delegations. We were united in our conviction that Asian and African countries should carry forward the Bandung spirit and continue to strengthen our solidarity and friendship. We agreed for the need for Asia and Africa to engage more in the progressive development and codification of international law so that our voices are better heard and common interests safeguarded.

We have reflected upon the past and put our sights towards the future, aspiring to continue the legacy of AALCO. We reaffirmed our faith in AALCO as the leading platform to facilitate African and Asian states in seeking consensus, voicing our common concerns and actively participating in international rule-making. We proclaimed our firm commitment to work together to make ALCO even stronger and more visible.

At this juncture, I would like to express my deep and heartfelt appreciation to Dr. Kamalinne, Secretary-General of AALCO, for his significant contributions to this Annual Session and beyond. I am confident that with his vision and determination, AALCO is in good hands and on course to reaching further heights. A high-profile meeting such as AALCO's Annual Session cannot be successfully organized and concluded without the support of many, many parties.

My gratitude goes to the Secretary-General, his team of the AALCO Secretariat for tirelessly working closely with Thailand in preparing for this Annual Session and for earnestly preparing so many documents which were essential for our deliberations. My sincere thanks also goes to the interpreters in the back for making sure that language is not a barrier for our exchange of ideas and perspectives. Moreover, I should also give special thanks to my colleagues at the Ministry of Foreign Affairs of Thailand, who over the course of several months have attended to every meticulous detail to ensure the smooth running of this Annual Session.

Special thanks, of course, to my own department, my wonderful team of officials who tirelessly take every qualm and every worry that the DG puts upon them and then does not complain and then acts accordingly beyond 100% of my expectations. So, thank you to them.

Okay, last but not least, I wish to express my deepest regards to the members of the International Law Commission and the International Tribunal for the Law of the Sea, sharing their insights and expertise as well as those organizations and bodies who assisted with our side events, namely the International Committee of the Red Cross, the United Nations Commission on International Trade Law, UNCTRAL, United Nations Division for Ocean Affairs and the Law of the Sea, United Nations Environmental Programme, and the Hague Conference on Private International Law. Your participation at this Annual Session has broadened the scope of our deliberations, stimulated exchange of views, and also helped us gain better perspectives on important developments that are particularly relevant for Asian and African countries. Thailand fully believes in multilateralism and it is through international organizations that work as a catalytic role in pursuing the goals of promoting international relations and especially international law.

So finally, distinguished delegates, ladies and gentlemen, some of you may be wondering why we have the backdrop we have throughout the session. As you can see, it's composed of the colourful fabrics and patterns that we found from all the different regions of Thailand. And this design is an interweaving of the continuous flow of ideas we see happening in AALCO. The design captures the very spirit of the Annual Session, which is symbolic of the diversity of views and experiences that we shared and coordinated to have a harmonious outcome. So, this, I think, really is symbolic and this forms an unbreakable tapestry that embodies both the pride in our diversity and the strength in our unity. So, with those words, I formally declare the Sixty-Second Annual Session of AALCO to be adjourned. Thank you all once again, and please enjoy the rest of your stay in Thailand and have a safe journey home.

**The Sixty-Second Annual Session of AALCO was, thereafter, concluded.**

**XX. TEXT OF THE DOCUMENTS ADOPTED AT  
THE SIXTY-SECOND ANNUAL SESSION**



## **A. RESOLUTIONS**



**AALCO/RES/62/DEC  
13 SEPTEMBER 2024**

**KRUNGTHEP DECLARATION**

*Adopted at the 62<sup>nd</sup> Annual Session of AALCO  
Bangkok, 13 September 2024*

We, the Heads of Delegations of the Member States of the Asian-African Legal Consultative Organization (AALCO), gathered in Bangkok, Thailand, from 9-13 September 2024 for the 62<sup>nd</sup> Annual Session of AALCO;

**Recalling** the foundational objectives of AALCO to serve as a consultative body for Asian and African States on matters of international law;

**Recalling also** the principles of solidarity, friendship, and cooperation enshrined in the Bandung Declaration (1955) as well as the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization (2009) and the New Delhi Declaration on the Commemoration of the Sixtieth Anniversary of AALCO (2016);

**Recognising** the significant contributions of AALCO in shaping international legal norms and in advocating for the distinct perspectives and challenges of its Member States;

**Acknowledging** the evolving global landscape and the increasing importance of international cooperation in addressing complex transnational issues; and

**Reaffirming** our commitment to the functions and the purposes of AALCO, including the promotion of international law and the enhancement of the rule of law,

1. **Commit** to strengthening the role of AALCO as a platform for continued dialogue, enhanced cooperation, and collective action among its Member States, and in particular, encourage AALCO to organise regular training programmes and render technical advisory services to its Member States upon request in accordance with the Statutes and the Statutory Rules of AALCO;
2. **Urge** Member States to enhance such cooperation and collaboration in addressing global challenges through existing international legal fora, such as the 6th Committee of the United Nations General Assembly;
3. **Reiterate** our strong support for the dissemination and wider appreciation of international law, emphasising the critical role of Asian and African leadership and initiative in this endeavour;
4. **Support** efforts to ensure adequate representation and participation of Asian and African countries in international legal bodies and negotiations, advocating for a more inclusive and equitable international legal order;

5. **Encourage** the sharing of best practices and experiences among Member States to foster a deeper understanding and effective implementation of international legal standards and norms;
6. **Recognise** the importance of the engagement of youth, particularly on emerging international legal issues, such as climate change and cyberspace;
7. **Invite** Asian and African States which are not members of AALCO to consider participating in and accepting the AALCO Statutes and Statutory Rules.



**AALCO/RES/62/ORG 1**  
**13 SEPTEMBER 2024**

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

*The Asian-African Legal Consultative Organization at its Sixty-Second Session,*

**Recalling** the functions and purposes of the Organization as stipulated in Article 1 of the Statutes of AALCO,

**Having considered** the Report of the Secretary-General on Organizational, Administrative and Financial Matters pursuant to Rule 20 (7) of the Statutory Rules as contained in Document No. AALCO/62/BANGKOK/2024/ORG 1,

**Having heard** with appreciation the introductory statement of the Secretary-General on the Report of the Secretary-General on organizational, administrative and financial matters,

**Also having heard** with keen interest and appreciation the statements of the Heads of Delegations of AALCO Member States on the Report of the Secretary-General,

**Recognizing** the need to take forward the spirit of the Bandung Conference in the current era which has witnessed many international legal challenges for the States of Asia and Africa,

**Appreciating** the efforts of the Secretary-General to enhance the activities of the Organization and to implement its work programme as approved at its Sixty-First Annual Session held in Bali, the Republic of Indonesia from 16<sup>th</sup> October to 20<sup>th</sup> October 2023,

**Also appreciating** the continued practice towards the rationalization of its work programme, including consideration of the agenda items during its Annual Sessions,

**Reiterating** the mandate of the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization, and the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1 adopted by the Extraordinary Session of AALCO Member States held on 1<sup>st</sup> December 2008, in New Delhi (Headquarters), India,

**Welcoming** the efforts by the Secretary-General for revitalizing and strengthening AALCO,

**Noting with satisfaction** the increased cooperation between the Organization and the United Nations and its Specialized Agencies, other international organizations and academic institutions,

1. **Approves** the work plan of the Organization as set out in the Report of the Secretary-General and urges Member States to extend their full support to the implementation of that work plan;
2. **Encourages** Member States to make voluntary contributions to support the capacity-building activities under the approved work plan of the Organization;

3. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in Asia and Africa, in particular, to increase the representation from the African States and Central Asian States;
4. **Also requests** the Secretary-General to discuss with African and Arab Member States to encourage them to depute at least one senior official to the Secretariat as an Assistant Secretary-General or Deputy Secretary-General from each of the two regions;
5. **Further requests** the Member States, in their bilateral relations, to encourage Non-Member States to join AALCO;
6. **Requests** the Secretary-General to take appropriate actions in accordance with the Action Plan adopted on 20<sup>th</sup> August 2009;
7. **Directs** the Secretary-General to take appropriate actions, in consultation with Liaison Officers, to ensure active participation of all Member States in the activities of AALCO, independent of their financial contributions;
8. **Also directs** the Secretariat to continue supporting the open-ended sub-committee of Liaison Officers to comprehensively review the scale of assessed contributions and report to the next Annual Session;
9. **Requests** the Secretary-General to explore ways and means in consultation with the Liaison Officers to stream-line the Administrative, Financial and Staff Regulations of AALCO.
10. **Further requests** the Secretary-General to report on the activities of the Organization at its Sixty-Third Annual Session.

**AALCO'S BUDGET FOR THE YEAR 2025**

*The Asian-African Legal Consultative Organization at its Sixty-Second Session,*

**Having heard** with appreciation the introductory statement of the Secretary-General on the Proposed Budget for the Year 2025 as contained in the Document No. AALCO/62/BANGKOK/2024/ORG 2,

**Taking note** of the comments of the Member States on the Proposed Budget,

**Noting further** that the proposed budget for the year 2025 was placed before the 361<sup>st</sup> and 362<sup>nd</sup> Meetings of Liaison Officers held on 13<sup>th</sup> December 2023 and 15<sup>th</sup> February 2024 respectively at the Headquarters, New Delhi and submitted to the Sixty-Second Annual Session for the final approval,

**Considering** that the Proposed Budget for the year 2025 is a realistic budget depending on the actual contributions to be received,

**Acknowledging** the need to replenish the Reserve Fund of the Organization, with the objective of ensuring that it always has a six-month operational fund for the functioning of the Organization,

**Considering** all the above mentioned reasons to place the Organization on a firm financial footing,

1. **Approves** the Budget for the year 2025 as proposed;
2. **Requests** Member States who have not paid their annual contribution for the year 2024, to do so at the earliest in order to ensure the effective functioning of the Organization;
3. **Strongly** urges Member States, who are in arrears, to fulfill their financial obligations in accordance with the Statutes and Statutory Rules of AALCO, in order to expeditiously clear the same and directs the Secretary-General to report on the status thereon in the next Annual Session;
4. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO;
5. **Mandates** the Secretary-General to explore ways and means of raising funds by additional sources in accordance with the Statutes and Statutory Rules of AALCO; and
6. **Decides** to place this item on the provisional agenda of the Sixty-Third Annual Session.

**AALCO/RES/62/ORG 3**  
**13 SEPTEMBER 2024**

**REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES**

*The Asian-African Legal Consultative Organization at its Sixty-Second Session,*

**Considering** the Report on the AALCO's Regional Arbitration Centres contained in Document No. AALCO/62/BANGKOK/2024/ORG 3,

**Noting** with appreciation the introductory remarks made by the Secretariat and the report of the Directors of the Regional Arbitration Centres,

**Reaffirming** the commitment by the Governments of the Member States towards enhancing the role of the Regional Arbitration Centres,

**Recalling** decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978,

**Expressing satisfaction** over the increasing use of the facilities and the opportunities offered for both domestic and international arbitrations under the auspices of its Regional Arbitration Centres,

**Appreciating** the efforts and contributions of the Governments of the Malaysia, the Arab Republic of Egypt, the Federal Republic of Nigeria, the Islamic Republic of Iran, the Republic of Kenya and the People's Republic of China for hosting the respective Regional Arbitration Centres,

**Further appreciating** the promotional activities undertaken by the Directors of the Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions,

**Reiterating** the earlier decision of the AALCO on the necessity for the Governments of the Member States to promote and support the use of the Regional Arbitration Centres,

**Further reiterating** its proposal, after consultation with the Directors of the respective Regional Arbitration Centres, for the holding of International Arbitration Conference biennially, by rotation in each of the Centres, with the support of the Member States,

1. **Requests** the Member States to continue their support to the Regional Arbitration Centres and use the AALCO's Regional Arbitration Centres for resolving their disputes and in particular to consider in their contracts, the inclusion of such Arbitration Clauses;
2. **Urges** the Regional Arbitration Centres to consider to the extent possible, among themselves, the formation of a common system both administratively and financially between the Centres and common standards for the qualification of arbitrators;

3. **Directs** the Regional Arbitration Centres to meet at every AALCO Annual Session to enable an exchange of ideas and to report the outcome to the Organization; and
4. **Decides** to place this item on the provisional agenda of the Sixty-Third Annual Session.

**REVIEW OF AALCO'S STATUTORY RULES**

*The Asian-African Legal Consultative Organization at its Sixty-Second Session,*

**Recalling** the Statutory Rules of AALCO were adopted at the Twenty-Eighth Annual Session in 1989 and the Statutes of AALCO were revised and adopted at the Forty-Third Annual Session in 2004;

**Also Recalling** the resolution AALCO/RES/44/ORG 6 adopted on 1 July 2005 at the Forty-Fourth Annual Session held in Nairobi, the Republic of Kenya

**Noting** the necessity to streamline the Statutory Rules in accordance with the Statutes as mandated by the Resolution on the Report of the Secretary-General on Organizational, Administrative and Financial Matters adopted at the Fifty-Fifth Annual Session held in New Delhi (Headquarters) in 2016 which requested the “Secretariat to explore ways and means for streamlining the Statutory Rules and Administrative, Financial and Staff Regulations of AALCO;”

**Recalling** the resolution AALCO/RES/60/ORG 1 adopted on 28 September 2022 at the Sixtieth Annual Session held in New Delhi (Headquarters), the Republic of India which mandated the Secretariat to constitute an open-ended sub-committee of Liaison Officers to review the Statutory Rules of AALCO;

**Also recalling** that in pursuance of the mandate entrusted by the Sixtieth Annual Session an open-ended sub-committee of Liaison Officers came to be constituted and has reviewed and streamlined the Text of the Statutory Rules of AALCO;

**Having heard** with appreciation the introductory statement of the Secretariat of the open-ended sub-committee on the revision of Statutory Rules;

**Appreciating** the Open-ended Sub-Committee of the Liaison Officers of the AALCO Member States on the Revision of the Statutory Rules of AALCO in preparing the Draft Text of the Statutory Rules of AALCO, 2024;

**Having reviewed** all the dispositions of the revised Draft Text of the Statutory Rules;

1. **Decides** to adopt the Asian-African Legal Consultative Organization Statutory Rules, 2024 as proposed with immediate effect.

## **B. SUMMARY REPORT**





**SUMMARY REPORT\***



**AALCO  
Asian-African Legal Consultative Organization  
Sixty-Second Annual Session  
9 to 13 September 2024  
Bangkok, the Kingdom of Thailand**

---

**SUMMARY REPORT  
OF THE SIXTY-SECOND ANNUAL SESSION OF THE  
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

**1. Introduction**

- 1.1. 39 Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Sixty-Second Annual Session (hereinafter “the Session”) namely, the Arab Republic of Egypt, the Kingdom of Bahrain, Brunei Darussalam, Burkina Faso, the Republic of Cameroon, the Republic of Cyprus, the Federal Republic of Nigeria, the Republic of Ghana, the Republic of India, the Republic of Indonesia, the Republic of Iraq, the Islamic Republic of Iran, the Islamic Republic of Pakistan, Japan, the Republic of Kenya, the Republic of Korea, the State of Kuwait, the State of Libya, Malaysia, Mongolia, Nepal, the Sultanate of Oman, the State of Palestine, the People’s Republic of Bangladesh, the People’s Republic of China, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of Sierra Leone, the Republic of Singapore, the Socialist Republic of Viet Nam, the Republic of South Africa, the Republic of the Sudan, the Kingdom of Thailand, the Republic of the Philippines, the Republic of Türkiye, the Republic of Uganda, the Republic of the Union of Myanmar, the United Republic of Tanzania, and the Republic of Yemen.**
- 1.2. Representatives of the following Regional Arbitration Centres of AALCO were also present: the Asian International Arbitration Centre (formerly Kuala Lumpur Regional Centre for Arbitration) (AIAC), the Nairobi Centre for International Arbitration (NCIA), and the AALCO-Hong Kong Regional Arbitration Centre (AALCO-HKRAC).**
- 1.3. In accordance with Rule 18 (1) of the Statutory Rules, the following Observers were admitted to the Session:**
- I. Representatives from the following Non-Member States: the Republic of Mali, the Russian Federation and the Republic of Uzbekistan.**

---

\* Finalised on 15<sup>th</sup> October 2024.

- II. Representatives from the following International Organizations: the **Asian Academy of International Law (AAIL)**, the **Hague Conference on Private International Law (HCCH)**, the **International Committee of the Red Cross (ICRC)**, the **Permanent Court of Arbitration (PCA)**, the **United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific (UNCITRAL RCAP)**, the **United Nations Environmental Program (UNEP)**.

## **2. Inaugural Session**

- 2.1.** The Sixty-Second Annual Session of AALCO commenced on 9 September 2024.
- 2.2.** **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)**, welcomed all delegations to the Annual Session in Bangkok, expressing profound gratitude to the Member States for their continued participation and support to the Organization. He emphasised the historical relationship of AALCO with the Kingdom of Thailand. He expressed his deep sense of appreciation to the Government of the Kingdom of Thailand for their tireless efforts in the preparation of the Annual Session. He placed on record his immense appreciation of the **Ministry of Foreign Affairs, Kingdom of Thailand**, for their cooperation and support in the organisation of the Session.
- 2.3.** In his statement, he underlined the role of AALCO in upholding the rule of law in international law-making process through the codification and progressive development of international law across the Afro-Asian region and in generating the rule of law on new international norms, such as Diplomatic law, Law of treaties, Law of the sea, Human rights law and Treatment of refugees. He also highlighted some challenges facing AALCO and its future visions, including Enhancing Outreach and Visibility of AALCO, Interactions with United Nations and other International Organisations, Increasing Member States Engagement, AALCO's role as a Legal Forum and a Legal Advisory Body, Harmonizing of International Legal Matters and Financial Resources and Member States' fulfilment of their financial obligations.
- 2.4.** **H.E. Mr. Cahyo R. Muzhar, Deputy-Minister of Law and Human Rights of the Republic of Indonesia**, on behalf of the **President of the Sixty-First Annual Session of AALCO**, delivered an opening statement at the Sixty-Second Annual Session in Bangkok. He expressed gratitude to the Kingdom of Thailand for hosting the event and appreciated the Secretary-General and his team for their efforts. He highlighted the strong bond between the Republic of Indonesia and the Kingdom of Thailand, reflecting the Bandung Spirit of unity and collaboration. He recalled the successful Inter-Sessional Meeting on Asset Recovery Expert Forum held in New Delhi and emphasised AALCO's crucial role in developing and codifying international law.
- 2.5.** In his statement, he emphasised the unwavering support of the Republic of Indonesia, which was honoured to host the Sixty-First Annual Session in Bali. He expressed confidence in the success of the Sixty-Second Session, which had a comprehensive agenda including legal issues in outer space and the establishment of an asset recovery forum. He emphasised the significance of equity and democratic governance of outer space and the active role Asian-African States must play to ensure their interests. Finally, he reiterated his gratitude to the Kingdom of Thailand and the delegates, expressing confidence in AALCO's future under the incoming President's leadership.

**2.6. Dr. Kumar Abhijeet, Legal Officer, Legal and Treaties Division, Ministry of External Affairs, the Government of the Republic of India**, on behalf of the **President of the Sixtieth Annual Session of AALCO**, expressed his gratitude to the dignitaries present, the host State the Kingdom of Thailand, the AALCO Member States and the AALCO Secretariat. He highlighted AALCO's important role in representing Asian and African perspectives in the development of international law over its sixty-seven-year history. He thanked the outgoing Sixty-First President from the Republic of Indonesia and congratulated the incoming Sixty-Second President of AALCO. Finally, he appreciated the efforts of the AALCO Secretary-General and Secretariat staff in organising the Sixty-Second Annual Session in Bangkok in 2024 and re-affirmed the support of the Republic of India to the Organization.

**2.7. Mrs. Eksiri Pintaruchi, Permanent Secretary of the Ministry of Foreign Affairs of the Kingdom of Thailand and the Chief Guest**, delivered the Inaugural Address at the Opening Ceremony of the Sixty-Second Annual Session of AALCO. She warmly welcomed all delegates to Bangkok and emphasised the critical role AALCO and its Member States have played in shaping international law based on the principles of solidarity, friendship, and cooperation since the Organization's inception in 1956. Mrs. Pintaruchi highlighted the importance of Asian and African voices in ensuring that international law reflects the realities and aspirations of all nations, not just the most powerful. She expressed Thailand's pride in hosting the AALCO Annual Session for the third time under the theme of advancing the development of international law through Asian and African leadership.

**2.8.** She stressed the need for collective action and closer cooperation among AALCO Member States to address contemporary challenges such as cybersecurity, armed conflicts, trade protectionism, and climate change. She expressed hope that the Annual Session would produce tangible and meaningful outcomes, similar to the Bangkok Principles on Refugee Protection developed during the Eighth Annual Session of AALCO in 1966. The Chief Guest reaffirmed the Kingdom of Thailand's unwavering support for AALCO and international law, highlighting the country's active participation in various international organisations and its commitment to upholding the rule of law. In conclusion, she expressed confidence that the deliberations during the Annual Session would help AALCO and its Member States build a strong and united voice to face emerging challenges in the international legal landscape.

### **3. First Meeting of the Delegations of AALCO Member States**

**3.1. H.E. Mr. Cahyo R. Muzhar, on behalf of the President of the Sixty-First Annual Session of AALCO**, called the Meeting to order.

**3.2.** The following agenda was unanimously adopted.

#### **3.3. Agenda**

##### **I. Organizational Matters**

1. Consideration and Adoption of the Agenda and Tentative Schedule of Meetings
2. Election of the President and the Vice-President

3. Admission of New Members
4. Admission of Observers
5. Opening Speech of the President of AALCO
6. Report of the Secretary-General on the Work of AALCO
7. Release of AALCO Publications
8. Presentation of the Draft Budget 2025
9. Report on the Work of the AALCO's Regional Arbitration Centres
10. Report of the Sub-Committee on Revision of Statutory Rules
11. Draft Report of the Sub-Committee on Revision of Scale of Assessed Contribution
12. Venue of the Sixty-Third Annual Session

## **II. Substantive Matters**

1. Select Items on the Agenda of the International Law Commission
2. Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues related to the Question of Palestine
3. Environment and Sustainable Development
  - a. Recent Developments in International Law on Climate change
4. International Trade and Investment Law
5. Asset Recovery Expert Forum
6. Legal Issues in Outer Space
7. The Law of the Sea
8. Violent Extremism and Terrorism (Legal Aspects)
9. International Law in Cyberspace

## **III. Any Other Matter**

Sixth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace

## **IV. Side Events**

1. The Appeal of Private International Law through the Lens of the Apostille Convention
2. ISDS Reform from the Perspective of Developing Countries
3. Protecting Civilians against Digital Threats
4. Beyond the Adoption: Practical Ways Towards the Implementation of BBNJ Agreement

### **3.4. Admission of New Members: Burkina Faso.**

**3.5. Admission of Observers:** the **Republic of Mali**, the **Russian Federation**, the **Republic of Uzbekistan**, the **Asian Academy of International Law (AAIL)**, the **Hague Conference on Private International Law (HCCH)**, the **International Committee of the Red Cross (ICRC)**, the **Permanent Court of Arbitration (PCA)**, the **United Nations Commission on International Trade Law (UNCITRAL)** **Regional Centre for Asia and the Pacific** and the **United Nations Environment Program (UNEP)**.

- 3.6. **H.E. Mr. Cahyo R. Muzhar, on behalf of the President of Sixty-First Annual Session**, invited the Member States to propose candidates for the posts of the **President** and the **Vice-President** of the Sixty-Second Annual Session of AALCO. The Head of Delegation of the **People's Republic of China** proposed the nomination of **H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General of the Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand** as the **President** of the Sixty-Second Annual Session of AALCO. The proposal was seconded by the Head of Delegation of the **United Republic of Tanzania** and thereafter the President was unanimously elected. The Delegation of the **Republic of India** proposed the nomination of **H.E. Mr. Kiryowa Kiwanuka, Attorney-General, Ministry of Justice and Constitutional Affairs, the Republic of Uganda** as **Vice-President** of the Sixty-Second Annual Session. The proposal was seconded by the Head of Delegation of the **State of Palestine** and thereafter the **Vice-President** was unanimously elected. Thereafter **H.E. Mr. Cahyo R. Muzhar** of the **Republic of Indonesia on behalf of the President of Sixty-First Annual Session** invited the **President** and the **Vice-President** of the Sixty-Second Annual Session to assume their positions on the dais.
- 3.7. **H.E. Mrs. Suphanvasa Chotikajan Tang, Director-General of the Department of Treaties and Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand** and the **President of the Sixty-Second Annual Session of AALCO**, delivered an opening statement. The President warmly welcomed all delegates, emphasising the enduring bonds of friendship, cooperation, and solidarity that bind the Asian and African regions together. She thanked the Member States for electing her as President and expressed her honour in presiding over this important meeting. The President looked forward to working with the Vice-President to ensure the success of the Annual Session and paid compliments to the outgoing President and Vice-President for their exemplary leadership. She also expressed sincere appreciation to Secretary-General Dr. Kamalinne Pinitpuvadol and the AALCO Secretariat for their excellent preparation and tireless efforts contributing to the successful organisation of the Annual Session.
- 3.8. The President highlighted the **Kingdom of Thailand's** historical commitment to advancing international law, from participating in the establishment of the Permanent Court of Arbitration to its recent engagement with the International Court of Justice on climate change obligations. She underlined AALCO's unique role in shaping international law to reflect the diverse regional perspectives of Asia and Africa, especially in the face of critical global challenges. The President encouraged active participation in the substantive deliberations on the Annual Session's significant and urgent agenda, covering topics from the work of the United Nations International Law Commission (ILC) to discussions on the law of the sea, climate change, Investor-State Dispute Settlement (ISDS) reform and cyberspace. She also encouraged delegates to engage in the side events organised by the **Kingdom of Thailand** on key areas of public and private international law in cooperation with specialised international organisations. In conclusion, the President extended gratitude to all Member States for their participation and active engagement, expressing confidence that the session will successfully advance AALCO's vital role in promoting legal dialogue and cooperation for the benefit of Asian and African nations.

#### **4. Second Meeting of the Delegations of the AALCO Member States**

##### ***Agenda Item: Report of the Secretary-General on the work of the Organization***

- 4.1. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO** delivered a statement on his report and presented a comprehensive overview of the Organization's activities, achievements, and future plans since the previous session in Bali, Indonesia. The Secretary-General commenced his statement by acknowledging the host State, Member States, and the President and Vice-President of the Sixty-First Annual Session. He expressed gratitude to the Indonesian Government for hosting the Sixty-First Annual Session and to the Member States for their trust and support. The Secretary-General also thanked the Government of the Republic of India for hosting AALCO's permanent headquarters and the Government of the Kingdom of Thailand for serving as gracious hosts for the current session.
- 4.2.** His report, containing seven main sections, covered the work programme, initiatives and activities, the Secretariat, financial situation and budget, measures to revitalise AALCO, future work plan, and collaboration with international bodies.
- 4.3.** He apprised the meeting that since the Sixty-First Session, AALCO has taken the work on organisational activities forward, including the meetings of the Liaison Officers of the AALCO Member States and Sub-Committees on the scale of assessed contributions and revision of the Statutory Rules. On the sidelines of the United Nations General Assembly (UNGA) meetings, the AALCO Secretary-General addressed the 33rd Informal Meeting of Legal Advisers and co-organised side events on climate governance, and Investor-State Dispute Settlement (ISDS) reform.
- 4.4.** The AALCO Secretariat, in cooperation with the Member States, also convened inter-sessional meetings on asset recovery in New Delhi and countering terrorism in Tehran. It was also highlighted that over the reporting period the AALCO Secretariat has participated in workshops, forums, and training programs, such as the China AALCO-Exchange and Research Programme and the Tokyo International Law Seminar. It was also informed that in keeping with its mandate, AALCO has engaged with its Regional Arbitration Centres and collaborated with regional and international organisations, universities, and educational institutions in organising conferences, seminars and other capacity-building initiatives.
- 4.5.** Measures taken to revitalise and strengthen AALCO included enhancing human resources, expanding membership, reaching out to the new generation, improving the financial situation, and implementing an action plan for collecting arrears. It was stated that the future work plan focussed on capacity-building, collaboration with international organisations, promoting the internship program, streamlining administrative and financial regulations, and increasing engagement through social media.

##### ***Agenda Item: Discussions on the Budget for 2025***

- 4.6. H.E. Dr. Kamalinne Pinitpuvadol, the Secretary-General of AALCO,** highlighted the details of the budget approved by the Liaison Officers for the year 2025. An amount to the tune of **US\$ 726,600**, taking into consideration the expenses likely to be incurred in 2025. He alluded to the continuous efforts of the Organization to employ the human

and material resources available to it and to minimise operational costs. He also made a brief presentation on the issue of arrears and the recent discussions held by the Open-ended Sub-Committee of Liaison Officers to review the scale of contributions.

## **5. First and Second General Meeting**

- 5.1. Release of AALCO Publications:** The following AALCO publications were released: Yearbook of AALCO Vol. XX (Year 2023), AALCO Journal of International Law XII (2024), Report of AALCO's 67<sup>th</sup> Constitution Day Seminar, and the Report of the AALCO Webinar on Protection of Civilians in Armed Conflict: Prospects and Challenges, and the Proceedings of the AALCO Regional Conference on Preventing and Countering Terrorism: Asian-African Perspectives.
- 5.2.** At the Sixty-Second Annual Session of AALCO, the following delegations delivered general statements: the **Kingdom of Thailand**, the **Republic of India**, the **Kingdom of Saudi Arabia**, the **State of Kuwait**, the **Sultanate of Oman**, the **State of Palestine**, the **Republic of the Sudan**, **Malaysia**, the **Republic of Indonesia**, the **Republic of the Union of Myanmar**, **Nepal**, the **Islamic Republic of Iran**, the **People's Republic of Bangladesh**, the **Republic of the Philippines**, the **United Republic of Tanzania**, the **Republic of Uganda**, **Japan**, the **Republic of South Africa**, the **Socialist Republic of Viet Nam**, the **Republic of Iraq**, the **Republic of Sierra Leone**, the **Republic of Cameroon**, the **Federal Republic of Nigeria**, the **Republic of Kenya**, the **People's Republic of China**, the **Arab Republic of Egypt**, the **Republic of Türkiye**, the **Republic of Korea**, **Brunei Darussalam**, the **Republic of Cyprus**, and **Burkina Faso**. The following Observer Non-Member States delivered General Statements: the **Republic of Uzbekistan** and the **Russian Federation**. The following Observers delivered statements: the **Hague Conference on Private International Law (HCCH)**, the **Permanent Court of Arbitration (PCA)** and the **Asian Academy of International Law (AAIL)**.
- 5.3.** The delegations expressed their gratitude to the **Kingdom of Thailand** for hosting the Sixty-Second Annual Session of AALCO. They reposed their faith in the President and Vice-President for the smooth and efficient conduct of the Annual Session and assured their support in this regard. The efforts of the AALCO Secretariat under the leadership of the Secretary-General in preparing for the Annual Session were also lauded. The delegations welcomed **Burkina Faso** to the AALCO family.
- 5.4.** The delegations expressed their support for the substantive topics being deliberated at the Session noting their importance and high contemporary relevance for international relations. Issues like climate change, protection of marine biodiversity, the Question of Palestine, effective legal regulation of outer space, ISDS reform, asset recovery, cooperation in the fight against terrorism and violent extremism, protection of civilians in armed conflicts, international law in cyberspace among others were noted by several delegations as holding immense significance for transnational cooperation among AALCO Member States.
- 5.5.** Delegations noted the significance and timeless relevance of the Bandung Spirit of solidarity and cooperation and emphasised the importance of an international order based on international law. The role of international judicial institutions like the International Court of Justice (ICJ) and International Tribunal of the Law of the Sea

(ITLOS) among others in clarifying and promoting international law in the backdrop of recent advisory opinions was appreciated by several delegations. The transformative power of international law and the importance of forging collective responses to global challenges through the medium of AALCO as a facilitative platform was emphasised. It was emphasised that the voices of Asian and African countries would be of utmost importance in solving issues facing the international community and AALCO must continue to play a crucial consultative role in forging unity and mutual trust among countries in the region. The importance of a just, inclusive and equitable international legal order was noted by delegations as essential for universal harmony and prosperity.

## **6. Third General Meeting**

### ***Agenda Item: Select Items on the Agenda of the International Law Commission***

- 6.1. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, welcomed the delegates to the deliberations on the agenda item “Selected Items from the Agenda of the International Law Commission” and noted AALCO’s close cooperation with the Commission over the years in the codification and progressive development of international law. It was noted that the brief prepared by the Secretariat covered the topics, (1) Settlement of International Disputes to which International Organizations are Parties (2) Subsidiary Means for the Determination of Rules of International Law (3) Prevention and Repression of Piracy and Armed Robbery at Sea (4) Immunity of State Officials from Foreign Criminal Jurisdiction (5) Succession of States in respect of State Responsibility (6) Sea-Level Rise in Relation to International Law and (7) Non-Legally Binding International Agreements. The Secretary-General noted the presence of seven ILC members who joined the Sixty-Second Annual Session of AALCO and encouraged Member States to actively participate in the deliberations on the topic.
- 6.2. ILC Members Dr. Vilawan Mangklatanakul, Prof. Phoebe N. Okowa, Prof. Masahiko Asada, Amb. Nguyen Hong Thao** delivered their statements in person, and Prof. Bimal N. Patel, Prof. Alioune Sall and Prof. Martins Paparinskis delivered their statements via a pre-recorded video.
- 6.3. Amb. Dr. Vilawan Mangklatanakul, Member, ILC** highlighted the need for the Commission to take up more specialised and technical topics especially those related to international economic law. It was noted that Foreign Direct Investment (FDI) was crucial for Asia and Africa not only for economic development but for financing the 2030 Agenda for Sustainable Development and in this regard the current regime of international investment law that was facing a legitimacy crisis should be considered by the ILC for progressive development. Such an exercise, it was noted, would serve the interests of the international community by balancing the needs of investment protection and sustainable development. She emphasised the importance of the participation of AALCO Members in the work of the Commission and expressed her appreciation to the Secretary-General of AALCO for his commitment to increase AALCO’s engagement with the ILC.
- 6.4. Prof. Phoebe N. Okowa, Member, ILC** focussed on the International Law Commission’s work on the topic ‘Immunity of State Officials from foreign criminal jurisdiction’. She noted that topic was of particular relevance to AALCO Member States as the exercise of foreign criminal jurisdiction often involved the prosecution of



Asian and African officials by Western States. She observed that the participation of Asian and African States on this topic was limited and this failure to engage effectively was a missed opportunity for the Afro-Asian region to positively influence the development of international law on this front. She emphasised the significance of procedural safeguards and called upon AALCO Member States to share information on their existing practices and views on desirable procedural safeguards as they will help shape the evolution of international law on this matter.

- 6.5. Prof. Masahiko Asada, Member, ILC** highlighted developments that took place on the topic “Non-Legally Binding International Agreements” at the Seventy-Fifth Session of the ILC in 2024. He noted that the topic was approved last year, and Prof. Forteau was appointed as the Special Rapporteur. At the Seventy-Fifth Session, the Special Rapporteur submitted his First Report that provided an overall picture of the topic and discussed three substantive aspects namely, the title of the topic, the scope of the topic and the issues to be examined. It was noted that there was considerable support for the Special Rapporteur’s proposal for draft conclusions though other ideas existed as well. Prof. Asada hoped that his discussion on the topic would be useful for AALCO Member States keen to engage with this ILC agenda item and he looked forward to receiving State Practice on this topic from Asian and African States.
- 6.6. Amb. Nguyen Hong Thao, Member, ILC** highlighted the significant progress made by the ILC on various topics at the Seventy-Fifth Session of the Commission. He noted that Asian and African representation in the Commission increased to half of the Commission’s membership and the new members brought fresh perspectives to the Commission’s work. It was also observed that for the first time in its history, women constitute the majority in the bureau of the Commission. Amb. Thao focussed on the significant contributions made by Asian and African members of the Commission in refining the work of the Commission on topics like “Prevention and Repression of Piracy and Armed Robbery at Sea”. It was noted that their steadfast commitment and strong dedication to fostering the progressive development and codification of international law by incorporating diverse legal traditions and practices from the Asian, Pacific and African regions was making a significant contribution to the work of the Commission.
- 6.7. Prof. Bimal N. Patel, Member, ILC** addressed the legal aspects of accountability for crimes committed against United Nations (UN) peacekeepers. He highlighted the evolving nature of peacekeeping operations and the need for updated legal frameworks to address the challenges faced by peacekeepers, including the lack of clarity in the existing Convention on the Safety of United Nations and Associated Personnel, 1994 (Safety Convention) and its 2005 Optional Protocol. He emphasised the importance of clarifying the International Humanitarian Law (IHL) protection entitled to peacekeepers and identifying the elements of distinction between UN peacekeeping and other state or non-state actors. He highlighted the significance of the ILC’s efforts in clarifying, codifying, and progressively consolidating international law in this area, which would serve as a lasting tribute to all United Nations personnel serving in peacekeeping operations. He concluded by requesting the Member States to send their comments and observations on the four topics currently on the active agenda of the ILC and their suggestions on the way forward on the topic of the Succession of States in respect of State Responsibility.

- 6.8. Prof. Alioune Sall, Member, ILC** expressed the importance of rule of law in his speech citing the achievements of the ILC such as the draft articles on State responsibility for internationally wrongful acts and the work relating to the codification of international criminal law. He also summarised the current work of the ILC which deals with rule of law. Prof. Sall concluded his speech by noting the diversity and liveliness of the ILC, making it one of the best places to discuss the standards of international law.
- 6.9. Prof. Martins Paparinskis, Member, ILC** discussed the ILC's decision to include the topic of compensation for damage caused by internationally wrongful acts in its long-term work program. He explained that this topic falls within the ILC's previous work on the law of international responsibility, particularly the 2001 ILC articles on responsibility for internationally wrongful acts. Prof. Paparinskis noted that since 2001, there has been rich judicial, state, and institutional practice on compensation issues, including important judgments from the International Court of Justice and regional human rights bodies, which the ILC can now draw upon to address the topic in more detail. He proposed that the ILC focus specifically on secondary rules related to compensation, covering both interstate and non-state actor situations, and addressing issues of identifying compensation rules, damages, causality, equity, valuation, lost profits, and interest. He suggested that the output take the form of principles reflecting the customary international law character of compensation rules.
- 6.10.** The following delegations presented their statements on the topics under discussion: **Malaysia, Japan, the Islamic Republic of Iran, the Kingdom of Thailand, the Republic of India, the Socialist Republic of Viet Nam, the People's Republic of China, the Republic of Indonesia** and the **Republic of Korea**. The following Observer Non-Member State also delivered its statement: the **Russian Federation**.
- 6.11.** Several Member States expressed their appreciation for the brief prepared by the Secretariat and noted the valuable role played by the Commission in the codification and progressive development of international law. Member States expressed their views on and interest in the work of the Commission and in particular, referred to "Immunity of State Officials from foreign criminal jurisdiction", "Sea-level rise in relation to International Law", "Prevention and Repression of Piracy and Armed Robbery at sea", "Subsidiary Means for the determination of rules of international law", "Non-legally binding international agreements", "Settlement of disputes to which international organizations are parties". A Member State proposed that the Secretariat organise an annual workshop to engage with the questions posed by the Commission for States to respond to.

## **7. Fourth General Meeting**

### ***Agenda Item: Legal Issues in Outer Space***

- 7.1. Mr. Zhu Yong, Deputy-Secretary-General of AALCO**, introduced the agenda item, which was proposed by the Republic of India at the Sixty-First Annual Session held in Bali, Indonesia, in October 2023. He highlighted the need for collaborative dialogue among States to create progressive governance frameworks for outer space, ensuring adherence to the principles of peace and inclusivity. He further stated that AALCO, as a forum for legal consultation and cooperation among Asian and African States, is well-

positioned to contribute to this dialogue and promote the development of a comprehensive and adaptive legal framework for outer space activities.

- 7.2. The following Member States delivered statements on the agenda item: the **United Republic of Tanzania**, the **Islamic Republic of Iran**, the **Kingdom of Thailand**, **Malaysia**, the **Republic of India**, the **Republic of Kenya**, the **People's Republic of China**, the **Republic of Uganda**, **Japan**, the **Republic of Türkiye**, the **Republic of Korea**, the **People's Republic of Bangladesh**, the **Republic of South Africa**, and the **Republic of Indonesia**. The Observer, the **Asian Academy of International Law (AAIL)** also delivered a statement on the agenda item.
- 7.3. Member States applauded the inclusion of the topic on the agenda of this Session. They affirmed the significance of the 1967 Outer Space Treaty (OST) and other relevant space treaties in ensuring that outer space is free and accessible to humanity. A majority of Member States emphasised the paramountcy of preserving outer space as the province of all humankind in the letter and spirit of Article I, OST and not as a domain of conflict and confrontation. A few Member States reminded that State parties to the OST bear responsibility for the activities of non-governmental entities in outer space and have the obligation to authorise and continuously supervise their activities as stipulated in Article VI, OST. Some Member States highlighted the significance of the UN and IADC Guidelines on mitigating the proliferation of space debris.
- 7.4. A few Member States highlighted their progress in space activities, domestic legal and policy developments and their active participation in and support of regional and UN based capacity-building initiatives. They stressed on the relevance of developing progressive norms on resource utilisation and de-weaponisation of outer space. They acknowledged the ongoing work of the Working Group on Legal Aspects of Space Resource Activities at the UN Committee on the Peaceful Uses of Outer Space (COPUOS) and the work of the Conference of Disarmament (CD) on the Prevention of an Arms Race in Outer Space (PAROS). In this regard it was also emphasized that deliberations in AALCO must seek to avoid duplicity in deliberations that are currently underway at these forums to prevent a waste of resources. A Member State reiterated their position on the delimitation of outer space, stating the need to demarcate the boundary between airspace and outer space. Finally, Member States encouraged AALCO Secretariat to organise capacity-building initiatives in space law.

***Agenda Item: The Law of the Sea***

- 7.5. **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO** delivered an introductory statement stating that “The Law of the Sea” has been a longstanding topic on AALCO’s agenda since 1970. He reflected on AALCO’s commitment to advancing legal frameworks for oceans. The Secretary-General highlighted AALCO’s significant role in shaping concepts such as the Exclusive Economic Zone and the rights of archipelagic and land-locked States through its deliberations. He informed Member States that the topic was proposed to be included in the agenda of the Sixty-Second Annual Session of AALCO by the Government of the Kingdom of Thailand with a focus on four sub-themes, including climate change, marine scientific research, maritime security, and the sustainable use of marine resources.

- 7.6. **Amb. Kriangsak Kittichaisaree, Judge, International Tribunal for the Law of the Sea**, noted the seminal importance of the recently delivered ITLOS advisory opinion on the Law of the Sea regime and climate change and its significance for AALCO Member States. He highlighted that the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) imposes obligations on States to prevent, reduce and control marine pollution while upholding the principle of common but differentiated responsibility and respective capabilities (CBDR-RC). He underscored the importance for States to take stronger implementation measures of various conventions so as to mitigate the deleterious effects of climate change and greenhouse gas emissions. Judge Kittichaisaree emphasized the role and importance of climate financing in the law of the sea context. He observed that the ITLOS Advisory Opinion is also likely to influence the pending ICJ Advisory Opinion on the Obligation of States with respect to climate change and provide a legal basis for future litigation. Challenges pertaining to deep sea-bed mining as a common heritage of mankind were also expressed. He expressed his hope that maritime security challenges facing the world's oceans would be deliberated upon by AALCO Member States.
- 7.7. The following Member States delivered statements on the agenda item: the **Kingdom of Thailand**, the **Republic of South Africa**, the **United Republic of Tanzania**, **Malaysia**, the **Republic of India**, the **Islamic Republic of Iran**, the **Republic of Kenya**, **Japan**, the **Socialist Republic of Viet Nam**, the **Republic of Korea**, the **Republic of Indonesia**, the **People's Republic of China**, the **People's Republic of Bangladesh**, and the **Republic of Türkiye**.
- 7.8. Member States expressed their appreciation towards the Kingdom of Thailand for proposing that the topic be included in the substantive agenda of AALCO for the Sixty-Second Annual Session. Many Member States appreciated the AALCO Secretariat Report on the topic. A majority of Member States emphasized the importance of UNCLOS as an international legal instrument protecting the world's oceans and ensuring the sustainability of its resources in the best interests of the international community. AALCO's historic contribution to the field of law of the sea was noted and appreciated by a Member State. Many States drew attention to the contemporary challenges facing ocean protection and urged for collective action to jointly address challenges facing the international community on this front. Challenges like climate change, marine pollution, maritime piracy, illegal fishing, human smuggling and trafficking and protection of marine biodiversity in areas beyond national jurisdiction were emphasized. Member States expressed their varied opinions on the recently delivered advisory opinion of the International Tribunal for the Law of the Sea (ITLOS) on the obligations of States under UNCLOS to mitigate the harmful effects of anthropogenic Green House Gas (GHG) emissions. Member States highlighted the need for capacity-building initiatives and the need for sharing best practices in the domain of marine scientific research. They also shared their respective domestic practice and perspectives with regards to Marine Scientific Research activities, in particular, in their EEZs. Many delegations noted the importance of the BBNJ Agreement as a landmark contribution to international law. Several Member States highlighted key dimensions and the importance of the BBNJ's effective implementation. Many delegations noted their respective national initiatives on ocean conservation, maritime security and protection of the seas. Several Member States expressed their positions on deep-seabed mining activities being regulated by the International Seabed Authority. Member States made reference to SDG Goals particularly SDG 14 relating to Life Below Water.

- 7.9. Türkiye would like to confirm hereby with this notification that neither Türkiye's participation in the 62nd Annual Session of the Asian-African Legal Consultative Organization (AALCO) nor approval of any report within the frame of AALCO by the Government of the Republic of Türkiye is without prejudice to the rights and interests of Türkiye as a non-party to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) and cannot be construed as a change in the legal position of Türkiye with regard to UNCLOS.<sup>1</sup>

***Agenda Item: Violation of International Law in Palestine and Other occupied Territories by Israel and other International Legal Issues related to the Question of Palestine***

- 7.10. **Dr. Ali Hasankhani, Deputy Secretary-General of AALCO** delivered an introductory statement on the agenda item in which he detailed the engagement of AALCO with the many facets relating to the violation of international law in the Occupied Palestinian Territories. He stated that the Secretariat Report on the agenda item presented the key elements of the reports submitted to the UN Human Rights Council. Further, he apprised the meeting that the Secretariat Report also took note of the orders on provisional measures and the advisory opinion delivered by the ICJ, that raised alarming concerns for the international community about the grave violations of international law and their legal consequences. He invited the Member States to deliver statements on the issues identified for deliberation in the Report and share their respective positions and views on this all-important agenda item.
- 7.11. The following Member States delivered statements on the agenda item: the **State of Palestine**, the **Islamic Republic of Iran**, **Malaysia**, the **Republic of India**, the **People's Republic of China**, the **Republic of Korea**, the **Republic of Indonesia**, **Japan**, the **Republic of Uganda**, the **People's Republic of Bangladesh**, the **Arab Republic of Egypt**, the **Republic of Türkiye**, the **Republic of Yemen**, the **Republic of South Africa**, and the **Kingdom of Thailand**. The Non-Member State Observer, the **Russian Federation** also delivered a statement on the agenda item.
- 7.12. All Member States who delivered statements, expressed their commitment to the Palestinian cause and called for an immediate ceasefire in Gaza in accordance with the relevant United Nations Security Council (UNSC) resolutions. Calls for the release of hostages were also expressed by some Member States. A majority of Member States condemned the large-scale military operation in Gaza that violated almost every fundamental rule of international law providing instances of deliberate targeting of civilians and critical civilian infrastructure, use of prohibited weapons, and imposition of starvation and blockades as methods of war, among many others.
- 7.13. The Member States lauded the orders on provisional measures and the advisory opinion delivered by the ICJ relating to the Occupied Palestinian Territories, while some of them, appealed to all States to support legal actions such as the one taken by the Republic of South Africa against Israel. Some Member States condemned the systematic and grave violation of the rights of the Palestinian people, including the right to self-determination, and noted that the military operation had taken on a genocidal character as recognized in the report of Dr. Francesca Albanese, Special Rapporteur on

---

<sup>1</sup> Paragraph 7.9 has been inserted pursuant to the request of the delegation of the Republic of Türkiye vide email dated 1 October 2024.

the situation of human rights in the Palestinian Territories occupied since 1967. A Member State welcomed and highlighted the adoption of the resolution on Palestine at the Fifty-Fifth Session of the Human Rights Council on 5 April 2024, that was tabled by the Organization of Islamic Cooperation (OIC). Generally, the Member States stressed the importance for the UNGA and UNSC to consider developing modalities for ending Israel's occupation of Palestine as opined by the ICJ in its advisory opinion..

- 7.14.** A number of Member States informed the meeting of their diplomatic and legal efforts to bring an end to the conflict in Gaza and ensure a lasting and negotiated peace in the Occupied Palestinian Territories. Many Member States who delivered statements on the agenda item reaffirmed their unwavering commitment to the Two-State solution and a viable sovereign State of Palestine. Some delegations urged the international community including the Security Council, to take concrete steps towards advancing effort for the admission of the State of Palestine as a full Member of the United Nations.

***Agenda Item: Asset Recovery Forum***

- 7.15. Dr. Ali Hasankhani, Deputy Secretary-General of AALCO,** in his introductory statement, gave a brief overview of the topic, which was proposed by the Republic of Indonesia at the Sixty-First Annual Session of AALCO in 2023 and the deliberations held therein. He stated that the issue of Asset Recovery was critically important for Asian and African countries due to its profound implications on governance, development and international relations. He further highlighted that stolen assets represented the diverted resources that could have been used for the development of the Member States. Dr. Hasankhani also briefed about AALCO's earlier engagement with the topic of combating corruption since the Forty-First Annual Session held in 2001. He mentioned that the Secretariat Report contained the Report of the Inter-Sessional Meeting on Asset Recovery Expert Forum titled "Best Practices of Recovering Stolen Assets" held on 21 June 2024.
- 7.16.** The following delegations delivered their statements on the agenda item: the **Republic of Indonesia**, the **Islamic Republic of Iran**, the **Republic of India**, the **United Republic of Tanzania**, **Malaysia**, the **People's Republic of China**, **Japan**, the **People's Republic of Bangladesh**, the **State of Kuwait**, the **Republic of Uganda** and the **Republic of South Africa**.
- 7.17.** Delegations expressed their appreciation for the inclusion of this topic in the AALCO's agenda and welcomed the proposal for the establishment of an AALCO Asset Recovery Forum. Many delegations highlighted the importance of the topic for the Asian and African countries while also noting the challenges involved in the process of recovering stolen assets. Many delegations expressed their support and interest in the establishment of the proposed Asset Recovery Expert Forum within AALCO. Some delegations drew attention to the international legal regime for recovering stolen assets while also discussing the regional initiatives and national efforts taken through national legislation, policies, and institutional frameworks. Several delegations reaffirmed their commitment to upholding their responsibilities under international law to combat corruption and to co-operate internationally on asset recovery. Some delegations recommended that the proposed Asset Recovery Expert Forum should complement the existing international and regional institutions on Asset Recovery while avoiding

duplication. A few delegations also made suggestions on the composition and modalities of the proposed forum. Some delegations also expressed their views regarding the role and function of the AALCO Secretariat in the Asset Recovery Expert Forum. A delegation requested the other Member States to help in the creation of a contact list of authorities responsible for Asset Recovery within their jurisdictions with the assistance of the AALCO Secretariat. A delegation suggested to model the Expert Forum in the form of an inter-sessional meeting of Experts instead of creating a separate body in the form of a think tank to help with the work of the Expert Forum. The delegation also recommended developing a model law on mutual legal assistance for the Member States of AALCO. Calls were also made by a few delegations for convening an inter-sessional meeting for drawing up the criteria for the nomination of experts with experience including asset recovery, financial investigation and international law for the Expert Forum and the role of the Secretariat.

## **8. Fifth General Meeting**

### ***Agenda Item: Environment and Sustainable Development***

- 8.1. Mr. Zhu Yong, Deputy Secretary-General of AALCO**, introduced the topic, focusing on the ongoing negotiations for a global plastics treaty and the international legal regime on climate change. He reported that progress had been made during the third and fourth sessions of the Intergovernmental Negotiating Committee (INC) He also highlighted the significant milestones achieved at the Dubai Climate Change Conference (COP 28), including the UAE Consensus, the operationalisation of the Loss and Damage Fund, and the conclusion of the first Global Stocktake under the Paris Agreement. He urged AALCO Member States to actively engage in negotiations on both the plastics treaty and the climate change regime, advocating for their common interests and ensuring that future legal frameworks are fair, equitable, and effective.
- 8.2.** The following Member States delivered their statements: the **Kingdom of Thailand**, the **Republic of Kenya**, the **United Republic of Tanzania**, the **Socialist Republic of Viet Nam**, the **Islamic Republic of Iran**, **Malaysia**, **Japan**, the **Republic of India**, the **Republic of Indonesia**, the **Republic of Türkiye**, the **People's Republic of China**, the **State of Palestine**, the **Republic of Korea**, and the **People's Republic of Bangladesh**.
- 8.3.** The delegations emphasised the urgent need to address the pressing global challenges of plastic pollution and climate change. They commended the progress made in the ongoing negotiations for an international legally binding instrument on plastic pollution, with several states actively participating in the Intergovernmental Negotiating Committee (INC) sessions. Several delegations highlighted the importance of the principle of common but differentiated responsibilities (CBDR) and accommodating the diverse capacities, capabilities and circumstances of different countries. A delegation stressed for a balanced approach that incorporates both binding commitments and voluntary actions. A few delegations stressed the need for the instrument to focus on plastic waste management as a priority and to provide adequate financial and technical support to developing countries. Some delegations also called for the active engagement of all relevant stakeholders as appropriate throughout the plastic lifecycle. A delegation emphasized that the scope of the Plastic Treaty should not include obligations or provisions related to the extraction of fossil fuels, as these materials are primarily used for other industrial purposes beyond plastic production.

Some delegations stated that they look forward to actively participating and timely conclusion of a legally binding instrument in INC-5 at Busan, Republic of Korea.

- 8.4. Regarding the international legal regime on climate change, the delegations welcomed the significant outcomes of the Dubai Climate Change Conference (COP 28), including the UAE Consensus, the operationalization of the Loss and Damage Fund, and the conclusion of the first Global Stocktake under the Paris Agreement. Some delegations emphasised the importance of reaching an agreement on the new collective quantified goal on climate finance (NCQG) that reflects the needs and priorities of developing countries at the upcoming COP 29 in Baku, Azerbaijan. Many delegations highlighted the importance of the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) in addressing climate change, urging developed countries to take the lead in reducing emissions and providing financial, technological, and capacity-building support to developing nations. However, a delegation emphasised the importance of including not only developed countries, but also countries capable of contributing to international public finance mobilisation in addressing climate change.
- 8.5. Some delegations also highlighted the role of international courts and tribunals, such as the International Tribunal for the Law of the Sea (ITLOS) and the International Court of Justice (ICJ), in clarifying the obligations of States concerning climate change and its adverse effects. Several delegations elaborated their national efforts to combat climate change.

***Agenda Item: International Trade and Investment Law***

- 8.6. **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, delivered the introductory statement on the agenda item. He provided a brief description of how the Organization has historically dealt with the topics “International Trade and Investment Law” since the time they featured on the work program. He invited delegations to deliver statements on the topics identified in the Secretariat Report. He drew the attention of the delegations to the report that contained the developments at the 13<sup>th</sup> Ministerial Conference of the World Trade Organization (WTO), the recent work of the United Nations Commission on International Trade Law (UNCITRAL), the International Institute for the Unification of Private Law (UNIDROIT) and the Hague Conference on Private International Law (HCCH), in addition to a brief overview of the World Investment Report, 2024 prepared by the United Nations Conference on International Trade Law (UNCTAD).
- 8.7. The following Member States delivered statements on the agenda item: the **Kingdom of Thailand**, the **Sultanate of Oman**, the **Islamic Republic of Iran**, **Malaysia**, **Japan**, the **People’s Republic of China**, the **Republic of Indonesia** and the **Republic of South Africa**. The following Observers also delivered statements on the agenda item: the **United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific (UNCITRAL RCAP)**, the **Asian Academy of International Law (AAIL)** and the **Hague Conference on Private International Law (HCCH)**.
- 8.8. Many delegations took note of the progress achieved at the Thirteenth Ministerial Conference of the WTO on topics including but not limited to small economies, reduction of technical barriers to trade, intellectual property, the graduating mechanism for Least Developed Countries (LDCs) and e-commerce. Some delegations also



encouraged Member States to bring into force the Fisheries Subsidies Agreement, attaching importance to the second wave of negotiations underway to achieve a comprehensive agreement. A few delegates expressed the need for the incorporation of the proposed Investment Facilitation for Development (IFD) Initiative into the WTO's official documents and legal text. A delegation also highlighted the adverse effects of unilateral coercive measures (UCM) on international trade and climate change. The delegations predominantly affirmed their commitment to the dispute settlement mechanism, and expressed their support for its restoration and upholding the rules-based multilateral trading system of the WTO.

- 8.9. A few delegations highlighted the need to address fundamental concerns of substantive nature in new-generation investment agreements keeping in mind the specific needs of States to attract capital-intensive investments and economic growth. In this regard, a few delegations also commended the work of UNCTAD, which monitors global and regional foreign direct investment and sustainable finance trends and developments. Many delegations commended the work of UNCITRAL in the past year, specifically the Working Group III on the establishment of an Advisory Centre on International Investment Dispute Resolution as well as in other areas, including warehouse receipts, digital economy and carbon credits. A delegation also urged Member States to support UNCITRAL's draft toolkit on preventing and mitigating international investment disputes ensuring that it remained a living document. A number of delegations highlighted their own domestic policies and legislations for investment facilitation. Some delegations underscored the importance of international cooperation in solving issues arising from the cross-border application of various legal systems and the work under the aegis of UNIDROIT and HCCH.

***Agenda Item: Violent Extremism and Terrorism (Legal Aspects)***

- 8.10. **Dr. Ali Hasankhani, Deputy Secretary-General of AALCO**, delivered an introductory statement on the topic and emphasised the importance of the topic, which has been on AALCO's agenda since 2001. He highlighted the "AALCO Regional Conference on Preventing and Countering Terrorism" jointly organized by the Government of the Islamic Republic of Iran and AALCO in July 2024. He noted the significant threat posed by terrorism to international peace and security and the evolution of international law to combat it through sectoral and regional conventions. He also addressed the challenges presented by online radicalisation and the application of *jus ad bellum* and *jus in bello* principles to international terrorism, encouraging Member States to engage in productive discussions and contribute to shaping AALCO's efforts in addressing the legal aspects of violent extremism and terrorism.
- 8.11. The following Member States delivered statements on the agenda item: the **Islamic Republic of Iran**, the **State of Kuwait**, **Malaysia**, **Japan**, the **Republic of India**, the **Republic of Indonesia**, the **People's Republic of China**, the **People's Republic of Bangladesh**, the **Republic of Türkiye** and the **Republic of Iraq**.
- 8.12. The delegations unequivocally condemned terrorism in all its forms and manifestations, emphasising that it poses a grave threat to international peace, security, and stability. Many delegations stressed the need for a comprehensive, multilateral approach to counter terrorism, underlining the importance of addressing its root causes, such as poverty, lack of education, and social marginalisation. Several delegations highlighted

the role of international cooperation, information sharing, and capacity building in effectively combating terrorism, with some specifically mentioning the significance of mutual legal assistance agreements and regional frameworks like the ASEAN Convention on Counter Terrorism.

- 8.13.** A few delegations also emphasised the importance of adhering to the principles of international law, including the UN Charter while addressing international terrorism. A delegation urged adherence to *jus ad bellum* and *jus in bello*, emphasizing proportional use for force, civilian protection, and compliance with international humanitarian law in counterterrorism. Numerous delegations expressed deep concern over the misuse of the Internet, social media platforms, and emerging technologies by terrorist groups for propaganda, recruitment, financing, and coordination. They called for the development of robust legal measures and increased collaboration among states to counter online radicalization and the spread of extremist content while ensuring respect for fundamental rights and freedoms. Some delegations also highlighted the need to address the potential threats posed by the misuse of virtual assets and cryptocurrencies for terrorism financing. A few delegations reiterated their commitment to finalising the Comprehensive Convention on International Terrorism (CCIT), recognising the need for a universally accepted definition of terrorism and a comprehensive legal framework to enhance global counter-terrorism efforts. Many delegations also explained their national initiatives and the support they lent to intergovernmental exercises in pursuance of their commitment to fight against international terrorism. In this regard, the Treaty on Mutual Legal Assistance in Criminal Matters among the Association of South East Asian Nations (ASEAN) Member States was highlighted as an example of enhancing cooperation in counterterrorism along with the need to adopt specialised mutual legal assistance agreements to expedite intelligence sharing and streamline cross-border legal processes. Some delegations recommended that AALCO continue to prioritise the topic of violent extremism and terrorism in its future work, and that the AALCO Secretariat further explore the legal aspects of this issue to assist Member States in their counter-terrorism initiatives, including through focused engagements involving relevant experts and practitioners.

***Agenda Item: International Law in Cyberspace***

- 8.14. Mr. Yong Zhu, the Deputy-Secretary General of AALCO,** delivered the introductory statement on the agenda item. He gave a brief overview of AALCO's engagement with the topic and noted the high contemporary relevance of the topic. Mr. Zhu observed that the topic is being re-introduced as an agenda item for the Annual Session this year after a gap of three years on the recommendation of the Islamic Republic of Iran. He stated that the *Note Verbale* received from the Islamic Republic of Iran recommending the inclusion of the topic as an agenda item had proposed discussion on the ongoing negotiations in relation to the elaboration of a comprehensive international convention on countering the use of Information and Communications Technologies (ICTs) for criminal purposes. It was noted that the United Nations Ad Hoc Committee (AHC) on Cybercrimes under the auspices of the UNGA adopted the draft text of the treaty on 8 August 2024. He hoped that AALCO would emerge as an important forum where States share their views and perspectives on international legal dimensions of cybercrimes in the backdrop of the new treaty instrument.

- 8.15. The following Member States delivered statements on the agenda item: the **Islamic Republic of Iran**, the **State of Kuwait**, the **Socialist Republic of Viet Nam**, **Japan**, **People's Republic of China**, the **Republic of Indonesia**, the **Republic of Korea**, the **Republic of Iraq**, the **Republic of India**, and the **Kingdom of Thailand**. The following Observer Non-Member State delivered its Statement: the **Russian Federation**. The following Observer delivered a statement: the **International Committee of the Red Cross (ICRC)**.
- 8.16. Delegations appreciated the Islamic Republic of Iran for recommending the inclusion of the agenda item 'International Law in Cyberspace' for the Sixty-Second Annual Session of AALCO. Delegations expressed their gratitude to the AALCO Secretariat for the comprehensive report prepared on the topic. They observed that the proposed theme of cybercrimes was timely and highly significant for AALCO Member States especially in the backdrop of the recently adopted draft United Nations convention against cybercrimes. Delegations welcomed the adoption of the draft convention by the Ad Hoc Committee on Cybercrimes. They highlighted key aspects of the draft convention and noted the importance of transnational cooperation in the fight against international cybercrimes. One delegation noted the key role played by Asian and African States in the negotiation process of the draft convention. The delegations looked forward to the adoption of the draft convention by the UNGA. Many delegations highlighted their national cyberspace strategies. Delegations affirmed the application of established principles of international law in cyberspace including the Charter of the United Nations. One delegation mentioned its reservations to the contents of Articles 14 and 16 of the draft convention and cautioned against the inclusion of human rights provisions in a criminal justice convention. Delegations noted the importance of an open, secure and peaceful cyberspace and the need for multi-stakeholder collaboration to combat emerging threats in cyberspace.

### **Third Meeting of Delegations of the AALCO Member States**

#### ***Agenda Item: Sixth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace***

- 8.17. **H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, delivered opening remarks which was followed by a brief overview of the previous OEWG proceedings by **Mr. Syed Ali Mousavi of the Islamic Republic of Iran**, the Chairperson of the Open-ended Working Group (OEWG) on International Law in Cyberspace. Subsequent thereto, the Special Rapporteur, Prof. Zhixiong Huang delivered a presentation on his draft report titled "Recent Developments in the Field of International Law in Cyberspace." Member States thereafter expressed their views on the draft report.
- 8.18. The following Member States delivered statements: the **Kingdom of Thailand**, the **People's Republic of China**, the **Islamic Republic of Iran**, **Japan** and the **Republic of Korea**. In his draft report, the Special Rapporteur noted that the Consensual Basic Principles had been updated to reflect the new technological developments in Cyberspace. As per the latest draft, there were 15 principles formulated by the Special Rapporteur, which afford guidance on the applicability of international law in Cyberspace. The Special Rapporteur noted the importance of Asian and African engagement in the field of international law in cyberspace and the role that AALCO could play in furthering the discourse on this subject. The Special Rapporteur requested

the Member States to reflect on the draft report and revert with their views to him. Delegations expressed diverse opinions on the draft report with many appreciating the Special Rapporteur for his efforts. Some specific aspects like the need for balance between principles, consistency with UN work on the topic and a proposal for the AALCO Secretariat to engage in a study on national legislations and best practices on preventing and countering Cybercrimes were expressed.

***Agenda Item: Report on the work of the AALCO's Regional Arbitration Centres***

**8.19. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, delivered an introductory statement on the agenda item recalling the establishment of the Regional Arbitration Centres of AALCO to serve the needs of the Member States within the region. He remarked that this endeavour of the Organization has been utmost successful and has led to the creation of six Regional Arbitration Centres in close cooperation with the Host Governments. He noted that over the years the Regional Arbitration Centres have acquired a stellar reputation for world class, cost effective and timely arbitration proceedings and have also expanded their dispute resolution services to alternate dispute resolution. He congratulated the Directors of the Centres as well as their respective Host Governments for the tremendous progress the centres have made in realizing their vision and mandate.

**8.20. Mr. Lawrence Muiriri Ngugi** presented a report on the activities of the **Nairobi Centre for International Arbitration (NCIA)**, while **Mr. Nick Chan** presented the report on the activities of the **AALCO Hong Kong Regional Arbitration Centre (AALCO-HKRAC)**. **Mr. Danesh Chandran** presented a report on the activities of the **Asian International Arbitration Centre (AIAC)**. In their reports, they presented the subject matter, volume and nature of the disputes administered by their respective centres as well as other key statistics in respect thereof.

**8.21.** The following Member State delivered a statement on the agenda item: the **People's Republic of China**.

***Agenda Item: Report of the Sub-Committee on Revision of Statutory Rules***

**8.22. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, delivered an introductory statement on the agenda in which he explained the mandate of the Open-ended Sub-Committee of the Liaison Officer of the AALCO Member States on the Revision of the Statutory Rules of AALCO, and provided an overview of the work of the Sub-Committee conducted during the course of seven meetings. He expressed his gratitude and appreciation to Chairperson, the Vice-Chairperson and all the Liaison Officers for their participation in the deliberations on the assigned mandate to the Sub-Committee and for timely completion of the work of the Sub-Committee.

***Agenda Item: Draft Report of the Sub-Committee on Revision of Scale of Assessed Contribution***

**8.23. H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO**, delivered an introductory statement on the draft report in which he explained the mandate of the Open-ended Sub-Committee of the Liaison Officer of the AALCO Member States on the Revision of the Scale of Assessed Contribution. He sought the mandate of the

Annual Session for the Sub-Committee to continue performing its functions and expressed his gratitude to Chair for leading the deliberations of the Sub-Committee as well as the Liaison Officers for actively participating in the process.

***Report of the Chair of the Sixth Open-ended Working Group (OEWG) on International Law in Cyberspace***

- 8.24.** The Chairperson of the Open-ended Working Group (OEWG) on International Law in Cyberspace, **Mr. Syed Ali Mousavi of the Islamic Republic of Iran** presented a report on the proceedings of the Sixth Meeting of the Open-ended Working Group (OEWG) on International Law in Cyberspace held on 13 September 2024. He provided an overview of the draft report prepared by the Special Rapporteur containing recent developments in international law applicable to cyberspace and his updated consensual basic principles on international law in cyberspace.

**9. Sixth General Meeting and Concluding Session**

***Adoption of Message of Thanks to the Host Government***

- 9.1.** H.E. Dr. Kamalinne Pinitpuvadol, Secretary-General of AALCO presented a message of thanks on behalf of the AALCO Member States to **Her Excellency, Ms. Paetongtarn Shinawatra, Honourable Prime Minister of the Kingdom of Thailand**, the host of the Sixty-Second Annual Session of AALCO.

***Adoption of Resolutions***

***The following declaration and resolutions on organizational matters were adopted on 13 September 2024.***

1. AALCO/RES/62/DEC  
Krungthep Declaration
2. AALCO/RES/62/ORG 1  
Report of the Secretary-General on Organizational, Administrative and Financial Matters
3. AALCO/RES/62/ORG 2  
AALCO'S Budget for the year 2025
4. AALCO/RES/62/ORG 3  
Report on AALCO's Regional Centres for Arbitration
5. AALCO/RES/62/ORG 4  
Review of AALCO's Statutory Rules

-----



## **XXI. LIST OF PARTICIPANTS**





## **XXI. LIST OF DELEGATES AT THE SIXTY-SECOND ANNUAL SESSION OF AALCO**

### **MEMBER STATES**

1. Arab Republic of Egypt  
  
H.E. Mrs. Hala Youssef Ahmed Ragab (HOD)  
Ambassador  
Embassy of the Arab Republic of Egypt,  
Bangkok  
  
Ms. Aliaa Osama Fawzi Eldeeb  
First Secretary  
Embassy of the Arab Republic of Egypt,  
Bangkok
2. Kingdom of Bahrain  
  
Mr. Mohamed Abdulrahim Abdulrahman Alghareeb (HOD)  
Second Secretary  
Embassy of Bahrain, Bangkok
3. Bangladesh  
  
H.E. Mr. Faiyaz Murshid Kazi (AHOD)  
Ambassador  
Embassy of Bangladesh, Bangkok  
  
Ms. Maleka Parveen  
Deputy Chief of Mission  
Embassy of Bangladesh, Bangkok  
  
Mr. Nirjhar Adhikary  
Counsellor (Political)  
Embassy of Bangladesh, Bangkok
4. Brunei Darusaalam  
  
Ms. Pengiran Hajah Siti Rahmah Pengiran Haji Mohammad (HOD)  
Assistant Solicitor General  
Attorney General's Chambers  
  
Ms. Fauziah Sulaiman  
Deputy Senior Counsel  
Attorney General's Chambers  
  
Ms. Nur Filzaty Najihah Abdul Rahman  
Counsel

Attorney General's Chambers

5. Burkina Faso  
H.E. Dr. Desire Boniface SOME  
(HOD)  
Ambassador  
Embassy of Burkina Faso, New Delhi
6. Republic of Cameroon  
Mr. Gaston KENFACK  
DOUAJINI (HOD)  
Director of Legislation  
Ministry of Justice  
  
Mr. Staphane Christel Noah  
Deputy Director for Asian Affairs  
Department of Asian affairs  
Ministry of External Relations
7. People's Republic of China  
Ms. Xiaoxia Ren (HOD)  
Counselor  
Department of Treaty and Law  
Ministry of Foreign Affairs  
  
Mr. Wei Ye  
Deputy Director  
Department of Treaty and Law  
Ministry of Foreign Affairs  
  
Mr. Jing Li  
Counsellor & Liaison Officer to  
AALCO  
Embassy of the People's Republic  
Of China, New Delhi, India  
  
Dr. James Ding  
The Law Officer (International Law)  
Department of Justice, Hong Kong  
SAR, People's Republic of China  
  
Ms. Sabrina Xiaojing Huang  
Senior Government Counsel  
Department of Justice, Hong Kong  
SAR, People's Republic of China  
  
Mr. Ka Hin Jeff Chan  
Senior Government Counsel (Acting)  
Department of Justice, Hong Kong  
SAR, People's Republic of China

- Mr. Mingzhi Xue  
Official  
Ministry of Commerce
- Mr. Jinghui Ren  
Legal Advisor  
Embassy of the People's Republic  
Of China, Bangkok
- Mr. Yujian Zhao  
Third Secretary  
Department of Treaty and Law  
Ministry of Foreign Affairs
- Ms. Yan Liu  
Third Secretary  
Department of Treaty and Law  
Ministry of Foreign Affairs
8. Cyprus  
H.E. Mr. Evagoras Vryonides (HOD)  
Ambassador  
Republic of Cyprus  
Embassy of the Republic of Cyprus  
New Delhi, India
9. Ghana  
Ms. Naa Koshie Blankson (HOD)  
Assistant Director Legal and Treaties  
Ministry of Foreign Affairs and  
Regional Integration
10. India  
Ms. Uma Sekhar (HOD)  
Additional Secretary  
Legal and Treaties Division  
Ministry of External Affairs
- Dr. Kumar Abhijeet (AHOD)  
Legal Officer  
Legal and Treaties Division  
Ministry of External Affairs
- Mr. Manish Kumar Sharma  
Assistant Attache  
Embassy of India, Bangkok

Dr Sivaguru Muthuswamy  
Counsellor  
Embassy of India, Bangkok

Ms. Jagpreet Kaur  
Second Secretary  
Embassy of India, Bangkok

11. Indonesia

Mr. Cahyo Rahadian Muzhar (HOD)  
Deputy Minister  
Ministry of Law and Human Rights

Mr. Andry Indrady (AHOD)  
Director  
Central Authority and International  
Law  
Ministry of Law and Human Rights

Mr. Mohamad Aliamsyah  
Secretary of the Directorate General  
of  
Legal Administrative Affairs  
Ministry of Law and Human Rights

Ms. Dinda Kartika  
Legal Analyst  
Ministry of Law and Human Rights

Mr. Zul Ahadi Rahmanika  
Legal Analyst  
Ministry of Law and Human Rights

Ms. Lulu Latifa Mubarak  
Legal Analyst  
Ministry of Law and Human Rights

Ms. Ivonne Lisa  
Legal Analyst  
Ministry of Law and Human Rights

Mr. Aloysius Selwas  
Coordinator of International Political  
and Legal Affairs/Legal Advisor  
Ministry of Foreign Affairs

Mr. Horizon Anindhita Pranowo  
Legal Analyst  
Ministry of Law and Human Rights

Mr. Faisal Abriady  
Aide-de-camp to the Director  
General of  
Legal Administrative Affairs  
Ministry of Law and Human Rights

Ms. Zahra Syauqina  
Personal Secretary to Director  
General  
Ministry of Law and Human Rights

Ms. Rini Wulandari  
Bureau of Public Relations, Legal  
Affairs and Cooperations  
Ministry of Law and Human Rights

Mr. Dian Yusuf Ponco Saputro  
Protocol Officer  
Ministry of Law and Human Rights

Ms. Helen Adelin Halawa  
Protocol Officer  
Ministry of Law and Human Rights

Mr. Imam Subekti  
Director of International Legal  
Instrument  
National Counter Terrorism Agency

Ms. Sasyabella Febriani  
Legal Analyst  
National Counter Terrorism Agency

Ms. Udyahitani Secundaputeri  
Analyst Program  
National Counter Terrorism Agency

Mr. Handwiyuto  
Immigration Attache  
Embassy of the Republic of  
Indonesia, Bangkok

Mr. Marvin A. Arpan  
Embassy of the Republic of  
Indonesia,  
Bangkok

- Ms. Rike Wijayanti Octaviana  
Embassy of the Republic of  
Indonesia,  
Bangkok
12. Islamic Republic of Iran
- Dr. Reza Najafi (HOD)  
Deputy Minister  
International Legal Affairs  
Ministry of Foreign Affairs
- Dr. Seyed Ali Mousavi (AHOD)  
Director-General for International  
Legal Affairs  
Ministry of Foreign Affairs
- H.E. Mr. Nassereddin Heidari  
Ambassador Extraordinary and  
Plenipotentiary  
Embassy of the Islamic Republic of  
Iran, Bangkok
- Dr. Abbasali Kadkhodaei  
Legal Advisor  
Ministry of Foreign Affairs
- Mr. Seyed Ahmad Mirkarimi  
Legal Expert  
Ministry of Foreign Affairs
- Mr. Mehdi Noei  
Third Counselor  
Embassy of the Islamic Republic of  
Iran, Bangkok
13. Republic of Iraq
- H.E. Dr. Burhan Al-Karawi (HOD)  
Deputy Minister of Justice  
Ministry of Justice
- Mr. Rasty Hameed  
Director-General  
Ministry of Justice

- Mr. Abbas Al-Zubaidi  
Legal Advisor  
Ministry of Justice
- Mr. Ali Sabti Betti Al-Zaidi  
Legal Advisor  
Ministry of Justice
14. Japan
- H.E. Mr. Masato Otaka (HOD)  
Ambassador Extraordinary and  
Plenipotentiary  
Embassy of Japan, Bangkok
- Mr. Mitsuaki Mizuno (AHOD)  
Director  
International Judicial Proceedings  
Division  
Ministry of Foreign Affairs
- Ms. Yukiko Constantinescu  
Deputy Director  
International Legal Affairs Division  
Ministry of Foreign Affairs
- Mr. Yoshihisa Komatsuzaki  
Second Secretary  
Embassy of Japan, Bangkok
15. Kenya
- Ms. Leah Aywah (HOD)  
Chief State Counsel  
State Law Office  
Office of the Attorney General
- H.E. Mr. Peter Munyiri  
High Commissioner  
Kenya High Commission, New Delhi,  
India
- Mrs. Winnie Mwanjala  
Minister/Head of Chancery  
Kenya High Commission,  
New Delhi, India
- Ms. Esther Mwendwa  
Foreign Service Officer III  
Ministry of Foreign and Diaspora  
Affairs

- Mr. Alexander Mutinda  
Minister Counsellor  
Embassy of Kenya, Bangkok
16. State of Kuwait
- Mr. Abdullah Alnuwaiem (HOD)  
Assistant Undersecretary for Courts  
Affairs  
Ministry of Justice  
Mr. Mohammad AlNuaimi  
Minister Plenipotentiary  
Ministry of Foreign Affairs
- Mr. Khaled Aleisa  
Senior Administrative Coordinator  
International Relations Department  
Ministry of Justice
17. State of Libya
- H.E. Ashoor S A Omran (HOD)  
Ambassador  
Embassy of the State of Libya,  
Bangkok
18. Malaysia
- Dato' Umar Saifuddin Bin Jaafar  
(HOD)  
Solicitor General II  
Attorney General's Chambers
- Ms. Nadia binti Zulkefli  
Senior Federal Counsel  
Attorney General's Chambers
- Mr. Muhammad Zuhaili bin Mat Rani  
Federal Counsel  
Attorney General's Chambers
19. Mongolia
- Ms. Guamaral Altaugerel  
Counsellor  
Embassy of Mongolia, Bangkok
- Mr. Gantulga Amgalan  
Head of Consular Section  
Embassy of Mongolia, Bangkok
- Mr. Erdemchukhal Tuvshintugs  
Third Secretary  
Embassy of Mongolia, Bangkok



20. Union of Myanmar
- H.E. Dr. Htain Lin Oo (HOD)  
Deputy Minister and Deputy  
Attorney General  
Ministry of Legal Affairs
- Mr. Kyaw Zin Han  
Assistant Director  
Ministry of Legal Affairs
- Mr. Biak Chan  
Assistant Director  
Ministry of Legal Affairs
- Ms. Aye Chan Lynn  
Assistant Director  
Ministry of Foreign Affairs
21. Nepal
- H.E. Mr. Ajay Kumar Chaurasia  
(HOD)  
Minister for Law, Justice and  
Parliamentary Affairs  
Ministry of Law, Justice and  
Parliamentary Affairs
- Mr. Binod Kumar Bhattarai  
Joint Secretary  
Ministry of Law, Justice and  
Parliamentary Affairs
- Ms. Shradha Rijal  
Under Secretary  
Ministry of Law, Justice and  
Parliamentary Affairs
- Mr. Khaga Raj Pandeya  
First Secretary and APR to  
UNESCAP  
Embassy of Nepal, Bangkok
22. Federal Republic of Nigeria
- Barr. Macaulay Williams (HOD)  
Director  
Ministry of Justice
- Amb. George Edokpa  
Director  
Ministry of Foreign Affairs
- Amb. Lazarus I. Kpasaba  
Deputy Director

Ministry of Foreign Affairs

Dr. Mohammed Idris Haidara  
Charge' d' Affaires a. i.  
Embassy of the Federal Republic of  
Nigeria, Bangkok

H.E. Ms. Eucharika Ngozi Eze  
Acting High Commissioner  
Nigeria High Commission, New  
Delhi, India

Mr. Ahmad Tijani Olayiwola Lawal  
Minister Counsellor  
Nigeria High Commission, New  
Delhi, India

Mrs. Hadiza Ayuba Yusuf  
Counsellor  
Embassy of the Federal Republic of  
Nigeria, Bangkok

Mrs. Sonari Martha Uraih  
Counsellor  
Embassy of the Federal Republic of  
Nigeria, Bangkok

Mr. Dickson Agwu Chibueze  
Second Secretary  
Embassy of the Federal Republic of  
Nigeria, Bangkok

23. Sultanate of Oman

H.E. Dr. Abdullah Mohammed  
Al Saidi (HOD)  
Minister of Justice and Legal Affairs  
Ministry of Justice and Legal Affairs

Mr. Saif Nasser Saif Al Humaidi  
(AHOD)  
Head of Minister's Office

Mr. Nasr Khalid Sulaiman Al Mawali  
Charge d' Affaires a.i.  
Embassy of the Sultanate of Oman,  
Bangkok

Mr. Mudrik Alamri  
Senior Legal Researcher  
Ministry of Justice and Legal Affairs

24. Islamic Republic of Pakistan  
Ms. Faiza Haseeb (HOD)  
Counsellor (Political)  
Embassy of Pakistan, Bangkok
25. State of Qatar  
Sheika Hend Falih Al-Thani (HOD)  
Assistant Undersecretary for Legal  
Affairs  
Ministry of Justice  
  
Ms. Mezna Faraj Al Marri  
Director of Agreements and  
International Cooperation  
Ministry of Justice  
  
Ms. Aldana Al-Naimi  
State Case Attorney  
Ministry of Justice  
  
Mr. Hamad Al-Marri  
Legal Researcher  
Ministry of Justice  
  
Ms. Wadha Al-Obaidly  
Legal Researcher  
Ministry of Justice  
  
Mr. Saoud Al-Adbi  
Legal Researcher  
Ministry of Justice  
  
Mr. Hassan Al Bader  
Legal Researcher  
Ministry of Justice  
  
Ms. Reem Al-Abdulahman  
Public Relations Coordinator  
Ministry of Justice  
  
Nayah Charoenkiat  
Public Relations Officer  
Embassy of the State of Qatar,  
Bangkok  
  
Mr. Ali Saad Al-Muhammadi  
Second Secretary  
Embassy of the State of Qatar,  
Bangkok

- Mr. Paradorn Sukjumros  
Public Relations Officer  
Embassy of the State of Qatar,  
Bangkok
26. Republic of Korea
- Mr. Seung-in Hong (HOD)  
Deputy Director-General for  
International Legal Affairs  
Ministry of Foreign Affairs
- Ms. Soyeon Kim  
Third Secretary  
Treaties Division  
Ministry of Foreign Affairs
27. Kingdom of Saudi Arabia
- Mr. Meshal Alblawi (HOD)  
General Director of International  
Cooperation Department  
Ministry of Justice
- Mr. Fehaid Aldosari  
Director General of Legal Affairs  
Ministry of Interior
- Mr. Ahmad ALaugaili  
Head of Multilateral Affairs Unit  
Ministry of Justice
- Mr. Bander Aldayel  
Minister Plenipotentiary  
Ministry of Foreign Affairs
- Mr. Abdulrahman Alajlan  
First Secretary  
Ministry of Foreign Affairs
- Mr. Hamoud Al-Samhan  
Legal Advisor  
Ministry of Commerce
- Ms. Sarah AlMulla  
Legal Consultant  
Ministry of Environment Water and  
Agriculture

- Mr. Saud Alhawimal  
Advisor  
Ministry of Home Affairs
28. Sierra Leone
- Mr. George Shadrack Kamanda  
(HOD)  
First Secretary (Legal Adviser)  
Permanent Mission of the Republic  
of Sierra Leone to the United  
Nations, New York, USA
29. Singapore
- Ms. Fiona Leong (HOD)  
Second Secretary (Political)  
Embassy of Singapore, Bangkok
30. South Africa
- Adv. Shireen Said (HOD)  
Deputy Director General  
Department of Justice and  
Constitutional Development
- Mr. Jaymion Hendricks  
Legal Advisor International Law  
Ministry of Foreign Affairs
- Ms. Thobeka Dlamini  
Counsellor (Political)  
South African Embassy, Bangkok
- Mr. Lebogang Seshoka  
First Secretary (Political)  
South African Embassy, Bangkok
31. State of Palestine
- H.E. Counselor Sharhabeel ALZaeem  
(HOD)  
Minister of Justice  
Ministry of Justice
- Mr. Mohammed A.M.  
Abukhader  
General Director  
Ministry of Justice
- Mr. Mowaffaq Alami  
Director of Minister's Bureau  
Ministry of Justice

- Mr. Ahmed Bhais  
First Secretary  
Embassy of the State of Palestine,  
Kuala Lumpur, Malaysia
32. Sudan
- H.E. Mr. Moawia Ahmed (HOD)  
Minister  
Ministry of Justice
- Mr. Hassan Omar (AHOD)  
Ambassador  
Embassy of the Republic of the  
Sudan
- Mr. Mohammed Hussain  
Legal Advisor  
Ministry of Justice
- Mr. Abdelrahim Siedahmed  
Official  
Embassy of the Republic of the  
Sudan
33. United Republic of Tanzania
- H.E. Prof. Palamagamba J.A.M  
Kabudi (HOD)  
Minister for Constitutional and Legal  
Affairs  
Ministry of Constitutional and Legal  
Affairs
- Ms. Bibiana Joseph Kileo  
Deputy Director of Public Prosecution  
National Prosecutions Services
- Ms. Angela Kemanzi Anatory  
Director of Public Legal Services  
Ministry of Constitutional and Legal  
Affairs
- Mr. Deogratius Dotto  
Head of Chancery  
Tanzania High Commission, New  
Delhi India
- Bi. Aveline Jonathan Ombock  
Private Secretary to the Minister  
Ministry of Constitutional and Legal  
Affairs

Mr. Richard Lucas Jacopiyo  
Personal Assistant to the Permanent  
Secretary  
Ministry of Constitutional and Legal  
Affairs

Dr. Kassian Clemence Mshomba  
Special Personal Assistant to Attorney  
General  
Office of the Attorney General

Ms. Agnes Hyera  
Senior State Attorney  
National Prosecutions Services

Mr. Florean Rwehumbiza Laurean  
Honorary consuls  
The Consulate of United Republic of  
Tanzania, Bangkok

Ms. Supitchaya Sarakong  
Secretary  
The Consulate of United Republic of  
Tanzania, Bangkok

Ms. Kamonwan Prasongsuk  
Administration  
The Consulate of United Republic of  
Tanzania, Bangkok

34. Kingdom of Thailand

Mrs. Suphanvasa Chotikajan  
Tang (HOD)  
Director General  
Department of Treaties and Legal  
Affairs  
Ministry of Foreign Affairs

Mr. Songchai Chaipatiyut  
Deputy Director-General  
Ministry of Foreign Affairs

Mr. Angkura Kulvanij  
Deputy Director-General  
Ministry of Foreign Affairs

Ms. Pakvipa Ahvipphan  
Director of Treaty Division  
Ministry of Foreign Affairs

Mr. Sompop Sermsawatsri  
Director of Legal Affairs Division  
Ministry of Foreign Affairs

Ms. Sutthathip Vathitphund  
Director of International Law  
Development Division  
Ministry of Foreign Affairs

Mr. Varapol Chensavasdijai  
Counsellor  
Ministry of Foreign Affairs

Mr. Paween Thanarat  
Counsellor  
Ministry of Foreign Affairs

Mrs. Punwipa Na Bangchang  
Wiesener  
Counsellor  
Ministry of Foreign Affairs

Mr. Kraijakr Thiratayakinant  
Counsellor  
Ministry of Foreign Affairs

Mr. Sun Thathong  
Counsellor  
Ministry of Foreign Affairs

Ms. Thiraphorn Trivachirangkul  
First Secretary  
Ministry of Foreign Affairs

Ms. Bhurinuch Banchajarurat  
Third Secretary  
Ministry of Foreign Affairs

Ms. Somjai Kesornsirijaroen  
Director-General of International  
Affairs Department  
Office of the Attorney General

Ms. Piyatida Jermhansa  
Deputy Director-General of  
International Affairs Department  
Office of the Attorney  
General



Mr. Mingwarin Srisiripong  
Public Prosecutor attached to the  
Office of the Attorney General  
Office of the Attorney General

Mr. Amornrit Intrachai  
Legal Counsel  
Office of the Council of State

Ms. Janejira Binsri  
Legal Counsel  
Office of the Council of State

Mr. Dechpol Marprasert  
Legal Counsel  
Office of the Council of State

Ms. Ornyajai Phoolthanang  
Head of International Cooperation  
Ministry of Justice

Ms. Ployroong Nopsuwan  
Foreign Relations Officer  
Ministry of Justice

Mr. Krisana Lokathaijariya  
Legal Officer  
Ministry of Justice

Ms. Worakan Nitiyakanapong  
Foreign Relations Officer  
Ministry of Justice

Ms. Suphitchaya Chimwong  
International Relations Officer  
Ministry of Justice

Ms. Varinyupa Burannareepong  
Foreign relations officer  
Ministry of Justice

Ms. Atitaya Thongboon  
Director of International Affairs  
Division  
Ministry of Justice

Mr. Wetang Phuangsap  
Deputy Permanent Secretary  
Ministry of Digital Economy and  
Society

Ms. Ishariyaporn Smiprem  
Director of Foreign Affairs Group 1  
Ministry of Digital Economy and  
Society

Ms. Thasawan Samorwong  
Executive Director of Foreign Affairs  
Division  
Ministry of Digital Economy and  
Society

Ms. Jitsupa Tungkasiri  
Foreign Relations Officer,  
Practitioner Level  
Ministry of Digital Economy and  
Society

Mr. Kornnop Jaroenwong  
Foreign Relations Officer  
Ministry of Digital Economy and  
Society

Mrs. Asida Suksawang  
Director of International Affairs  
Division, Cybersecurity Policy and  
Strategy Bureau  
National Cyber Security Agency  
(NCSA)

Air Vice Mars Amorn Chomchoey  
Secretary-General  
National Cyber Security Agency  
(NCSA)

Ms. Darunee Phikulthong  
Director of Legal Office  
National Cyber Security Agency  
(NCSA)

Mr. Apichai Chientachakul  
Strategist  
Geo-Informatics and Space  
Technology Development  
Agency (Public Organization)  
(GISTDA)

Ms. Phromwadi Thienchaiwattana  
Legal Officer  
Geo-Informatics and Space  
Technology Development  
Agency (Public Organization)  
(GISTDA)

Mr. Jakkrit Deethae  
Head of Legal and Contract Division  
Geo-Informatics and Space  
Technology Development  
Agency (Public Organization)  
(GISTDA)

Ms. Chanakarn Thammavichan  
Fishery Biologist, Professional Level  
Ministry of Natural Resources  
and Environment

Mrs. Kiwarakorn Yaemniyomphan  
Legal officer, Practitioner  
Level Ministry of Natural  
Resources and Environment

Ms. Nanthiwa Kerdchuen  
Environmentalism, Senior  
Professional Level  
Ministry of Natural Resources  
and Environment

Ms. Umawasu Sanmongkhol  
Environmentalism  
Ministry of Natural Resources  
and Environment

Mr. Peerapong SoonthonDecha  
Environmentalism  
Ministry of Natural Resources  
and Environment

Ms. Kamonchanok Katinasamit  
Judge of the Office of the President  
of the Supreme Court  
Court of Justice  
Thailand

Ms. Danaya Tangdhanakanond  
Chief Judge of the Office of the  
President of the Supreme Court  
Court of Justice Thailand

35. Türkiye
- H.E. Mrs. Serap Ersoy (HOD)  
Ambassador  
Embassy of the Republic of Türkiye,  
Bangkok
- Ms. Mehlika Yildiz Ersen  
Second Secretary  
Embassy of the Republic of Türkiye,  
Bangkok
36. Republic of Uganda
- Hon'ble Kiryowa Mugambe  
Kiwanuka (HOD)  
Attorney General
- Mr. Owen Busingye  
PA to Attorney General  
Ministry of Justice and Constitutional  
Affairs
- Mr. Mugambe Jimmy Kiwanuka  
Ministry of Justice and Constitutional
- Mr. Kasujja Moses Kluli  
Minister Counsellor  
Uganda High Commission, Malaysia
37. Republic of the Philippines
- Ms. Edna May G. Lazaro (HOD)  
Deputy Chief of Mission and Consul  
General  
Embassy of the Republic of the  
Philippines, Bangkok
- Ms. Beatriz Ines Herrera-Davila  
Second Secretary  
Embassy of the Republic of the  
Philippines, Bangkok
- Mr. Mark Anthony Articulo  
Third Secretary and Vice Consul &  
Liaison Officer to AALCO  
Embassy of the Republic of the New  
Delhi, India
- Ms. Nathalie Angeles  
Attache  
Embassy of the Republic of the  
Philippines, Bangkok

- Mr. Romulo Jr. Ubay  
Attache  
Embassy of the Republic of the  
Philippines, Bangkok
38. Socialist Republic of Viet Nam
- H.E. Mr. Minh Vu Nguyen (HOD)  
Assistant Minister  
Ministry of Foreign Affairs
- Mr. Luong Ngoc Nguyen  
Deputy Director-General  
Department of International Law and  
Treaties  
Ministry of Foreign Affairs
- H.E. Pham Viet - Hung  
Ambassador  
Embassy of the Socialist Republic of  
Viet Nam, Bangkok
- Ms. Nguyen Thu Thuy  
Third Secretary  
Embassy of the Socialist Republic of  
Viet Nam, Bangkok
- Ms. Lan Anh Nguyen  
Director-General  
Institute of East Sea, Diplomatic  
Academy of Viet Nam
- Mr. Luong Pham  
Captain  
Ministry of Public Security
- Ms. Ngoc Anh Vu  
Official  
Ministry of Foreign Affairs
39. Yemen
- H.E. Mohammed Salem Ahmed  
Bahepri (HOD)  
Deputy Minister of Legal Affairs for  
the Official Gazette and Research  
Sector

#### **OBSERVER STATES**

1. Mali
- Mr. Hassane DIALLO  
Second Counsellor  
Embassy of Mali, New Delhi, India

2. Russian Federation

Mr. Maksim Musikhin (HOD)  
Director  
Legal Department of the Ministry of  
Foreign Affairs

H.E. Mr. Evgeny Tomikhin  
Ambassador  
Embassy of the Russian Federation,  
Bangkok

Mr. Dmitrii Zinchenko  
Third Secretary  
Legal Department of the Ministry of  
Foreign Affairs

Mr. Veniamin Yarkin  
First Secretary  
Embassy of Russian Federation,  
Bangkok

3. Uzbekistan

Mr. Amir Sultanov  
Head of department  
Treaty and Law Department  
Ministry of Foreign Affairs

Mr. Ilkhomjon Abdraimov  
Head of Division  
Treaty and Law Department  
Ministry of Foreign  
Affairs

**INTERNATIONAL ORGANIZATIONS**

1. UNEP

Dr. Georgina Llyod  
Regional Coordinator Environmental  
Law and Governance

2. UNCITRAL RCAP

Ms. Athitha KOMINDR  
Head

3. AAIL

Prof. Teresa Cheng (HOD)  
Founder Member and Co-Chairperson

Ms. Dora Sze  
Chief Operating Officer

- |  |   |
|--|---|
|  | Prof. Jiefang Huang<br>Secretary-General  |
|  | Mr. Adrian Yat Hin Lai<br>Deputy Secretary-General &<br>Co-Convener of the Advisory Board |
|  | Mr. Charles Zhao<br>Researcher  |
| 4. PCA   | Dr. Tulio Di Giacomo Toledo<br>Senior Legal Counsel                                       |
|  | Mr. Neil Nucup<br>Legal Counsel and Representative<br>in Viet Nam                         |
| 5. ICRC  | Mr. Juan Pedro Schaerer<br>Head of Regional Delegation                                    |
|  | Ms. Margherita D'Ascanio<br>Regional Legal Advisor  |
|  | Ms. Adhiningtyas Sahasrakirana<br>Djatismiko  |
| 6. United Nations Office for the Coordination of<br>Humanitarian Affairs | Mr. Vincent Omuga<br>Deputy Head of Office<br>Regional Office for Asia and the<br>Pacific |
| 7. HCCH  | Dr. Christophe Bernasconi<br>Secretary General  |

#### **ARBITRATION CENTERS**

- |         |   |
|---------|---|
| 1. AIAC | Mr. Danesh Chandran a/I Velaitham<br>Assistant Director |
| 2. NCIA | Mr. Lawrence M. Ngugi<br>CEO/Registrar                  |
|         | Ms. Millicent Shitakha<br>Manager                       |

Business Development Department

3. AALCOHKRAC

Mr. MH, JP Nicholas Chan  
Director

Ms. Joli Tsui  
Trainee Solicitor

### **EXPERTS ILC MEMBERS**

1. H.E. Amb. Dr. Vilawan Mangklatanakul
2. Prof. Masahiko Asada
3. H.E. Amb. Hong Thao Nguyen
4. Prof. Phoebe Okowa
5. Prof.(Dr.) Bimal Patel
6. Prof. Alioune Sall
7. Prof. Martins Paparinskis

### **ITLOS**

1. H.E. Judge Kriangsak Kittichaisaree

### **SPECIAL RAPPORTEUR**

1. Prof. Zhixiong Huang
2. Ms. Jiayue Lin  
Assistant to Prof. Huang

### **AALCO Secretariat**

1. H.E. Dr. Kamalinne Pinitpuvadol  
Secretary-General
2. Mr. Zhu Yong  
Deputy Secretary General
3. Dr. Ali Hasankhani  
Deputy Secretary General
4. Dr. Shikhar Ranjan  
Director



5. Mr. Kiran Mohan V.  
Senior Legal Officer
6. Mr. Shujoy Mazumdar  
Legal Officer
7. Mr. Abraham Joseph  
Legal Officer
8. Dr. Sumi Pant  
Legal Officer
9. Ms. Nuzhat Nasreen Islam  
Legal Officer
10. Mr. Nihal Chand  
Administrative Officer
11. Ms. Geetika Sharma  
Senior Private Secretary & Head Policy, Planning and Communication
12. Dr. Azizur Rahman  
Arabic Translator
13. Mr. Zubair Farooqi  
Interpreter
14. Mr. Mujeebur Rahman  
Interpreter

