

H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of the Asian-African Legal Consultative Organization,

Your Excellencies the Ambassadors and High Commissioners of Member States of AALCO,

Liaison Officers and Officials of the Member States of AALCO,

Ladies and Gentlemen,

At the outset I thank Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO, for organizing this ceremony to observe the 55th Constitution Day of the Asian-African Legal Consultative Organisation (AALCO) and for inviting me to address this august gathering.

As you all know, the Asian-African Legal Consultative Organization was conceived in November 1956, as one of the outcomes of the historic Bandung Conference. This was when the leaders of 29 nations, representing over half of the world's population, convened in Bandung, Indonesia, in 1955, to deliberate and determine the path of the people of the resurging nations of Asia and Africa. Their determination at the time, to work together, with a keen sense of kinship and purpose came to be known as the "Bandung Spirit" and gave rise to the Non-Aligned Movement.

The Asian-African Legal Consultative Organisation, AALCO, which came into existence through the visionary leadership of the Asian and African Leaders had an initial membership of 7 nations. Today, the Organisation's membership has grown to 47 states. The activities of the Organisation have expanded as well. AALCO serves as an effective forum for Asian-African cooperation in some of the important issues in the field of international law including those before the United Nations. AALCO therefore serves as a uniting force between the countries of the Asian and African regions. So many years after the Bandung Conference, AALCO continues to provide us, the countries of Asia and Africa, an invaluable forum to work on important issues of concern in the field of international law.

Excellencies,

Ladies and gentlemen,

President Mahinda Rakapaksa, leading the Sri Lanka delegation in his capacity as Prime Minister of Sri Lanka, in April 2005, to the Asian-African Summit and Commemoration of the 1955 Asian-African Conference in Jakarta, stated in his address that,

“..the promotion of the welfare of our peoples and improvement of their quality of life within the harsh effects and challenges of globalization is one of the most vital challenges facing us today. With the advent of globalization accelerated by Information Communication Technology, the countries of the world have drawn closer together than ever before in the history of mankind. We must, therefore, unite not only in voice, but also in deed for the common good of our peoples. Our journey back to Bandung, back to our roots, to adopt the ‘New Asian-African Strategic Partnership’ seeks to do just that. This Afro-Asian Conference takes place at a time when we are engaged in a process within and beyond the UN framework, of seeking the best ways to address new and emerging threats to international peace and security.

Excellencies,

Ladies and Gentlemen,

In this task, AALCO has an important role to play by aiding our nations in the process of evolving as well as strengthening the necessary legal framework or frameworks that are required. A specific area of importance in this area is evolving legal frameworks to address and define the threats to nations arising out of ill-motivated actions by some non-state actors. For this purpose, the Member States of AALCO must make full use of this important Organisation that we have created to develop, strengthen and harmonise our domestic legal systems as well as regional and international legal regimes.

Ladies and Gentlemen,

Sri Lanka takes modest pride in having broken ground for the road to Bandung which led to the establishment of AALCO. Sri Lanka, then Ceylon, was one of the five original convenors of the Asian-African Conference of 1955 in Bandung and it was Sri Lanka that hosted the Preparatory Meeting of Bandung in 1954, which brought together the leaders of India, Indonesia, Myanmar, Pakistan and Sri Lanka.

Ever since the inception of AALCO, successive Governments in Sri Lanka have actively participated and contributed towards the activities of AALCO. We have hosted four Annual Sessions of the Organization, the most recent being the landmark 50th Annual Session this year, manifesting our continuing commitment to AALCO and to its ideals and objectives. In keeping with the importance that we attach to AALCO, the 50th Session in Colombo was inaugurated by the President of Sri Lanka, H.E. Mr. Mahinda Rajapaksa. With the support and guidance of the Secretary General and his team, the Member States of AALCO held very constructive and meaningful discussions in Colombo where several important resolutions and decisions were adopted.

Excellencies,

AALCO plays a crucial role in the progressive development of international law and its dissemination. This includes highlighting the views of the Asian-African States on legal issues in international fora. Since its inception, AALCO has worked on a wide range of areas of international law and has made significant contributions, among others, in Law of the Sea issues, Refugee Law, Rights of Migrant Workers, the International Criminal Court, as well as Trafficking in Women and Children. AALCO, as you know, organizes meetings of Legal Experts and Workshops to ascertain the views of its Member States on legal topics of current as well as possible future concern.

In the recent past, AALCO organized three consecutive meetings relating to the International Criminal Court. A Seminar on the International Criminal Court: Emerging Issues and Future Challenges in New Delhi, in collaboration with the Government of Japan; a Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court in Putrajaya, Malaysia, with the Governments of Japan and Malaysia; and a Meeting of Legal Experts on the Rome Statute of the International Criminal Court: issues and challenges, in Putrajaya, Malaysia in July this year in collaboration with the Government of Malaysia and the ICC.

Excellencies,

Ladies and Gentlemen,

Today, I have been tasked with officially releasing the AALCO publication arising out of the Meeting of Legal Experts held in Malaysia on 19-20 July 2011 on “the Rome Statute of the International Criminal Court: Issues and Challenges”.

Careful perusal of the report makes it evident that the meeting was aimed at providing the Legal Experts from the Member States of AALCO, a forum, to explicitly discuss the issues and challenges relating to the Rome Statute, and ponder as well, on the reasons why some States, particularly from the Asian region, have been hesitant to ratify the Rome Statute. The meeting was also intended to look at the implementation and practical issues pertaining to the Rome Statute and enhance understanding of the issues concerned.

The discussions in the meeting were centered on the themes: (i) Preconditions for the Exercise of Jurisdiction; (ii) Bilateral Immunity Agreements (BIA's); (iii) Principle of Complementarity; (iv) Criteria for the Selection of Situations and Opening of Investigations; (v) Relationship between Peace and Justice; (vi) Post Kampala Review Conference: An Update; and (vii) Implications of Ratification of the Rome Statute.

The views expressed by the participating States, as reflected in the publication, reveals many concerns. I will set before you very briefly, some of the concerns expressed.

The Principle of Complementarity remains a grave concern, as the term itself is not defined in the Rome Statute.

The relationship between the ICC and the United Nations Security Council, in light of the referral of situations by the UNSC to the ICC, particularly in view of the fact that a few Permanent Members of United Nations Security Council are not members of the ICC.

Interpretation of Article 98 of the ICC relating to Bilateral Immunity Agreements (BIAs).

The powers of the ICC Prosecutor.

Issues of sovereignty.

Additional financial burden on Governments and the difficulties of internalizing the provisions of the Rome Statute into domestic legislations.

The issue of States with constitutional monarchies or presidential immunities facing difficulty in accepting the Rome Statute had received attention as well at this Meeting. Many delegates had noted that their countries were not a Party to the Rome Statute for both legal and political reasons, the primary one being the sovereignty of the nation. The interactions during the meeting, which had been very focused, had brought out clearly the concerns of Member States of AALCO. This provided an invaluable opportunity for AALCO Member States to understand each other's concerns while providing the ICC an opportunity to understand the concerns of States outside the ICC regime.

The publication that is released today sets out the proceedings of the meeting as well as the debate. I am sure it would be a useful and interesting document for the AALCO Member States. I congratulate the Secretary-General and his staff for regularly bringing out publications of this nature for the benefit of Member States.

Excellencies,

Ladies and Gentlemen,

I thank you all for your presence here today to mark the 55th Constitution Day and I now invite

H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO, for his Presentation relating to the outcome of the Fiftieth Annual Session of AALCO and Plan of Action for 2011-2012.

Thank you.