



Address by Prof. Dr. Rahmat Mohamad, Secretary-General, Asian-African Legal Consultative Organization [AALCO] at the Plenary Session of the Review Conference of the Rome Statute, Kampala, Uganda

Mr. President, I am grateful to you, Sir, for giving me this opportunity of saying a few words at the Plenary Session of this momentous Review Conference of the Rome Statute of the International Criminal Court. I particularly welcome this opportunity as the International Criminal Court and this Review Conference are of great significance to the Asian-African Legal Consultative Organization and its 47 Member States.

Mr. President, Excellencies, Distinguished Delegates, Ladies and Gentlemen:

AALCO, as a regional inter-governmental organization, has been considering since early nineties issues relating to the International Criminal Court. During the negotiation phase of the Rome Statute, the AALCO was a participant in the momentum for its adoption. Subsequent, to the adoption and entry into force of the Rome Statute, our work programme on ICC is oriented towards raising its awareness amongst the Member States as well as serving as a platform for exchange of ideas on the important institutional and legal developments in this regard.

Mr. President, our work on the International Criminal Court is an endeavour to promote international criminal justice. To realize this objective we have joined hands with the ICC by concluding a Memorandum of Understanding in February 2008.

AALCO consistently endeavours to prepare its Member States for participation in the law-making Conferences being convened under the auspices of the United Nations, as well as providing a forum for exchange of views on international legal developments of contemporary relevance. Thus, follow-up of developments relating to the ICC constitutes, since the Thirty-fifth Annual Session held in 1996, as our mandate and also the Forty-Seventh Annual Session of AALCO held in 2008 had mandated the Secretariat to *inter alia*, follow the ongoing deliberations on the elaboration of the definition of crime of aggression and convene an inter-sessional meeting for promotion of human rights in the back drop of Rome Statute. In March 2009, jointly with the Japanese Government we organized a seminar entitled “The International Criminal Court: Emerging Issues and Challenges” as a prelude towards analyzing issues to be discussed at this Review Conference.

In 2009, at the Forty-Eighth Session, while the mandate on the crime of aggression was further extended, the Secretary-General was requested to convene the meeting of an Expert Group, with a view to consolidating the positions of Asian-African States for participation in Review Conference.

In view of this, in March 2010, a “Meeting of Legal Experts” was organized at Putrajaya in Malaysia with the support of the Governments of Japan and Malaysia. The purpose of the Putrajaya Meeting was to formulate a consolidated and cohesive approach on the substantive proposals being considered by this Review Conference. I ought to make it clear that the idea was to promote an exchange of views on the crucial issues before the Review Conference so that the Governments could take their own decisions after considering all possible view points. The meeting provided a unique opportunity in which some of the States Parties to the Rome Statute shared their experiences regarding the challenges they faced in becoming Parties to the Statute and how they overcame it. Questions concerning specific legal issues on national legislation to implement the Rome Statute were also deliberated upon.

In sum and substance, we had free, frank and candid discussion on all crucial questions and controversial issues. It was emphasized at the meeting that the three major challenges facing the ICC were: universality, sustainability and complementarity.

Mr. President, in view of time constraints, I would just like to flag certain issues of concern that emerged out at our Putrajaya meeting for the consideration of this Review Conference:

Firstly, concerning the crime of aggression, I would like to emphasize that the Member States of AALCO realize the imperative of having a clear and broadly acceptable definition on the Crime of Aggression and consider it to be indispensable to developing the rule of law in the world. In this regard, we hope that the major definitional and jurisdictional issues would be successfully resolved at Kampala.

Secondly, as to the stock-taking of international criminal justice, the concept of complementarity, issues on cooperation with the ICC, and the relationship between peace and justice are of immense significance. Concerning the principle of complementarity, Member States consider it as constituting the core principle of Rome Statute. It needs to be further strengthened and there is a need for maintaining a balanced approach in its application.

Thirdly, as regards the proposals for amending the Rome Statute:

One, on the proposal to delete Article 124 the opinion was that this would deprive new States Parties to the Rome Statute the right to defer the acceptance of the jurisdiction of the Court; therefore, it would be useful to retain it. This would encourage universalization of Rome Statute.

Two, as to the proposals for criminalizing the act of employing certain weapons in internal armed conflict and strengthening the enforcement of sentences, there was not much discussion, as most of the States had not made their positions clear.

Mr. President, the AALCO as a consultative body confines its activities to scientific examination of legal problems and in assisting our Member States and such non-member States as desire our assistance, to consider these problems by collection of materials and documentation as also by providing a forum for exchange of views. To keep alive the momentum of our work on ICC, we are contemplating to undertake a study on the relationship between the treaty obligations under the Rome Statute and the requirements under the national law. It is then up to the Governments to arrive at their own decisions in the light of their own experience and in the interest of the world community. Significant, in this context, is the resolution adopted at our Forty-Eighth Annual Session in which AALCO Member States that were not yet party to the Rome Statute were encouraged to consider ratifying/acceding to it.

Mr. President, we remain at the service of all Asian and African States and we would be prepared to assist all such States which desire our assistance. I would like to emphasize that the membership of the Asian-African Legal Consultative Organization is open to all States of the region. Finally, I would like to extend to the Conference felicitations and best wishes from the Asian-African Legal Consultative Organization expressing the hope that the deliberations of the Review Conference will meet with a crowning success. It is our fervent hope that the efforts being made here will usher in a new era in the history of humankind to end impunity.

Thank you, Mr. President.

Contact Details:

Asian-African Legal Consultative Organization [AALCO]
29-C, Rizal Marg, Diplomatic Enclave,
Chanakyapuri, New Delhi -110021, INDIA
<http://www.aalco.int>