

Hosting AALCO annual session will boost the legal profile of HK

(by Secretary for Justice, Ms Teresa Cheng, SC)

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In the Chief Executive's Policy Address this year, one of our major policy initiatives is to develop Hong Kong into a center for international legal and dispute resolution services in the Asia-Pacific region. A range of measures have been adopted, including securing international organizations to hold decision-making meetings in Hong Kong. One such meeting is the hosting of the Asian-African Legal Consultative Organization (AALCO) Annual Session from Monday through Wednesday.

AALCO's establishment 65 years ago can be seen to be a tangible outcome of the Asian-African Conference held in 1955 in Bandung, Indonesia, known as the "Bandung Conference". In the final communique of the Bandung Conference, the conference recognized not only the urgency of promoting economic development in the Asian-African region, but also the importance of cultural cooperation, stating that "the most powerful means of promoting understanding among nations is the development of cultural cooperation." A major outcome of the Bandung

Conference was the declaration of the “Ten Principles of Bandung” to promote world peace and cooperation, which includes principles such as the respect for the sovereignty and territorial integrity of all nations, the recognition of the equality of all races and of all nations, the respect for the right of each nation to defend itself, the settlement of all international disputes by peaceful means, the promotion of mutual interests and cooperation, and the respect for justice and international obligations. Indeed, the foresight of the Ten Principles of Bandung can be categorized into the sovereign equality of states, the importance of multilateralism and mutual cooperation, and also the upholding of the international rule of law. These principles are as relevant at the time of the founding of AALCO as they are today.

As the only intergovernmental legal consultative organization in the Asian and African region, AALCO serves as an important forum for its member states to deliberate international law matters that are of common concern. One of the purposes and objectives of AALCO is to consolidate and communicate this variety of viewpoints to other institutions and international organizations, including the United Nations (AALCO has held permanent observer status at the United Nations since 1980), so that Asian and African viewpoints, concerns and cultures are appropriately represented in world deliberations on international legal issues. AALCO’s deliberations reflect

the diverse legal traditions and myriad cultures in Asian and African nations, and this unique feature contributes to a more inclusive and comprehensive development of international law, and the understanding and maintenance of the rule of law internationally.

AALCO also contributes to the development of international law by nurturing legal professionals and diplomats on this subject. In this respect, the establishment of the China-AALCO Exchange and Research Program on International Law (CAERP), announced by President Xi Jinping and Premier Li Keqiang in April 2015, promotes capacity building in international law for AALCO members by conducting an annual training course in Beijing, exposing participants to the theory and practice of international law by learning from eminent practitioners and academics from around the world while also facilitating the mutual appreciation and understanding of different Asian and African cultures, thereby facilitating the building of a “community with a shared future for mankind”. In July 2017, CAERP also signed a memorandum of understanding for cooperation with the Asian Academy of International Law, which allows participants of CAERP to, starting from the third training session held in 2017, experience a week of lectures, seminars and conferences in Hong Kong in addition to the Beijing part of the program. While the pandemic has brought CAERP to a temporary hiatus, the program’s value

and effect cannot be understated, and it will be restarted once conditions permit.

One of the major events in AALCO's calendar each year is the holding of its annual session, which serves as the plenary organ of AALCO. In the annual session, delegates from member states and those attending as observers (non-member states and international and intergovernmental organizations) primarily participate in deliberations which examine international law matters deliberated by other international organizations and examine issues of international law that are of particular interest and relevance to AALCO member states. This reinforces the importance of multilateralism and the collaboration among countries in this area.

AALCO's contribution to the development of international law cannot be understated. One major agenda item on the annual session each year is the extensive deliberation of the work of the International Law Commission (ILC). The comments or proposals by AALCO member states during these deliberations have served as important reference points for the ILC in its quest for the codification and progressive development of international law and subsequent deliberations in the United Nations General Assembly in topics such as customary international law and diplomatic law. In the United Nations Secretary-General's

report in 2020, he acknowledged AALCO's work in delivering analytical papers in support of the Global Pact for the Environment, the Sustainable Development Goals, the global compact on refugees, and the intergovernmental conference on an international legally binding instrument 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.

China had the privilege to host the 2020 AALCO Annual Session, and with the immense support of the Central People's Government, the Hong Kong Special Administrative Region of the People's Republic of China was designated as the venue for the meeting. However, because of the pandemic, it was postponed. With steadfast efforts and cooperation from both the Central People's Government and the AALCO Secretariat, the annual session will go ahead in Hong Kong this year as its first hybrid meeting, with both online and in-person participation.

Another major initiative of AALCO is the establishment of regional arbitration centers in Asia and Africa to promote the development of international commercial arbitration in these regions. Since 1978, AALCO Regional Arbitration Centers have been established in five places; namely, Kuala Lumpur, Malaysia; Cairo, Egypt; Lagos, Nigeria; Teheran,

Iran; and Nairobi, Kenya. I am pleased to note that, 14 years since the establishment of the latest regional arbitration center in Nairobi, the HKSAR will establish the sixth AALCO Hong Kong Regional Arbitration Center. Not only will the establishment of the AALCO Hong Kong Regional Arbitration Center go toward the promotion of arbitration in Hong Kong and the region, but it will also go a long way in contributing to the development and promotion of Hong Kong as an international legal and dispute-resolution services hub.

The hosting of the AALCO Annual Session demonstrates that not only does Hong Kong have the capacity and the characteristics to attract international legal bodies to hold decision-making meetings in Hong Kong; this will also go toward the development of Hong Kong as an international legal and dispute-resolution services hub. While the annual session will be a predominantly closed event, I hope that members of the public, in particular the legal profession, will take note of developments relating to AALCO so that our international outlook can be further developed to also encompass exposure to the work of the Central People's Government in its shaping of international law and diplomacy.