

H. Inter-Sessional Meeting of Legal Experts to Discuss Matters relating to the ILC (10 April 2012)

Following the mandate given by its Member States at the Fiftieth Annual Session of AALCO held in Colombo, Democratic Socialist Republic of Sri Lanka in 2011, the AALCO Secretariat had convened an “Inter-Sessional Meeting of Legal Experts to discuss Matters relating to the ILC” at the AALCO Secretariat, New Delhi on 10 April 2012. The Lead Discussants for the Inter-Sessional Meeting were Dr. A. Rohan Perera, Former Member of the ILC, and Prof. Shinya Murase, Member of the ILC. Welcome remarks were made by the Secretary-General of AALCO. He also made a lucid presentation on “Appraisal of the Present and Future work of the ILC”.

The next presentation, which was made by Dr. Rohan Perera, Former Member of the ILC, was on “Protection of Persons in the Event of Disasters”. He highlighted the important aspects of the topic and the concerns and apprehensions that it evoked in the minds of developing countries. He also narrated the stage in which the topic finds itself in and various positions that countries take in relation to the topic. He pointed out that the concept of Responsibility to protect applies, until Member States decide otherwise, only to the four specified crimes and violations: genocide, war crimes, ethnic cleansing and crimes against humanity. To try to extent it to cover other calamities, such as HIV/

AIDS, climate change or the response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility.

The next presentation was also made by Dr. Rohan Perera on “Immunity of State Officials from Foreign Criminal Jurisdiction”. Allaying the fears raised by some developing countries, he pointed out that immunity should be, as a rule, confined only to the well-known troika, and any exception to this rule needs to be supported by state practice.

In the Second session of the Meeting, presentations were by Prof. Shinya Murase on the “Protection of the Atmosphere” and “The Fair and Equitable Treatment Standard in International Investment Law. The need on the part of ILC to take up these topics was lucidly and very ably highlighted by him. Commenting on the latter topic, he brought attention to the Model Agreement for Promotion and Protection of Investment adopted by the AALCO at its 23rd Annual Session and stated that the latter could be used by the ILC while dealing with this topic.

At the end their presentations lively discussions followed in which many participants participated. The Closing Remarks were made by the Secretary General of the AALCO and the Vote of Thanks was delivered by Dr. Xu Jie, Deputy Secretary General, AALCO.