



**Declaration and Resolutions adopted at the Fifty-Fifth Annual Session of AALCO, New Delhi, India, 17 – 20 May 2016**

AALCO/DEC/55      New Delhi Declaration on the Commemoration of the 60<sup>th</sup> Anniversary of AALCO

**Organizational Matters**

RES/55/ORG 1	Report of the Secretary-General on Organizational, Administrative and Financial Matters
RES/55/ORG 1A	Regulations on AALCO's Secretary-General's Salary, Allowances and Other Emoluments
RES/55/ORG 2	AALCO'S Budget for the Year 2017
RES/55/ORG 3	Report on AALCO's Regional Centres for Arbitration
RES/55/ORG 4	Appointment of the Secretary-General
RES/55/ORG 4A	Expression of Gratitude to the Outgoing Secretary-General

**Substantive Matters**

RES/55/S 2	The Law of the Sea
RES/55/S 4	Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine
RES/55/S 9	Violent Extremism and Terrorism (Legal Aspects)
RES/55/S 13	WTO as Framework Agreement and Code of Conduct for World Trade
RES/55/S 17	International Law in Cyberspace
RES/55/SP 1	Resolution on the Special Meeting on "Selected Items on the Agenda of the International Law Commission"

## NEW DELHI DECLARATION ON THE COMMEMORATION OF THE THE 60<sup>TH</sup> ANNIVERSARY OF AALCO

1. We, the Heads of Delegations of the Member States of the Asian-African Legal Consultative Organization have assembled at the Fifty-Fifth Annual Session of AALCO held in New Delhi (Headquarters), India from 17 to 20 May 2016 coinciding with the 60<sup>th</sup> anniversary of the Organization, wish to reaffirm our commitment towards further strengthening the Organization to enable it to contribute effectively in harmonizing the actions of Member States in international legal matters bearing in mind the functions and purposes of AALCO as stipulated in its statutes.
2. We recall the resolution AALCO/RES/48/DEC titled *Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization*, adopted by the Forty-Eighth Annual Session on 20 August 2009 at Putrajaya, Malaysia, and the resolution AALCO/RES/54/XX titled Half-day Special Event to Commemorate the 60<sup>th</sup> Anniversary of the Bandung Conference, adopted by the Fifty-Fourth Annual Session on 17 April 2015 at Beijing, People's Republic of China.
3. We recognize the historical importance of the Bandung Conference held in 1955 in establishing AALCO as a legal consultative body to advise Member States of Asia and Africa on international legal issues of common concern and as a forum to deliberate on these issues.
4. We also recognize that AALCO exists as an embodiment of the Spirit of Bandung hinging on Asian-African solidarity, friendship and cooperation and acknowledge the continued relevance of the Ten Principles of Bandung to the conduct of inter-state relations in the contemporary era.
5. We appreciate the stellar role played by the Organization in the past six decades in codification and progressive development of international law and in ensuring that the Asian-African voices are heard in the United Nations and other international fora.
6. We warmly welcome the countries in Asia and Africa which are not members of AALCO to consider joining the Organization to strengthen our voices in international law making fora.
7. We also welcome countries and international organizations from other regions of the world to come into close cooperation with AALCO appropriately.
8. We emphasize that a stronger AALCO will provide a robust forum for the codification and progressive development of international law reflecting the views of Asian and African countries and promote legal cooperation among the Member States.

9. We realize the continued relevance of Our Organization in the fast changing world order. We pledge ourselves to provide AALCO with all forms of support as appropriate, in particular financial, to ensure that the Organization can effectively fulfill its goals and mandates.

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,  
ADMINISTRATIVE AND FINANCIAL MATTERS**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth 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 Statutory Rules as contained in Document No. AALCO/55/ HEADQUARTERS (NEW DELHI)/2016/ORG1,

**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 significance of the 60<sup>th</sup> Anniversary of the establishment of AALCO,

**Also recognizing** the need to take forward the spirit of 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 Fifty-Fourth Annual Session held in Beijing, People's Republic of China from 13 to 17 April 2015,

**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 December 2008, in New Delhi (Headquarters), India,

**Welcoming** the efforts by the Secretary-General for Revitalizing and Strengthening the AALCO,

**Noting with satisfaction** the increased co-operation between the Organization and the United Nations and its Specialized Agencies, other international organizations and academic institutions,

1. **Approves** the work programme 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 programme;
2. **Also requests** the Secretariat to explore ways and means for streamlining the Statutory Rules and Administrative, Financial and Staff Regulations of AALCO;
3. **Also 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. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work programme of the Organization;
5. **Also requests** the Secretary General to inscribe an official record to express Member States' deepest condolences and pay heartfelt tribute to the family of the late Mr. B. Sen, the first Secretary-General of AALCO; and
6. **Further requests** the Secretary-General to report on the activities of the Organization at its Fifty-Sixth Annual Session.

**REGULATIONS ON AALCO'S SECRETARY-GENERAL'S SALARY,  
ALLOWANCES AND OTHER EMOLUMENTS**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Annual Session,*

**Having noted and considered** the Secretariat Document **AALCO/55/ HEADQUARTERS (NEW DELHI)/2016/ ORG 1A**, on the Report on AALCO's Secretary-General's Salary, Allowances and Other Entitlements,

**Noting with** appreciation the introductory remarks of the Deputy Secretary-General,

**Recalling** the decision and resolution AALCO/RES/54/ORG 1 adopted at the Fifty-Fourth Annual Session of AALCO held in Beijing in April 2015 on the aforementioned issue,

**Having followed** with great interest the comments on the item reflecting the views of the Member States,

1. **Approves** the Draft Regulations on AALCO's Secretary-General's Salary, Allowances and Other Emoluments effective from the date the next Secretary-General assumes office;
2. **Decides to mandate** the Liaison Officers Meeting to consider the issue of "Education Allowance" at its next meeting, and place it for consideration of the Member States at the next Annual Session; and
3. **Also decides** to incorporate the same as Part III of the AALCO's Administrative, Financial and Staff Regulations.

**AALCO'S BUDGET FOR THE YEAR 2017**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Having heard** with appreciation the introductory statement of the Secretary- General on the Proposed Budget for the Year 2017 as contained in the Document No. AALCO/55/ Headquarters (New Delhi) /2016/ORG 2,

**Taking note** of the comments of the Member States on the Proposed Budget,

**Noting further** the Proposed Budget for the year 2017 was placed before the 332<sup>nd</sup> Meeting of the Liaison Officers held on 13<sup>th</sup> January 2016 and 333<sup>th</sup> on 2<sup>nd</sup> March 2016 at the Headquarters, New Delhi, and was submitted to the Fifty-Fifth Annual Session for final approval,

**Considering** that the Proposed Budget for the year 2017 is a realistic budget depending on the actual contributions to be received,

**Noting with** appreciation the part of arrears paid by the Government of the Republic of Iraq on the basis of Memorandum of Understanding (MoU) and requesting other Member States in large arrears to follow suit,

**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 2017 as proposed;
2. **Requests** the Secretariat to report to the Liaison Officer's meeting the outcome of 7<sup>th</sup> Pay Commission of Government of India in the context of local employee of AALCO and decides to mandate Liaison Officers to review and make recommendation relating to the salary and entitlements of the local employee and the same shall be placed at the Annual Session for its consideration and approval.
3. **Requests** Member States who have not paid their annual contribution for the year 2016, to do so at the earliest in order to ensure the effective functioning of the Organization;

4. **Strongly urges** Member States, who are in arrears, to fulfill their financial obligation and to expeditiously clear the same in accordance with the Statutes and Statutory Rules of AALCO;
5. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO;
6. **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
7. **Decides** to place this item on the provisional agenda of the Fifty-Sixth Annual Session.



## REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Considering** the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/55/HEADQUARTERS (NEW DELHI)/2016/ORG 3,

**Noting** with appreciation the introductory remarks of the Deputy Secretary-General and the report of the Directors of the Regional Arbitration Centres,

**Reaffirming** the commitment by the Governments of 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, Arab Republic of Egypt, Federal Republic of Nigeria, the Islamic Republic of Iran, and the Republic of Kenya 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 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 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 the Arbitration Clause of AALCO's Regional Arbitration Centres;
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 Arbitration Centres to meet at every AALCO Annual Sessions to enable an exchange of ideas and to report the outcome to the Organization;
4. **Requests** the Secretary-General to take initiative to promote the Arbitration Centres among Member States and to work toward establishing another Arbitration Centre in the South Asian region; and
5. **Decides** to place this item on the provisional agenda of the Fifty-Sixth Annual Session.

**APPOINTMENT OF THE SECRETARY-GENERAL**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Having Considered** the Secretariat Document No. AALCO/55/HEADQUARTERS (NEW DELHI)/2016/ORG 4,

**Recalling** the resolution on the Appointment of the Secretary-General (RES/47/ORG 5, 4 July 2008), adopted at the Forty-Seventh Annual Session of AALCO, and the resolution on the Reappointment of the Secretary-General, (RES/51/ORG 5, 22 June 2012) adopted at the Fifty-First Annual Session of AALCO,

**Taking note** of the entire process of the Appointment of the Secretary-General during the Fifty-Fifth Annual Session,

**Emphasizing** that the Annual Session of the AALCO which has on its agenda the appointment/election of the Secretary-General, has to be held in advance of the completion of the tenure of the outgoing Secretary-General,

1. **Confirms** the appointment of Prof. Dr. Kennedy Godfrey Gastorn as the Secretary-General of AALCO for a term of four years; and
2. **Affirms** that Prof. Dr. Kennedy Godfrey Gastorn will assume his functions as the Secretary-General in his full capacity as from 15 August 2016.

**EXPRESSION OF GRATITUDE TO THE OUTGOING SECRETARY-GENERAL**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Taking note** of the completion of tenure of H.E. Prof. Dr. Rahmat Mohamad as the Secretary-General of AALCO,

**Acknowledges with appreciation** the significant contribution made by H.E. Prof. Dr. Rahmat Mohamad during his tenure as the Secretary-General in enhancing the image, role and activities of the Organization, in rationalizing its work programme, and the management of its budget, as well as in steering efficiently and effectively the activities of the Organization, and

**Expresses gratitude** for the valuable services rendered by H.E. Prof. Dr. Rahmat Mohamad during his tenure of eight years.

## THE LAW OF THE SEA

### *The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Considering** the Secretariat Document No. AALCO/55/HEADQUARTERS (NEW DELHI)/2016/SD/S2, and the AALCO Publication entitled “Marine Biological Diversity Beyond National Jurisdiction: An Asian-African Perspective”,

**Noting** with appreciation the introductory remarks of the Secretary-General,

**Recalling** the United Nations Convention on the Law of the Sea 1982 (UNCLOS)<sup>1</sup>, as well as the customary international law relating to the management of the oceans,

**Mindful** of the historical contribution made by the Asian-African Legal Consultative Organization in the elaboration of the UNCLOS,

**Conscious** that AALCO has been regularly following the implementation of the UNCLOS and its implementing agreements as well as other issues regarding the law of the sea,

**Hopeful** that in view of the importance of the law of the sea issues, AALCO would maintain its consideration on the agenda item and continue to perform its historical role on the law of the sea matters,

**Taking note** of the deliberations at the United Nations Open-ended Informal Consultative Process established by the United Nations general Assembly to facilitate annual review of the developments in ocean affairs,

**Also taking note of** the establishment of and work done by the Preparatory Committee on Marine Biodiversity of Areas Beyond National Jurisdiction,

**Welcoming** the active role played by the International Tribunal for the Law of the Sea (ITLOS) in the peaceful settlement of disputes with regard to ocean related matters,

1. **Reaffirms** that in accordance with the UNCLOS, the “Area” and its resources are the common heritage of mankind;

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<sup>1</sup> The Republic of Turkey disassociates itself from the references made in the Law of the Sea Resolution, AALCO/RES/55/S2, New Delhi, 20 May 2016, to the United Nations Convention on the Law of the Sea, 1982. Approval of the said resolution cannot be construed as a change in the legal position of Turkey with regard to the UNCLOS.

2. **Appreciates** the initiative of the Secretariat for bringing out the AALCO Publication “Marine Biological Diversity Beyond National Jurisdiction: An Asian-African Perspective”;
3. **Encourages** AALCO Member States not yet parties to the UNCLOS and its implementing instruments, to consider the possibility to ratify or accede thereto, in compliance with their domestic policies;
4. **Urges** the full and effective participation of its Member States which are parties to the UNCLOS in the work of the International Seabed Authority and other related bodies established by the UNCLOS, and further urges effective contribution of its Member States to the United Nations Informal Consultative Process, and the Preparatory Committee on Marine Biodiversity on Areas Beyond National Jurisdiction, so as to ensure and safeguard their legitimate interests;
5. **Directs** the Secretariat to hold Seminars or Workshops, depending on the availability of financial and personnel resources, to discuss the issues and recent developments relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, marine scientific research and exploration of deep sea resources;
6. **Requests** the Secretariat of AALCO to assist in the capacity building of Member States within the field of the law of the sea through varied ways such as joint training programmes with States and inter-governmental organizations, and calls upon Member States to offer all possible support and assistance; and
7. **Decides** to place this item on the agenda of an Annual Session of AALCO as and when required.

**VIOLATIONS OF INTERNATIONAL LAW IN PALESTINE AND OTHER  
OCCUPIED TERRITORIES BY ISRAEL AND OTHER INTERNATIONAL  
LEGAL ISSUES RELATED TO THE QUESTION OF PALESTINE**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Having considered** the Secretariat Document No AALCO/55/HEADQUARTERS (NEW DELHI)/2016/SD/S 4,

**Noting with appreciation** the introductory remarks of the Deputy Secretary-General,

**Recalling and reiterating** the decisions taken at the consecutive Annual Sessions of the Asian-African Legal Consultative Organization since 1988, when the topic was first introduced on the agenda of the Organization, in particular the decisions adopted on 22 April 1998 and 23 April 1999,

**Also recalling and reiterating** the resolutions adopted on 23 February 2000, RES/40/4 of 24 June 2001, RES/41/4 of 19 July 2002, RES/42/3 of 20 June 2003, RES/43/S 4 of 25 June 2004, RES/44/S 4 of 1 July 2005, RES/45/S 4 of 8 April 2006, RESW/46/S 4 of 6 July 2007, RES/47/S 4 of 4 July 2008, RES/48/S 4 of 20 August 2009, RES/49/S 4 of 8 August 2010, RES/50/S 4 of 1 July 2011, RES/51/ S 4 of 22 June 2012, RES/52/S 4 of 12 September 2013, RES/53/S 4 of 18 September 2014, and RES/54/S 4 of 17 April 2015,

**Having followed** with great interest the deliberations on the item reflecting the views of Member States,

**Being concerned** with the serious obstacles created by the occupying power, which hinder the achievement of a just and lasting peace in the region,

**Recognizing** that the massive Israeli military operation in the Occupied Palestinian Territory, particularly in the occupied Gaza strip, has caused grave violations of the human rights of the Palestinian civilians therein and international humanitarian law, and exacerbated the severe humanitarian crisis in the Occupied Palestinian Territory,

**Also recognizing** that the Israeli occupation siege imposed on the occupied Gaza strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

**Welcoming** the international and regional initiatives for peace in the Middle East,

**Condemning** Israel's acts of violence and use of force against Palestinians, resulting in injury, loss of life and destruction, coercive migration and deportation in violation of human rights and the Fourth Geneva Convention of 1949,

**Stressing** the need for compliance with existing Israeli-Palestinian agreements concluded in order to reach a final settlement,

**Being concerned** about the continuing dangerous deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem and Gaza strip, the continuous forced displacement of Palestinians from their homeland, and the continuing serious and systematic violations of human rights of the Palestinian people by Israel, the occupying power, including those arising from the excessive use of force, the use of collective punishment, the occupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall in the occupied Palestinian Territory, the destruction of property and infrastructure, use of prohibited weapons and all other actions designed to change the legal status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem and Gaza strip, and about war crimes and crimes against humanity committed in this Territory, and calling for the implementation of relevant United Nations resolutions on the humanitarian situation of the Palestinian people,

**Recalling** the Advisory Opinion rendered by the International Court of Justice in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and related General Assembly Resolution (A/RES/ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006), as well as the United Nations initiative to establish a Register of Damage arising from the construction of the separation wall, and bearing in mind that more than ten years have elapsed since the International Court of Justice delivered its opinion,

**Affirm** that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the City of East Jerusalem, were null and void and must be rescinded forthwith,

**Deeply concerned** about the continuation by Israel, the occupying Power, of colonial activities in the Occupied Palestinian Territory, including East Jerusalem, through the unlawful construction of settlements and the wall, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions,

**Condemning also** all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

**Affirming** that all States are under an obligation not to recognize the illegal situation resulting from the Israeli illegal practices in the Occupied Palestinian Territory, including East Jerusalem, and not to render aid or assistance to maintaining the situation created by such actions,

**Acknowledging with deep concern** that the Security Council is still unable to adopt a resolution stipulating the illegality of the Israeli expansionist wall and to act in unison in calling on the occupying Power to halt its settlement enterprise, since it is clearly acknowledged that settlements pose the biggest challenge to a peaceful settlement,

**Recognizing** that actions must be taken to uphold the provisions of the Fourth Geneva Convention and the relevant Security Council and General Assembly resolutions, as well as the advisory opinion rendered on 9 July 2004 by the International Court of Justice to bring the occupying Power into compliance with its legal obligations,

**Expressing** its support to the Arab Peace Initiative for resolving the issue of Palestine and the Middle East, adopted by the 14<sup>th</sup> Arab Summit held in Beirut (Lebanon) on 28 March 2002



and reaffirmed in the 19<sup>th</sup> Summit Conference of the League of Arab States, Riyadh, 28-29 March 2007 as well as other peace initiatives, including the Quartet Road Map,

**Taking note** of conclusions and outcomes of all events held at both regional and international levels aiming at the achievement of a just, durable and comprehensive solution of the question of Palestine,

**Also taking note** of the initiation of a preliminary examination of the situation in Palestine by the Prosecutor of the International Criminal Court,

**Affirming** that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the Charter of the United Nations, existing agreement between the parties and the relevant Security Council and General Assembly resolutions, which will allow all the countries of the region to live in peace, security and harmony,

1. **Reaffirms** the right of the Palestinian people to self-determination, including the right to their independent State of Palestine and calls on its Member States to take part in the peace process/efforts exerted by the international community for the achievement of a just and comprehensive solution of the Question of Palestine on the basis of international law, relevant Security Council resolutions, including 242 (1967), 338 (1973), 425 (1978), 1397 (2002) and 1860 (2009), and relevant General Assembly Resolutions, including 194 (1949) on the formula of “land for peace” and the legitimate rights of the Palestinian people;
2. **Strongly condemns** the shocking developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality against Palestinian civilians, the widespread destruction of public and private Palestinian property and infrastructure, the forced displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people;
3. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and relevant international human rights treaties in order to protect the rights of Palestinians;
4. **Also demands** that Israel positively respond to the recommendations contained in successive reports of the Special Rapporteur for the Palestinian Territory Occupied Since 1967 and recommendations of the 2009 report of the United Nations Fact Finding Mission on the Gaza Conflict,<sup>1</sup> and the 2014 report of the Independent Commission of Inquiry on the Gaza Conflict,<sup>2</sup> as well as recommendations contained in the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>3</sup> in order to protect the rights of Palestinians;
5. **Further demands** that Israel, the occupying Power, comply with its legal obligations as mentioned in the Advisory Opinion rendered by the International Court of Justice in the

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<sup>1</sup> [A/HRC/12/48.](#)

<sup>2</sup> [A/HRC/29/52.](#)

<sup>3</sup> [A/HRC/22/63.](#)

case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and related General Assembly Resolution (A/RES/ES-10/15 of 20<sup>th</sup> July 2004);

6. **Strongly demands** that Israel, the occupying Power, stop and reverse the colonial practices including construction of settlements and the wall in the Occupied Palestinian Territory;
7. **Strongly deplores** the Israeli occupation's blockade of the Gaza strip and its consequent human rights and humanitarian law violation;
8. **Further demands** for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction of property and calls for the immediate and full withdrawal of Israeli (occupying) forces from the Palestinian Territory in implementation of Security Council Resolutions, including 1402 (2002), 1403 (2002), 1515 (2003), and 1544 (2004) as a first step for ending the Israeli occupation of Palestinian territories occupied since 1967;
9. **Calls for** accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, aimed at preventing illegal acts of violence by Israeli settlers, and to guarantee the safety and protection of the Palestinian civilians in the occupied territory;
10. **Urges** its Member States to pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;
11. **Calls upon** Israel, the occupying Power, to ensure the return of refugees and displaced Palestinians to their homes and the restoration to them of their properties, in compliance with the relevant UN resolutions;
12. **Welcomes** the accession of Palestine to international treaties and *calls on* Member States to provide technical assistance to Palestine in carrying out its obligations under these treaties;
13. **Calls on** the Secretariat to charge AALCO *Centre for Research and Training* to provide capacity-building to related Palestinian institutions on international law and organize training programs for the benefit of Palestinian government civil servants handling international law issues;
14. **Directs** the Secretariat to closely follow the developments in Occupied Palestinian Territory from the perspective of relevant legal aspects and to prepare a study on the legality of prolonged Israeli occupation of the Occupied Palestinian Territory and its colonial practices therein, under international law and international humanitarian law; and
15. **Decides** to place the item on the provisional agenda of the AALCO Annual Session as and when required.

**VIOLENT EXTREMISM & TERRORISM (LEGAL ASPECTS)**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Having considered** the Secretariat Document No. AALCO/55/HEADQUARTERS (NEW DELHI)/2016/SD/S9 prepared by AALCO Secretariat,

**Noting with appreciation** the introductory remarks of the Deputy Secretary-General and the statements of the Member States during deliberations on “Violent Extremism & Terrorism (Legal Aspects)”,

**Noting also** the discussions on the topic that took place at the two Inter-Sessional Meetings of Legal Experts on “Principles and Guidelines to Combat Violent Extremism and its Manifestations” that took place on 28-29 January 2016 and 16 May 2016 respectively,

**Gravely concerned** about the threats posed by acts of violence perpetrated by violent extremist and terrorist groups and desiring to put an end to such threats,

**Reaffirming** that violent extremism and terrorism constitute a serious common concern for all Member States, threatening the security and well-being of their societies, and convinced that there is no justification for violent extremism, whatever the motivation,

**Recollecting** the UN General Assembly Resolution—“A World against Violent Extremism” (A/RES/68/127) adopted by the General Assembly on 18 December 2013 and other relevant UN Resolutions,

**Expressing concern** about the upsurge in acts of violent extremism and terrorism in the Asian - African regions, which threaten the life and security of innocent people and impede the economic development and scientific activities of the concerned States,

**Strongly condemning** any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

**Recognizing** the complex and volatile nature of the phenomenon of violent extremism, and the need for a comprehensive, cooperative and coordinated solution to the problems posed by this phenomenon,

**Recalling** the international efforts to eliminate violent extremism and terrorism, and reaffirming the need to strengthen those efforts in accordance with the Charter of the United Nations, taking into account the principles of international law including non-interference, respect for sovereignty and territorial integrity of all states,

**Further reaffirming** Member States' obligations under international law relating to international human rights law, international humanitarian law, and international criminal law, as well as their commitments and obligations under sectoral conventions on terrorism to prevent, suppress, investigate and prosecute crimes perpetrated by extremist individuals and groups,

**Taking note of** the mandate of its resolution RES/53/SP2 of 18 September 2014 on "Violent Extremism and Terrorism (Legal Aspects)", RES/53/S7 of 18 September 2014 on "International Terrorism", and RES/54/S9 of 17 April 2015,

1. **Encourages** Member States to consider ratifying/acceding to the relevant conventions on terrorism and trying to further develop legal instruments to combat violent extremism and terrorism;
2. **Urges** for action on international, regional and bilateral levels to fight against acts of terrorism and to counter violent extremism, *inter alia*, by adopting and implementing relevant national legislation, bilateral and multilateral instruments;
3. **Directs** the Secretariat to prepare a report on the ongoing discussions to be presented at the next Annual Session and discussed by a Working Group to be convened for this purpose during the 2017 Session;
4. **Also directs** the Secretariat to prepare a new draft resolution on the topic, in line with the comments of the AALCO Member States at the Inter-Sessional Meetings of 28-29 January 2016 and 16 May 2016, to be discussed by the Working Group at the next Annual Session; and
5. **Decides** to place the item on the provisional agenda of its Fifty-Sixth Annual Session.

**WTO AS A FRAMEWORK AGREEMENT AND CODE OF CONDUCT FOR WORLD  
TRADE**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Having considered** the Secretariat Document No. AALCO/55/HEADQUARTERS (NEW DELHI) /2016/ SD/S 13,

**Having heard** with appreciation the introductory statement of the Secretary-General on the agenda item,

**Recognizing** the importance and complexities of issues involved in the successful conclusion of the WTO Doha Development Agenda,

**Taking note** of the decisions adopted at the Tenth Ministerial Conference of WTO held in December 2015 at Nairobi,

1. **Requests** the Secretary-General in consultation with Member States, subject to the availability of necessary resources, to organize seminars or workshops to facilitate the exchange of views by Member States on issues currently under negotiation within the WTO and capacity building programs; and
2. **Decides** to place this item on the agenda of an Annual Session of AALCO as and when required.

## INTERNATIONAL LAW IN CYBERSPACE

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Having considered** the Secretariat Document No. AALCO/55/HEADQUARTERS (NEW DELHI)/2016/SD/S17,

**Noting with appreciation** the introductory statement of the Secretariat,

**Welcoming** the election of a Chair, Vice-Chair and Special Rapporteur of the Open-ended Working Group on International Law in Cyberspace and taking note of the Summary Report of the Chairperson on the first meeting of this Group,

**Recognizing** the significance of cyberspace as an integral part of human interaction and its profound impact on Member States and their citizens,

**Deeply concerned** about new threats and challenges in the development and application of information and communication technologies such as cybercrimes and the use of cyberspace for terrorist purposes,

**Noting with concern** the use of cyberspace in various kinds of cyber attacks perpetrated by non-State actors or the use of cyberspace by States inconsistent with international law,

**Underlining** the need for enhanced coordination and cooperation among Member States in combating the criminal misuse of information and communication technologies,

**Stressing** the significance of the principles and rules of international law applicable to cyberspace, including those in the UN Charter,

**Also stressing** the need for further study of and deliberation on rules of international law on cyberspace issues and explore the areas of further development of international law on the issue as appropriate,

1. **Encourages** Member States to actively participate in the relevant regional and global forums deliberating on the governance of cyberspace and to strengthen their communication and cooperation in this regard;
2. **Directs** the Working Group on International Law in Cyberspace to hold inter-sessional meetings, preferably in cooperation with Member States and relevant international organizations and other institutions in particular the United Nations in pursuance of its mandate, taking into account the need of AALCO Member States in combating cybercrime;

3. **Also Directs** the Secretariat to closely follow developments in international forums related to governance of cyberspace and cyber security and continue its study on International Law in Cyberspace pursuant to the relevant resolution adopted in the 54<sup>th</sup> Annual Session, with a view to assisting the Working Group to fulfill its mandate;
4. **Further directs** the Secretariat to report to the Member States the relevant information including the development in the Open-ended Working Group as referred to in paragraph 2; and
5. **Decides** to place this item on the provisional agenda of the Fifty-Sixth Annual Session.

**RESOLUTION ON THE HALF-DAY SPECIAL MEETING ON “SELECTED ITEMS  
ON THE AGENDA OF THE INTERNATIONAL LAW COMMISSION”**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Having considered** the Secretariat Document No. AALCO/55/HEADQUARTERS (NEW DELHI) /2016/SD/SP 1,

**Having heard** with appreciation the introductory statement of the Secretary-General and the views expressed by the Member States during the Half-Day Special Meeting on “Selected Items on the Agenda of the International Law Commission” held on 19<sup>th</sup> May 2016 at New Delhi,

**Having followed** with great interest the deliberations on the item reflecting the views of Member States on the work of the International Law Commission (ILC),

**Recognizing** the significant contributions of the ILC to the codification and progressive development of international law,

1. **Recommends** Member States to contribute to the work of ILC, in particular by communicating their comments and observations regarding issues identified by the ILC on various topics currently on its agenda to the Commission;
2. **Recalls** with appreciation the work of the Informal Expert Group on Customary International Law, and the fact that its final report has been sent to the ILC for the consideration of its Special Rapporteur on the subject Mr. Michael Wood;
3. **Requests** the Secretary-General to summarize the views expressed by Member States during the Annual Sessions of AALCO on the items on its agenda, for the purpose of reporting them at the ILC Meetings.
4. **Also requests** the Secretary-General to continue convening AALCO-ILC meetings in future; and
5. **Decides** to place the item on the provisional agenda of the Fifty-Sixth Annual Session.