

# RESOLUTIONS

**RESOLUTIONS ON ORGANIZATIONAL, ADMINISTRATIVE AND FINANCIAL MATTERS**

**RES/43/ORG 1  
25 June 2004**

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

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Conscious** of the functions and the purposes of the Organization as referred to in Article 4 of the Statutes;

**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/43/BALI/2004/SD/ORG 1;

**Appreciating** the efforts of the Secretary-General to enhance the activities of the Organization and to implement the work programme of the Organization as approved at its Forty-Second Session in Seoul,

**Welcoming** the initiatives towards the rationalization of its work programme, including consideration of the agenda items during its annual session;

1. **Expresses its satisfaction** over the increasing co-operation between the Organization and the United Nations, its specialized agencies and other Intergovernmental Organizations;

2. **Approves** the work programme of the Organization for the year 2004 as set out in the Secretary-General's Report and urges Member States to extend their full support to the implementation of that programme;

3. **Requests** the Secretary-General to continue his efforts to enlarge the Membership of the Organization including French speaking countries from both continents and to mobilize financial resources to have French as a working language during the coming sessions;

4. **Encourages** Member States to make voluntary contributions to support the organization of seminars/meetings or to conduct projects on any specific topic under the approved work programme of the Organization.

**RES/43/ORG 2**  
**25 June 2004**

### **AALCO'S BUDGET FOR THE YEAR 2004**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Taking note** of the proposed budget for the year 2004 contained in Document No.AALCO/43/BALI/2004/SD/ORG 2;

**Appreciating** the efforts of the Secretary-General towards economizing the expenditure and the optimum utilization of the finances of the Organization;

**Expressing serious concern** about the increasing arrears due to non-payment of annual contributions by some Member States;

**Taking into account** the recommendation on budgetary proposals for the year 2004, adopted by 283<sup>rd</sup> Meeting of the Liaison Officers on 23<sup>rd</sup> February 2004;

1. **Approves** the Budget for the year 2004 as proposed;
2. **Urges** Member States to pay their annual contributions for the year 2004 as soon as possible;
3. **Also urges** those Member States who are in arrears to take urgent steps to clear expeditiously the same and to fulfill their financial obligations;
4. **Requests** the Secretary-General, in consultation with the Liaison Officers, to consider feasible measures to adjust the budget cycle so that it could help in the smooth functioning of the Organization;
5. **Also strongly requests** those Member States who are facing financial difficulties in defraying their annual contributions due to conditions beyond their control to furnish to the Secretary-General detailed information on those financial difficulties; and
6. **Also requests** the Secretary-General to follow-up, within Budgetary Advisory Panel of Liaison Officers and in the Meetings of Liaison Officers, to find concrete measures to solve the aforesaid issues, mainly the problem of arrears and to report on the implementation of this resolution at its Forty-Fourth Session.

**PROGRESS REPORT ON REGIONAL CENTRES FOR ARBITRATION**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having taken note** of the Progress Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/ 43/BALI/ 2004/SD/ORG 3;

**Reaffirming** the commitment by the governments of Member States towards enhancing the role of the Regional Arbitration Centres;

**Recalling** its decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978;

**Expressing its 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;

**Welcomes** the approval by the President of the Islamic Republic of Iran of the Agreement for Establishment of Regional Centre for Arbitration in Tehran on 10 June 2003, and also welcomes the appointment of Dr. Mashkan Mashkour as the Director of the Centre;

1. **Appreciates** the efforts and contributions of the Governments of the Arab Republic of Egypt, the Islamic Republic of Iran, Malaysia and Nigeria for hosting the respective Regional Arbitration Centres;

2. **Also appreciates** 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;

3. **Reiterates** 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;

4. **Expresses** thanks and appreciates the work and the performance of Dato Dr. Zakaria Yatim, the former Director of the Kuala Lumpur Regional Centre for International Commercial Arbitration and welcomes the appointment of Dato Syed Ahmad Idid as the new Director of the Centre;

5. **Congratulates** the Kuala Lumpur and Cairo Regional Centres for International Commercial Arbitration, on successfully celebrating the Silver Jubilee of

their Centres to commemorate their twenty-fifth Anniversary in October 2003 and January 2004 respectively;

6. **Proposes** after consultation with the Directors of the respective Regional Arbitration Centres, the holding of International Arbitration Conference biennially, by rotation in each of the four Arbitration Centres, with the support of Member States, keeping in view the impending danger posed by profit making Institutions or Centres, which could lead to the diminished activities of the four Arbitration Centres;

7. **Mandates** the Secretary-General to commence negotiation with the Government of the Islamic Republic of Iran to prepare administrative rules of arbitration to be followed by the Tehran Centre as required by Article II (2) of the aforesaid Agreement; and

8. **Decides** to place this item on the provisional agenda of its Forty-Fourth Session.

**AALCO'S CENTRE FOR RESEARCH AND TRAINING**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the report of the Secretariat on the AALCO's Centre for Research and Training, contained in Document No. AALCO/43/BALI/ 2004/SD/ORG 4;

**Recognizing** the need and importance of the exchange of information between the Organization, the Member States, the United Nations and its Specialized Agencies, and other International Organizations;

**Bearing in mind** the effective role of research and in-depth study in promoting the objectives of the Organization;

**Appreciating** the efforts of the Secretariat towards the establishment and continuous upgrading of the Organization's website;

1. **Requests** the Secretariat to maintain, update and improve the technical efficiency of the website for facilitating communication between the Secretariat, the Member States, the United Nations and its Specialized Agencies, and other International Organizations;

2. **Also requests the** Secretary-General to foster capacity-building of the Centre to carry out further research projects on international law and organize training programmes for the benefit of nationals of Member States handling international law issues;

3. **Urges** Member States to furnish information and other relevant materials in order to enhance the activities of the Centre for Research and Training;

4. **Encourages** Member States to make voluntary contributions to enable the Centre to undertake its envisaged activities;

5. **Directs** the Secretariat to take active measures to publicize the existence of the Centre so that the services available in the Centre would be made use of by the public and private sectors in the Member States; and

6. **Requests** the Secretary-General to report on the progress made in the work of the Centre for Research and Training at its Forty-Fourth Session.

**ESTABLISHMENT OF THE PERMANENT HEADQUARTERS OF THE ASIAN  
-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Recalling** the decision (Res. No. SS/1997/1) adopted at its Special Session in New Delhi on 14 October 1997, by which it decided that its permanent headquarters be located in New Delhi;

**Also recalling** the Headquarters Agreement signed between the Asian-African Legal Consultative Organization and the Government of India, on 26 April 2000;

**Taking Note** of the Progress made in the construction of its Headquarters Building and the residence of the Secretary-General;

1. **Expresses its appreciation** to the Government of India for the continuous support and co-operation extended for the establishment of the Permanent Headquarters of the Organization and the excellent progress achieved in this respect;

2. **Expresses its hope** that the construction work will be completed by the end of the year as planned; and

3. **Requests** the Secretary-General to continue his efforts to monitor and coordinate with the concerned authorities of the Government of India the speedy completion of the construction work of the Headquarters Building and report on the progress in this regard in due time to the Member States.

**ADMISSION OF SOUTH AFRICA AS A MEMBER STATE OF THE ORGANIZATION**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Recalling** Article 1 of its present Statutes which stipulates that the membership of the Organization shall consist of other Asian-African States that are or may be admitted in pursuance of Statutory rule no. 4;

**Appreciating** the efforts of the Secretary General in inviting South Africa to become a Member State of the Organization;

**Taking Note of** the written communication from the Government of South Africa of 11 February 2004 addressed to the Secretary-General expressing its desire to participate as a Member State and to accept the Statutes and Statutory Rules of the Organization, intimated to Member States by the Secretary General on 15 March 2004;

**Acknowledging** the Secretary General's note no.2 (MEM/131/2004/AALCO) dated 17 May 2004, welcoming South Africa as a full Member as from 15 May 2004 in pursuance of Statutory rule no. 4;

**Endorses** unanimously the admission of South Africa as a Member State of the Organization.



**REVIEW OF AALCO'S STATUTES AND STATUTORY RULES**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Recalling with appreciation** the proposal of the Republic of Ghana on the need to review and update AALCO's Statutes and Statutory Rules;

**Appreciating** the earnest effort of the Secretary-General and the Secretariat in preparing the Draft Revised Text of the Statutes for the consideration of the Committee of the Liaison Officers on the Draft Revised Text of the Statutes;

**Having heard** with appreciation the Report of the Secretary-General on the meeting of the Committee of Liaison Officers on the Revision of the Statutes and Statutory Rules which was held in New Delhi on 7 June 2004;

**Having reviewed** all the dispositions of the Draft Revised Text of the Statutes;

1. **Decides** to adopt the Revised Text of the Statutes as proposed and amended with immediate effect;
2. **Decides also**, to consequently amend the present Statutory Rules 20 (1) in conformity with article 3 of the adopted Statutes;
3. **Mandates the Secretary-General** after due consultation with the Committee of Liaison Officer for the revision of Statutes and Statutory Rules, to prepare revised draft of the Statutory Rules prior to the Forty-Fourth Session; and
4. **Requests** the Secretary-General to report on the progress achieved on this work at the Forty-Fourth Session.

**VENUE OF THE FORTY-FOURTH SESSION**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Taking note** with great appreciation, of the invitation received from the Government of Kenya to host AALCO's Forty-Fourth Session in 2005;

1. **Decides** to accept the invitation from the Government of Kenya; and
2. **Requests** the Secretary-General to hold consultations with the Government of Kenya to prepare administrative arrangements of the Session, including the dates of the Session and inform the Member Governments accordingly.

**IMPLEMENTATION OF AALCO'S DOCUMENTATION POLICY**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Recognizing** that AALCO, as an active international organization of the Asian-African regions, prints and publishes an increasing number of documents;

**Recalling** the documentation policy adopted in RES/42/ORG 10 at its 42<sup>nd</sup> Session held in Seoul (Republic of Korea) from 16-20 June 2003;

1. **Notes** with appreciation the implementation of the documentation policy by the Organization;
2. **Requests** the Secretary General to continue his efforts in the implementation of the documentation policy.

**REVISION OF AALCO'S GRATUITY SCHEME FOR THE LOCALLY RECRUITED STAFF**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Conscious** of the Administrative, Financial and Staff Regulations of the Organization;

**Having considered** the views of the Secretary-General on the rationale for the upward revision of the terminal gratuity payable to the locally recruited Staff;

**Appreciating** the efforts of the Secretary-General to make AALCO a benign Organization, as an employer;

**Noting** that the salary structure and other Staff amenities applicable to the locally recruited Staff closely follows that of the Host Government of the Permanent Headquarters of the Organization, the Government of India;

**Having considered** that the proposal of Secretary-General for the revision of Gratuity Scheme for the locally recruited Staff was deliberated without objection at the Second Meeting of the Heads of Delegations at the Thirty-Eighth Session of the Organization at Accra, Ghana in 1999;

**Welcoming** the initiatives of the Secretary-General to revise the gratuity scheme for the locally recruited Staff;

1. **Approves** the proposal of the Secretary-General to revise the gratuity scheme for the locally recruited staff, as laid down in his Statement and provides for:

**I. Years of employment and right to gratuity**

- (i) For services under two years, no gratuity would be paid;
- (ii) For services under 20 years with the Organization, 85% of the monthly salary for each completed years of service up to a maximum period of sixteen and a half years, or alternatively a monetary ceiling of Rs. 2, 50, 000/- whichever is less.
- (iii) For services rendered for a period above 20 years, 20% are to be paid above the ceiling.
- (iv) The gratuity would be paid to all the Staff members, provided they fulfill any of the above conditions, as and how their employment comes to an end.

**II. Gratuity Ceiling:** To enhance the monetary ceiling provided for in Article 10.3 (c) of the Administrative, Financial and Staff Regulations to Rs. 2,50,000/-.

2. **Also Requests** Secretary-General to follow the applicable legal provisions of the host government, i.e. the Government of India for its staff for payment of gratuity to the locally recruited staff of the Organization;

3. **Also Requests** the Secretary-General to amend the existing gratuity scheme to be in line with the new scheme.

**MATTERS RELATING TO THE WORK OF THE INTERNATIONAL LAW COMMISSION**

*The Asian-African Legal Consultative Organization at its Forty-Third Session*

**Having considered** the Secretariat Document No. AALCO/43/BALI/2004/SD/S 1;

**Having heard** with appreciation the introductory statement of the Deputy Secretary-General;

**Having followed** with great interest the deliberations on the item reflecting the views of Member States on the work of the ILC;

1. **Expresses** its appreciation on the comprehensive statement made by the Representative of the ILC on its work;

2. **Affirms** the significance of the contribution of the ILC to the progressive development of international law and its codification;

3. **Urges** Member States to communicate their comments and observations regarding issues identified by the ILC on various topics currently on its agenda;

4. **Commends** the initiative of the Secretary-General in convening a joint AALCO-ILC meeting in conjunction with AALCO Legal Advisers' meeting held in New York in October 2003, and the fruitful exchange of views on the items deliberated during that meeting;

5. **Requests** the Secretary-General to continue convene such meetings in future;

6. **Requests** the Secretary-General to bring to the attention of the ILC at its Fifty-Sixth Session the views expressed on the items on its agenda during the Forty-Third Session of the AALCO; and

7. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.

*Deliberated*  
**RES/43/S 2**  
**25 June 2004**

## **LAW OF THE SEA**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No. AALCO/43/BALI/2004/SD/S 2,

**Recognizing** the universal character of the United Nations Convention on the Law of the Sea 1982, and its legal framework governing the issues relating to the management of the oceans;

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

**Welcoming** the active role being played by the International Tribunal for the Law of the Sea in the peaceful settlement of disputes with regard to ocean related matters;

**Having heard**, with appreciation, the introductory statement of the Deputy Secretary-General;

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

1. **Reaffirms** that in accordance with Part XI of the UN Convention on the Law of the Sea, 1982, the Area is the common heritage of mankind and should be used for the benefit of the mankind as a whole;

2. **Urges** the full and effective participation of its Member States in the work of the International Seabed Authority and other related bodies established by the United Nations Convention on the Law of the Sea, as well as in the United Nations Informal Consultative Process so as to ensure and safeguard their legitimate interests;

3. **Requests** the Secretary-General to study the feasibility of convening a special meeting of AALCO Member States for the purpose of addressing development and implementation of the United Nations Convention on the Law of the Sea; and

4. **Decides** to place this item on the provisional agenda of its Forty-Fourth Session.

*Non-deliberated*

**RES/43/S 3**

**25 June 2004**

**THE STATUS AND TREATMENT OF REFUGEES**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No. AALCO/43/BALI/2004/SD/S 3;

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General;

1. **Appreciates** the efforts of the Secretary-General in successfully holding the two-day seminar in cooperation with UNHCR on 17 and 18 September 2003, in New Delhi on ‘Strengthening Refugee Protection in Migratory Movements’;
2. **Expresses** its gratitude to UNHCR for the financial and technical assistance in holding the seminar;
3. **Requests** the Secretary-General to make efforts to have such programmes in future also with a view to strengthening refugee protection mechanisms;
4. **Mandates** the Secretary-General with the technical and limited financial assistance from UNHCR to prepare a study on “Statelessness: An overview from the African, Asian and Middle East Perspective”; and
5. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.



*Deliberated*  
**RES/43/S 4**  
**25 June 2004**

**THE DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS IN ALL OCCUPIED TERRITORIES IN VIOLATION OF INTERNATIONAL LAW PARTICULARLY THE FOURTH GENEVA CONVENTION OF 1949**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No.AALCO/43/BALI/2004/SD/S 4;

**Having heard** with appreciation the introductory statement of the Secretary-General;

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

**Mindful** of the serious obstacles created by the occupying power which hinder the achievement of peace in the region;

**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;

**Concerned** about the continuing dangerous deterioration of the situation in the occupied Palestinian Territory, including East Jerusalem, and about the severe consequences of continuous illegal Israeli settlements activities as well as the harsh economic conditions and other consequences for the Palestinians, resulting from the frequent closures and isolation of the occupied Palestinian territories, and about war crimes and crimes against humanity committed in these territories, and calling for the implementation of resolution 1405(2002) on the dire humanitarian situation of the Palestinian population and the fact finding team;

**Deeply concerned** about the tenacity of Israel in proceeding with the construction of wall in the Occupied Palestinian Territory;

**Acknowledging with deep concern** that the Security Council is still unable to adopt a resolution stipulating the illegality of the Israeli expansionist wall;

**Welcoming** the request by the United Nations General Assembly (UNGA Resolution A/RES/ES-10/14 of 8 December 2003) for an advisory opinion submitted to the International Court of Justice, about the legal consequences arising from the construction of the Wall being built by Israel in the Occupied Palestine Territory, including in and around East Jerusalem;

**Strongly condemns** the extrajudicial, summary or arbitrary execution of the Palestinian leaders and reiterates the conviction that targeted assassinations as well as act of violence against civilians will only lead to escalating violence in the region;

**Expressing hope** for the success of the peace efforts exerted by the international community for the achievement of a just and comprehensive solution of the question of Palestine on the basis of Security Council resolutions 194 (1949), 242 (1967), 338 (1973), 425 (1978) and 1397(2002) on the formula of “land for peace” and the legitimate rights of the Palestinian people, and expressing solidarity with the Palestinian people and their elected leadership;

**Welcoming** the proposal of the Secretary-General of the United Nations on the establishment of a robust and credible multinational force and calls on the members of the Security Council to consider the measures necessary in this regard;

1. **Expresses** 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 as well as other peace initiatives including the Road Map;

2. **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, in order to protect the rights of Palestinians;

3. **Demands** that Israel stops and reverses the construction of the wall in the Occupied Palestinian Territory;

4. **Also 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 Palestinian cities in implementation of Security Council Resolution 1402 (2002) 1403 (2002) 1515 (2003) and 1544 (2004) as a first step for ending the Israeli occupation of Palestinian land occupied since 1967;

5. **Calls upon** Israel 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;

6. **Affirms** that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the existing agreements 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;

7. **Directs** the Secretariat to closely follow-up the developments in occupied territories from the view point of relevant legal aspects; and

8. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.

## **LEGAL PROTECTION OF MIGRANT WORKERS**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** Secretariat Document No. AALCO/43/BALI/2004/SD/S 5;

**Recalling** the directive given to the Secretariat at its Forty-Third Session by its Resolution 40/SP.1, to consider the drafting of a Model Agreement for Co-operation among Member States on issues related to Migrant Workers;

**Appreciating** the efforts of the Secretariat in the preparation of the Revised Draft Model Regional Co-operation Agreement between States of Origin and States of Destination/Employment within AALCO Member States in collaboration with the International Organization for Migration (IOM);

**Stressing** the importance of efforts of the UN General-Assembly towards adopting a comprehensive resolution for the protection of female Migrant Workers;

**Aware** of the problems faced by sending, transitory and receiving States concerning migrant workers in particular and migration in general;

**Welcoming** the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and also the establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families;

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General;

1. **Urges** Member States to adopt a suitable legal and regulatory framework for the protection of the legal rights of migrant workers and review concrete programmes and also to consider ratifying the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their families;

2. **Welcomes** the Secretary-General's initiative to prepare and negotiate the convening of an expert group meeting in collaboration with the IOM for in-depth consideration of the Revised Draft Model Regional Co-operation Agreement;

3. **Requests** Member States to provide the Secretariat with their comments and suggestions on the Revised Draft Model Regional Co-operation Agreement and to participate actively in the expert group meeting; and

4. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.

*Deliberated*  
**RES/43/S 6**  
**25 June 2004**

**EXTRA-TERRITORIAL APPLICATION OF NATIONAL LEGISLATION:  
SANCTIONS IMPOSED AGAINST THIRD PARTIES**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No. AALCO/43/BALI/2004/SD/S 6;

**Recognizing** the significance, complexity and implications of the above topic;

**Expressing** its concern that the imposition of unilateral sanctions on third parties is not in conformity with the Charter of the United Nations and the general principles of international law, particularly non-interference in internal affairs, sovereign equality, freedom of trade and peaceful settlement of disputes;

**Aware that** extra-territorial application of national legislation in an increasingly interdependent world retards the progress of the sanctioned State and impedes the establishment of an equitable, multilateral, non-discriminatory rule-based trading regime;

**Reaffirming** the importance of adherence to rules of international law in international relations;

**Having heard,** with appreciation, the introductory statement of the Deputy Secretary-General;

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

**Expressing** its deepest concern as regards the imposition of new series of sanctions against Syrian Arab Republic, one of the Member States of AALCO, by the United States of America;

1. **Directs** the Secretariat to continue to study legal implications related to the Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties and the executive orders imposing sanctions against target States;

2. **Urges** Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this topic; and

3. **Decides** to place this item on the provisional agenda of its Forty-Fourth Session.

*Deliberated*  
**RES/43/S 7**  
**25 June 2004**

## **JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No.AALCO/43/BALI/2004/SD/S 7,

**Having taken** note of the Report (A/59/22) adopted by the UN Ad Hoc Committee on Jurisdictional Immunities of States and Their Property on 5 March 2004 containing the Draft United Nations Convention on Jurisdictional Immunities of States and Their Property;

**Having heard** with appreciation the introductory statement of the Deputy Secretary-General;

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

**Recognizing** the importance of the subject;

1. **Welcomes** the Ad Hoc Committee's decision to recommend to the General Assembly of the United Nations the adoption of the Convention;

2. **Requests** the Member States to cooperate toward the successful adoption of the Convention at the General Assembly of the United Nations;

3. **Reiterates** the mandate of the Secretariat to compile national legislation, jurisprudence and practices of Member States on this item and renews its request to those Member States who have not done so, to transmit to the Secretariat any relevant materials in this regard;

4. **Directs** the Secretariat to continue following up the developments on this item and report to the next Session; and

5. **Decides** to place this item on the provisional agenda of its Forty-Fourth Session.

## **INTERNATIONAL TERRORISM**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** Secretariat Document No. AALCO/43/BALI/2004/SD/S 8;

**Recalling** the relevant resolutions of the United Nation's General Assembly relating to measures to eliminate international terrorism and the efforts to prevent, combat and eliminate terrorism through the elaboration of and adherence to international and regional conventions;

**Also taking note** of the ongoing negotiations in the Ad Hoc Committee established by the General Assembly of the United Nations by its resolution 51/210 of 17 December 1996 to elaborate a comprehensive international convention to combat terrorism on the draft proposal made by the Republic of India;

**Expressing grave concern** about the worldwide increase in acts of terrorism, which threatens the life and security of innocent people and impedes the economic development of the targeted states;

**Reaffirming** the importance that international effort to eliminate terrorism must take into consideration the rule of law, human rights and international humanitarian law;

**Expressing hope** for early conclusion of a comprehensive international convention to combat terrorism;

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General;

1. **Directs** the Secretariat to monitor and report on the progress in the Ad Hoc Committee of negotiations related to the drafting of a comprehensive international convention to combat terrorism;

2. **Requests** the Secretariat to carry out, an in-depth study on this topic to enhance the participation of the Member States in the work of Ad Hoc Committee negotiations;

3. **Also requests** the Secretariat to collect national legislation enacted by Member States to combat terrorism to facilitate exchange of information among Member States; and

4. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.

*Deliberated*  
**RES/43/S 10**  
**25 June 2004**

## **THE INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No. AALCO/43/BALI/2004/SD/S 10;

**Taking note** of the deliberations and decisions of the Second Session of Assembly of States Parties to the Rome Statute of the International Criminal Court;

**Aware of** the importance of the universal acceptance of the Rome Statute of the International Criminal Court;

**Having heard** with appreciation the introductory statement of the Deputy Secretary-General;

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

1. **Encourages** Member States to consider ratifying /acceding to the Rome Statute;
2. **Also encourages** Member States that have ratified the Rome Statute to consider becoming Parties to the Agreement on the Privileges and Immunities of the ICC;
3. **Urges** the Special Working Group on the Crime of Aggression to expedite the elaboration of the definition of the crime of aggression, and the conditions under which the ICC can exercise its jurisdiction with regard to this crime;
4. **Urges** Member States to actively participate in the work of the Third Session of the Assembly of the States Parties and in the on-going deliberations in the Special Working Group on the Crime of Aggression;
5. **Requests** the Secretariat to follow-up the deliberations in the Third Session of the Assembly of the States Parties and its subsequent meetings, in the Special Working Group on the Crime of Aggression, and follow-up the developments regarding cases as and when they are taken up by the International Criminal Court, and present a report at its Forty-Fourth Session;
6. **Requests** the Secretary General to explore the feasibility of convening an inter-Sessional meeting, inter alia, for promotion of human rights in the backdrop of the Rome Statute of the International Criminal Court; the implementation of the Rome Statute through



national legislative mechanisms; and the ways and means through which the AALCO Member States can contribute to the process of elaboration of the definition of the crime of aggression, and the conditions under which the ICC can exercise its jurisdiction with regard to this crime; and

7. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Taking note** of the Secretariat Document No. AALCO/43/BALI/2004/SD/S 11;

**Reaffirming** that environmental protection constitutes an integral part of sustainable development;

**Welcomes** the adoption of the Johannesburg Declaration on Sustainable Development and the Plan of Implementation at the World Summit on Sustainable Development, held in Johannesburg from 26 August to 4 September 2002, and hopes that the Plan of Implementation adopted will be effectively implemented within the specified time frame;

**Acknowledging** that climate change and its adverse effects are a common concern of mankind;

**Recognising that** the early entry into force of Kyoto Protocol will facilitate effective implementation of the United Nations Framework Convention on Climate Change;

**Conscious** of the importance of the conservation of biological diversity for evolution and for maintaining life sustaining systems of the biosphere;

**Welcomes** the entry into force of the Cartagena Protocol on Biosafety, on 11 September 2003;

**Affirming** the importance of the United Nations Convention to Combat Desertification;

**Welcomes** the decision of the Sixth Conference of Parties to the UNCCD to designate the Global Environment Facility as a financial mechanism of the UNCCD;

**Taking note** with appreciation the comments included in the Report of the Secretary-General;

1. **Directs** the Secretariat to continue to follow-up the progress in the implementation of the outcome of the Johannesburg Summit as well as implementation of the United Nations Framework Convention on Climate Change, the United Nations Convention on Biological Diversity and the United Nations Convention to Combat Desertification; and

2. **Decides** to place this item on the provisional agenda of its Forty-Fourth Session.

*Deliberated*  
**RES/43/S 12**  
**25 June 2004**

**AN EFFECTIVE INTERNATIONAL LEGAL INSTRUMENT AGAINST  
CORRUPTION**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No.AALCO/43/BALI/2004/SD/S 12;

**Recognizing** the need to promote and strengthen measures to prevent and combat corruption effectively;

**Welcoming** the United Nations initiatives to develop an international legal instrument to combat corruption;

**Having heard** with appreciation the introductory statement of Deputy Secretary-General;

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

1. **Expresses** its appreciation for the Ad Hoc Committee for finalizing the UN Convention against Corruption and in the opening of the Convention for signature and ratification at the Merida High Level Political Signing Conference on 9 December 2003;

2. **Encourages** Member States to consider ratifying/acceding to the UN Convention against Corruption;

3. **Requests** the Secretary-General to ask Member States to send their national legislations in combating corruption in order to establish a network between law enforcement agencies;

4. **Urges** Member States having ratified the Convention to actively implement the Convention at the national level;

5. **Request** the Secretary-General in consultation with Member State subject to the availability of necessary resources, to organize a seminar to facilitate the drafting of a Model legislation to implement the UN Convention against Corruption;

6. **Directs** the Secretariat to monitor the developments and assist Member States in the implementation of the Convention and submit a report to its next Session;

7. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.

**REPORT ON THE WORK OF THE UNCITRAL AND OTHER  
INTERNATIONAL ORGANIZATIONS IN THE FIELD OF INTERNATIONAL  
TRADE LAW**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No. AALCO/43/BALI/2004/S 13;

**Having taken note** of the completion of the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Legislative Provisions on Privately Financed Infrastructure Projects;

**Taking note** with appreciation, of the comments included in the Report of the Secretary-General;

1. **Expresses its appreciation** to the UNCITRAL for the completion and adoption of the UNCITRAL Model Law on Legislative Provisions on Privately Financed Infrastructure Projects;

2. **Recommends** that Member States give due consideration to the Model Law on Legislative Provisions on Privately Financed Infrastructure Projects, in view of the desirability of uniformity;

3. **Expresses its appreciation** to the United Nations Conference for Trade and Development (UNCTAD) on the successful conclusion of UNCTAD XI;

4. **Expresses** satisfaction for AALCO's continued co-operation with the various international organizations competent in the field of international trade law and hopes that this co-operation will be further enhanced in future;

5. **Urges** Member States to consider adopting, ratifying or acceding to the instruments prepared by the UNCITRAL; and

6. **Decides** to place this item on the provisional agenda of its forty-fourth Session.

*Deliberated*  
**RES/43/S 14**  
**25 June 2004**

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

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having Considered** the Secretariat Document No. AALCO/43/BALI/2004/S 14;

**Recognizing** the importance and complexities of issues involved in the Doha Development Agenda;

**Having heard** with appreciation the introductory statement of the Deputy Secretary-General;

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

1. **Urges** Member States to actively participate in the negotiations mandated by the WTO's Fourth Ministerial Conference, emphasizing the special concerns of developing and least-developed country Members;

2. **Requests** the Secretary-General in consultation with Member States, subject to the availability of necessary resources, to organize a seminar to facilitate the exchange of views by Member States on issues currently under negotiation within the WTO;

3. **Directs** the Secretariat to continue to monitor and report on the negotiations under the Doha Development Agenda, as well as, the outcome of the review process concerning the WTO Dispute Settlement Understanding; and

4. **Decides** to place this item on the provisional agenda of its Forty-Fourth Session.

**EXPRESSIONS OF FOLKLORE AND ITS INTERNATIONAL PROTECTION**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having Considered** the Secretariat Document No.AALCO/43/BALI/2004/SD/S  
15;

**Recognizing** the importance of national and international protection of the  
'expressions of folklore' for the Asian-African countries;

**Welcoming** the WIPO's Governing Council initiative in establishing an  
Intergovernmental Committee (IGC) to discuss the legal, policy and international  
framework for the protection of expressions of Folklore;

**Acknowledging with appreciation** the UNESCO General Conference on the  
adoption of the Convention for the Safeguarding of the Intangible Cultural Heritage in  
October 2003;

**Having heard** with appreciation the introductory statement of the Secretary-  
General;

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

1. **Appreciating** the initiative of the of the Secretary-General to place the  
item on the agenda of AALCO's Forty-Third Session;

2. **Expresses** the hope that the WIPO IGC would be able to formulate an  
international legal and policy framework for the protection of folklore;

3. **Requests** the Secretary-General to organize an expert meeting in  
cooperation with WIPO, to facilitate the exchange of views by Member States on the  
issues of international protection of expressions of folklore and eventually discuss the  
Draft Agreement for the Protection of Expressions of Folklore prepared by the  
International Bureau of WIPO and report the outcome at the Seventh Session of the IGC;

4. **Urges** Member States to actively participate in the work of the WIPO  
IGC;

5. **Directs** the Secretariat to follow up the developments within the WIPO IGC on 'expressions of folklore' and submit a report to its next Session; and

6. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.

*Deliberated*  
**RES/43/S 16**  
**25 June 2004**

## **HUMAN RIGHTS IN ISLAM**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Having considered** the Secretariat Document No. AALCO/43/BALI/2004/SD/S 16;

**Having taken note** of the reference made by the Kingdom of Saudi Arabia and its proposal to include the item “Human Rights in Islam” on the provisional agenda of the Organization;

**Having heard**, with appreciation, the introductory statement of the Deputy Secretary-General;

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

**Recognizing** the importance of this subject and the initiative of the Kingdom of Saudi Arabia;

1. **Recognizes** the importance of the role of human rights in Islam for promotion of democratic values, rule of law, tolerance and mutual understanding amongst the international community;

2. **Urges** Member States to forward to the Secretariat their views and observations, so as to facilitate the preparation of an in-depth study on this item;

3. **Directs** the Secretary-General to explore the feasibility of organizing a seminar/workshop on this particular subject based on the data received from the Member States; and

4. **Decides** to place the item on the provisional agenda of its Forty-Fourth Session.



**RES/43/SP 1**  
**25 JUNE 2004**

**SPECIAL MEETING RESOLUTION ON ESTABLISHING COOPERATION AGAINST TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN**

*The Asian-African Legal Consultative Organization at its Forty-Third Session,*

**Mindful** of the views expressed by the Chairman, the Secretary-General, delegations, panelists and other related statements on the need for the international community to collectively make efforts to prevent and combat trafficking in women and children and having completed the special meeting on “Establishing Cooperation Against Trafficking in Persons, Especially Women and Children” on 23<sup>rd</sup> June 2004 during the Forty-Third Session of AALCO held in Bali;

**Having taken note of** the Secretariat Document AALCO/43/BALI/2004/SD/S 9 prepared on the topic;

**Welcoming** the coming into force of the United Nations Convention Against Transnational Organized Crime on 29 September 2003 and its Protocols, in particular the entry into force on 25 December 2003 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;

**Taking note of** the Recommended Principles and Guidelines on Human Rights and Human Trafficking by the Office of High Commissioner for Human Rights (OHCHR);

**Recalling** the International Labour Organisation Convention No.182 (ILO) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999;

**Acknowledging** the measures initiated against trafficking in women and children by United Nations Children’s Fund (UNICEF), United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM) and the South-Asian Association for Regional Cooperation (SAARC);

**Recognizing** the increasing number of women and children who are being exploited by traffickers especially from developing countries and convinced of the need to eliminate all forms of sexual violence and human trafficking which violates the dignity and worth of the human persons;

**Condemning** trafficking in persons as an abhorrent form of modern day's slavery and as an act which violates in a flagrant manner the fundamental human freedoms and universal human rights and other international human standards;

**Being deeply concerned** at the world-wide occurrence of trafficking in women and children for the purpose of exploitation of all kinds by transnational organized criminal groups;

**Also being alarmed** by the fact that trafficking in persons is a growing and profitable trade in most parts of the world, aggravated by, *inter alia* poverty, armed conflict, inadequate social and economic conditions;

**Underlining** the urgent need for broad concerted and coordinated cooperation at the international, regional, bilateral trilateral and multilateral levels among all Member States, employing a multidisciplinary, balanced and global approach, including adequate technical assistance, in order to combat trafficking in persons;

1. **Commends** the AALCO Secretariat and the Government of Republic of Indonesia for their initiatives in organizing this Special Meeting;

2. **Thanks** the Experts from the United Nations, United Nations Office on Drugs and Crime (UNODC), United Nations High Commissioner for Refugees (UNHCR), United Nations Children Fund (UNICEF), International Organization for Migration (IOM) and the Republic of Indonesia for their valuable contributions to enrich the deliberations in the Special Meeting;

3. **Urges** Member States to take measures to ratify or accede to the United Nations Convention Against Transnational Organized Crime and its Protocols, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;

4. **Recognizes** that broad international concerted and coordinated cooperation among Member States and relevant inter-governmental organizations is essential to counter effectively the threat of trafficking in persons;

5. **Invites** Member States to promote the legislative and other measures necessary to establish a wide range of assistance, including legal assistance or proceeding system related to investigation, prosecution and punishment, as well as the procedures for extradition and mutual legal assistance;

6. **Urges** Member States in particular countries of origin, transit and destination, to create awareness in civil society concerning the seriousness of the crime of trafficking and its various forms;

7. **Encourages** Member States to take measures to strengthen national capacity-building and to develop networking among national task forces and offices

responsible, in order to cooperate in taking measures to prevent, suppress and punish trafficking in persons;

8. **Recommends** that AALCO undertake an in-depth study to explore further the possibility of establishing regional cooperation relating to the effort to combat trafficking in persons, especially women and children;

9. **Directs** the Secretary General to develop, in cooperation with Member States, a Model Law for the criminalization of trafficking in persons as well as protection of victims of trafficking, before, during and after criminal proceedings, based on human rights approach with a view to developing a concrete action plan for a joint effort against trafficking in persons, specially women and children; and

10. **Decides** to place the item “Establishing Cooperation Against Trafficking in Women and Children” on the agenda of the Forty-Fourth Session.