

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

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

**Conscious** of the functions and the purposes of the Organization as referred to in Article 1 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/44/NAIROBI /2005/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-Third Session in Bali,

**Bearing in mind** that 2006 marks the fiftieth anniversary of AALCO,

**Welcoming** the continued practice towards the rationalization of its work programme, including consideration of the agenda items during its annual sessions;

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 2005 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 regions 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 specified topic under the approved work programme of the Organization;

5. **Requests** the Member States to make suggestions to the Secretary-General on the commemoration of the Golden Jubilee of the Organization and urges them to cooperate in this great event through voluntary contribution; and

6. **Also requests** the Secretary-General to invite intellectuals and scholars to contribute substantive articles for the proposed commemorative volume of Essays in International Law to be published on the occasion of the Golden Jubilee.

**AALCO'S BIENNIAL BUDGET FOR THE YEARS 2005 AND 2006**

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

**Taking note** of the proposed biennial budget for the years 2005 and 2006 contained in Document No.AALCO/44/NAIROBI /2005/SD/ORG 2;

**Appreciating** the efforts of the Secretary-General towards economizing the expenditure and the optimum utilization of the finances of the Organization, and in furtherance of these objectives bringing out the biennial budget for the period 2005-2006 so that it could help in the smooth functioning 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 years 2005 and 2006, adopted at the 287<sup>th</sup> Meeting of the Liaison Officers on 3<sup>rd</sup> March 2005;

1. **Approves** the Biennial Budget for the years 2005 and 2006 as proposed;
2. **Requests** Member States to pay their biennial contributions for the years 2005 and 2006 as soon as possible in accordance with their budgetary system;
3. **Urges** those Member States who are in arrears to fulfill their financial obligations and to clear expeditiously the same and in order to enjoy the right to get involved actively in various official events stipulated in AALCO's current Statutes and Statutory Rules;
4. **Also urges** 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
5. **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-Fifth Session.

## PROGRESS REPORT ON REGIONAL CENTRES FOR ARBITRATION

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

**Having taken note** of the Progress Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/ 44/NAIROBI / 2005/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 adoption of Rules of Arbitration and Internal Regulation by the Regional Arbitration Centre in Tehran on 31 January 2005;

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. **Also reiterates** its proposal that 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;

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

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

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

**Having considered** the report of the Secretariat on the AALCO's Centre for Research and Training, contained in Document No. AALCO/44/NAIROBI/ 2005/SD/ORG 4;

**Recognizing** the need and importance of the exchange of information among the Organization, the Member States, the United Nations and its Specialized Agencies, and other International Organizations for improved capacity-building and enhancement of legal expertise in areas of international law;

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

**Also bearing in mind** a more proactive role the Centre could play in furthering the mandate of the Organization after the Secretariat moves to the new Headquarters Building equipped with modern technology and infrastructure facilities;

**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 to organize training programmes for the benefit of officials 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 and ensure optimum utilization of the modern technology available in the new Headquarters building;
5. **Also urges** Member States to explore the possibility of creating a Special Fund for the Centre, to which voluntary contributions could be made by the Member States, with a view to provide a sustained financial basis to the Centre to undertake its mandated activities;
6. **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;

7. **Requests** the Secretary General to explore the possibility of establishing an annual legal training fellowship programme for legal officers from Member States of the Organization, on selected fields of international law, and to report to the Forty-Fifth Session on the feasibility as well as the administrative and financial implications of the establishment of the programme, and

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

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

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

**Having considered** the Report on the Matters relating to the construction of AALCO's Headquarters Building contained in Doc. AALCO/44/NAIROBI/2005/SD/ORG.5

**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 permanent support and cooperation extended for the establishment of the Permanent Headquarters of the Organization and the substantial progress achieved in this respect; and

2. **Requests** the Secretary-General to continue his efforts to coordinate with the concerned authorities of the Government of India for the speedy completion of the construction work of the Headquarters Building and report on the progress in this regard at its Forty-Fifth session.

## REVIEW OF AALCO'S STATUTORY RULES

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

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

**Also recalling with appreciation** the adoption of the Revised text of Statutes at the Forty-Third Session; and recalling the provisions of RES/43/ORG 7 adopted on 25 June 2004, which mandated the Secretary-General in consultation with the Liaison Officers to prepare the revised draft of the Statutory-Rules prior to the Forty-Fourth Session;

1. **Appreciates** the earnest effort of the Secretary-General and the Secretariat in preparing the Draft Revised Text of the Statutory Rules for the consideration of the Committee of the Liaison Officers on the Draft Revised Text of the Statutory Rules; and
2. **Decides** to place the item on the provisional agenda of the Forty-Fifth Session.

## VENUE OF THE FORTY-FIFTH SESSION

### *The Asian-African Legal Consultative Organization at the Forty-Fourth Session*

**Recalling** with gratitude the invitation extended by the Government of Sudan during the Forty-Third session, to host the Forty-Fifth session of the AALCO in Khartoum;

**Being mindful** that the year 2006 marks the Golden Jubilee of AALCO;

**Keeping in view** the statement of the Secretary-General wherein he explained that the Government of Sudan has accepted to postpone the invitation to the Forty-Sixth Session upon the request of the Secretary-General due to many circumstances related to the shifting to the New Headquarters and the necessity to hold the Forty-Fifth Session in the Permanent Headquarters to enable all the delegations of Member States to attend the inauguration of the New Headquarters;

1. **Decides** that the Forty-Fifth session would be held in the Headquarters of AALCO, in New Delhi, Republic of India; and
2. **Agrees** to hold the Forty-Sixth Session in Khartoum upon confirmation from the Government of Sudan.



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

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

**Having considered** the Secretariat Document No. AALCO/44/NAIROBI/ 2005/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 Chairman 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 November 2004, and the fruitful exchange of views on the items deliberated during that meeting;
5. **Requests** the Secretary-General to continue convening such meetings in future;
6. **Also requests** the Secretary-General to bring to the attention of the ILC at its Fifty-Seventh Session the views expressed on the items on its agenda during the Forty-Fourth Session of the AALCO; and
7. **Decides** to place the item on the provisional agenda of its Forty-Fifth Session.

**LAW OF THE SEA**

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

**Having considered** the Secretariat Document No. AALCO/44/NAIROBI /2005/SD/S 2,

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

**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 Also** 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;

1. **Reaffirms** that in accordance with Part XI of the UN Convention on the Law of the Sea, 1982, the Area, as defined in Article 1(1), 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; and

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

*Non-deliberated*

**RES/44/S 3**

**1 JULY 2005**

**THE STATUS AND TREATMENT OF REFUGEES**

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

**Having considered** the Secretariat Document No. AALCO/44/NAIROBI /2005/SD/S 3;

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

1. **Appreciates** the joint efforts of UNHCR and AALCO in undertaking the study on “Statelessness: An overview from the African, Asian and Middle East Perspective” currently underway;
2. **Requests** the Member States to submit to the Secretariat their comments on the outline of the proposed study;
3. **Also requests** the Secretary-General, with the technical and limited financial assistance from UNHCR, to finalize, before the Forty-Fifth Session, the aforementioned study; and
4. **Decides** to place the item on the provisional agenda of its Forty-Fifth Session.

*Deliberated*  
**RES/44/S 4**  
**1 JULY 2005**

**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-Fourth Session,*

**Having considered** the Secretariat Document No.AALCO/44/NAIROBI/ 2005/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;

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

**Expressing** deep condolences on the sad demise of the great Palestinian leader President Yasser Arafat;

**Welcoming** the democratic and successful election of President Mr. Mahmoud Abbas “Abu Mazen” as the Head of the Palestinian National Authority;

**Appreciating** the successful conclusion of the General Elections in Palestine, which has set into motion the democratic process;

**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 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;

**Welcoming** 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<sup>th</sup> July 2004);

**Being 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;

**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;

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. **Strongly condemns** the extra judicial, 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;

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, in order to protect the rights of Palestinians;

4. **Demands** that Israel, comply with its legal obligations as mentioned in 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/ES-10/L.18/Rev.1);

5. **Also strongly demands** that Israel stops and reverses the construction of the wall in the Occupied Palestinian territory.

6. **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 territories 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;

7. **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;

8. **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;

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

10. **Decides** to place the item on the provisional agenda of its Forty-Fifth Session.

## **LEGAL PROTECTION OF MIGRANT WORKERS**

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

**Having considered** Secretariat Document No. AALCO/44/NAIROBI /2005/SD/S 5;

**Recalling** the directive given to the Secretariat at its Fortieth 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;

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

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

1. **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;

2. **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 becoming Parties to the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their families;

3. **Also Urges** 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-Fifth Session.

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

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

**Having considered** the Secretariat Document No. AALCO/44/NAIROBI /2005/SD/S 6;

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

**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;

**Being 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;

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-Fifth Session.



**JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY**

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

**Having considered** the Secretariat Document No.AALCO/44/NAIROBI/2005/SD/S 7,

**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 adoption of the Convention on Jurisdictional Immunities of States and Their Properties by the General Assembly of the United Nations in its Resolution 59/38 of 2<sup>nd</sup> December 2004;
2. **Encourages** the Member States to become parties to the aforesaid Convention;
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 to follow up the developments on this item, and;
5. **Decides** in view of the adoption of the Convention, to place this item on the provisional agenda as and when required.

**INTERNATIONAL TERRORISM**

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

**Having considered** Secretariat Document No. AALCO/44/NAIROBI /2005/SD/S 8 and Addendum 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;

**Recalling** the relevant resolutions of the United Nations 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;

**Welcoming** the adoption of the Convention on Nuclear Terrorism by the General Assembly of United Nations on 15<sup>th</sup> April 2005, by its Resolution 59/290 as an important step forward towards eliminating international terrorism;

**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 threaten the life and security of innocent people and impede the economic development of the targeted states;

**Reaffirming** that international efforts to eliminate terrorism must be strengthened and adhere to the rule of law and abide by the obligations including the protection of the rights of refugees and migrants;

**Expressing hope** for early conclusion of a comprehensive international convention to combat terrorism and expedite the elaboration of the definition on the crime of terrorism;

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. **Urges** the Member States to participate in the work of the Ad Hoc Committee on Terrorism;

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

4. **Requests** the Secretary-General to hold an Expert Group Meeting to draft a comprehensive and acceptable definition on “Terrorism” which could, once adopted by all Member States, be presented to the UN Ad Hoc Working Group in charge to finalize a draft Agreement on International Cooperation for Combating Terrorism; and

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

*Deliberated*  
**RES/44/S 9**  
**1 JULY 2005**

**ESTABLISHING CO-OPERATION AGAINST TRAFFICKING IN WOMEN AND CHILDREN**

*The Asian-African Legal Consultative Organization at its forty-fourth session,*

**Having considered** the Secretariat Documents No. AALCO/44/NAIROBI/ 2005/S.9 and Addendum 1;

**Being Mindful** of the increasing number of women and children from developing countries, who are being exploited by traffickers;

**Convinced** of the need to eliminate all forms of human trafficking and sexual violence, which are violations of the rights of women and children and are incompatible with the dignity and worth of the human person;

**Being Conscious** of the urgent need to adopt effective national, regional and international measures to protect women and children from this menace;

**Taking note** with appreciation of the outline of the Model Legislation prepared by the Secretariat;

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

1. **Urges** Member States to consider becoming parties to the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

2. **Acknowledges and appreciates** that several Member States have transmitted to the AALCO Secretariat their national legislations and other relevant information related to the topic, and urges others to do so;

3. **Directs** the Secretariat to monitor and report on the developments in this regard, including the work undertaken by various international organizations;

4. **Requests** the Secretary-General to explore the possibility of cooperation with other concerned Bodies to facilitate drafting of the proposed model legislation; and

5. **Decides** to place this item on the provisional agenda of the Forty-Fifth session.

**THE INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS**

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

**Having considered** the Secretariat Document No. AALCO/44/NAIROBI/2005/SD/S 10;

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

**Also taking note** of the progress in cases before the International Criminal Court;

**Being 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;

**Also having heard** with interest and appreciation the statement of the first Vice- President of the Court;

**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. **Directs** the Secretariat to follow-up the deliberations in the Special Working Group on the Crime of Aggression with a view to expediting 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. **Also Urges** Member States to actively participate in the work of the Fourth 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. **Also Directs** the Secretariat to follow-up the deliberations in the Fourth 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 taken up by the International Criminal Court, and present a report at its Forty-Fifth Session;
6. **Also 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-Fifth Session.

*Deliberated*  
**RES/44/S 12**  
**1 July 2005**

**AN EFFECTIVE      INTERNATIONAL      LEGAL      INSTRUMENT      AGAINST  
CORRUPTION**

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

**Having considered** the Secretariat Document No.AALCO/44/NAIROBI/2005/SD/S 12;

**Taking note** of the Special Study entitled “Combating Corruption: A Legal Analysis” prepared by the Secretariat;

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

**Welcoming** the United Nations initiatives in developing 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;

**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.      **Appreciates** the initiative of the Secretary-General for bringing out the Book “Combating Corruption: A Legal Analysis”.

2.      **Encourages** Member States to ratify/accede to the UN Convention against Corruption;

3.      **Urges** the Member States to submit their national legislations in combating corruption in order to establish a network between law enforcement agencies;

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

5.      **Requests** the Secretary-General in consultation with Member States 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 at its next Session;

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

**Having considered** the Secretariat Document No. AALCO/44/NAIROBI/2005/S 13;

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

**Being aware** of the finalization and adoption of the United Nations Commission on International Trade Law (UNCITRAL) Model Legislative Guide on Insolvency Law;

1. **Recommends** that Member States give due consideration to the Model Legislative Guide on Insolvency Law, in view of the desirability of uniformity;

2. **Commends** the United Nations Conference for Trade and Development (UNCTAD) for the successful conclusion of UNCTAD XI;

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

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

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



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

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

**Having Considered** the Secretariat Document No. AALCO/44/NAIROBI/2005/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 in the Doha Development Agenda, emphasizing the special concerns of developing and least-developed 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-Fifth Session.

**EXPRESSIONS OF FOLKLORE AND ITS INTERNATIONAL PROTECTION**

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

**Having Considered** the Secretariat Document No.AALCO/44/NAIROBI/2005/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;

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

2. **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 Ninth 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-Fifth Session.

## **HUMAN RIGHTS IN ISLAM**

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

**Having considered** the Secretariat Document No. AALCO/44/NAIROBI /2005/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. **Requests** the Secretary-General to take necessary steps based on the proposal made by Malaysia to convene an Expert Meeting comprising Member States of AALCO to achieve a concrete study in respect of the issue of human rights in Islam. To this end Malaysia is prepared to host the meeting of the experts in collaboration with the AALCO Secretariat and the Kingdom of Saudi Arabia, the initiator of the subject matter; and

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

**NAIROBI RESOLUTION ON “ ENVIRONMENTAL LAW AND SUSTAINABLE  
DEVELOPMENT”**

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

**Considering** the views expressed by the Chairperson His Excellency Mr. Amos Wako the Attorney General of Kenya and the President of the Forty-Fourth Session of AALCO, the Secretary General of AALCO, the Deputy Executive Director of the United Nations Environment Programme, Delegations, Panelists and other participants on the need for the international community to collectively work towards preserving and protecting the environment for present and future generations;

**Being deeply concerned** with the deteriorating state of the global environment through various human activities, and unforeseen disasters such as the Tsunami, which affected the communities and the environment, in Asia and Africa;

**Recognizing** the rapid development of Multilateral Environmental Agreements and National Environmental Law in Asia and Africa, which need to be adequately and swiftly implemented at international, regional and national levels;

**Reiterating the importance** of the rule of law in environment protection and sustainable development, which requires the strengthening of the legal and institutional framework for environment management at all levels;

**Sharing** the view that sustainable development depends on good governance and rule of law including adequate access to environmental justice and information, appropriate public participation in decision-making and protection of environmental rights;

**Recalling** that the Plan of Implementation adopted by the World Summit on Sustainable Development (2002) and the Bali Strategic Plan (2002) for Capacity Building and Technology Support emphasize the importance of strengthening laws and institutions for sustainable development for Developing Countries and the countries with economies in transition;

**Recalling** that the review of the implementation of the United Nations Millennium Development Goals will take place later in 2005 in which Environmental Sustainability will be addressed;

**Recalling** the need to promote and materialize the principle of three “R’s” i.e. *Reduce, Reuse and Recycle*, at all levels and the importance of efficient use of scarce natural resources;

**Taking Note** of the convening of the International Conference entitled “Environment, Peace and Security among Civilizations and Cultures” which was held on 9<sup>th</sup>-10<sup>th</sup> May 2005 in Tehran and recognizing the importance of its Final Communiqué;

1. **Expresses** its deepest thanks to His Excellency Hon. Dr. Moody Awori, the Vice President of Kenya and His Excellency Hon. Kalonzo Musyoka, the Minister for Environment and Natural Resources of Kenya for gracing the Special Day Meeting

- on Environmental Law and Sustainable Development which was held in Nairobi, Kenya on 29<sup>th</sup> June 2005 and for their enlightened addresses;
2. **Commends** the Government of the Republic of Kenya, AALCO and the UNEP for their initiatives in organizing this Special Day on the Environment;
  3. **Thanks** the Panelists who presented valuable related guidelines during this Special Meeting;
  4. **Invites** Member States to promote the legislative and other measures necessary to ensure implementation, compliance with and enforcement of national and international environmental law;
  5. **Urges** Member States in particular countries that are affected by the deteriorating state of environment to take necessary legal and institutional measures to address such adverse effects;<sup>1</sup>
  6. **Further urges** Member States to continue to render assistance to the countries that have been affected by Tsunami and requests the Secretary-General to find ways to sensitize them to address such issues;
  7. **Encourages** Member States to raise awareness and build capacity of various legal stakeholders who handle environmental issues such as the members of Judiciary, legal practitioners, investigators and prosecutors, forensic experts, inspectors and custom officials;
  8. **Requests** the Executive Director of UNEP and Secretary General of AALCO to provide advisory services, technical assistance and capacity building in the form of training of legal stakeholders from Member States in strengthening environmental laws and institutions for sustainable environmental management in accordance with the Bali Strategic Plan for capacity building and technology support;
  9. **Urges** Member States to take appropriate measures to protect environmental rights and enable the public access environmental information so that they can participate actively in decision-making in the field of environment.
  10. **Invites** Member States to enhance access to environmental justice by promoting enabling laws and legal procedures to allow Courts and other Administrative processes to be readily accessible without undue barriers for the sake of protecting the environment;
  11. **Requests** the Secretary General of AALCO in consultation with UNEP to develop a programme of work in the field of Environmental Law and Sustainable Development within the framework of the Memorandum of Understanding signed between AALCO and UNEP and continue to study, discuss and report to the Member States the progress achieved; and

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<sup>1</sup> Following are the comments on op5, 6,9 and 10 that have been received from the office of the Honourable Attorney General of Malaysia.

1. Pertaining to OP5 and 6, Malaysia understands this to mean that nations which have been affected by the deteriorating state of the environment should take the necessary legal and institutional measures to repair any damage to the environment that these phenomenon may have caused;

2. Pertaining to OP9, Malaysia understands this to mean as a statement with regard to access by the public to obtain environment information and knowledge in order to be aware of their rights; and

3. Pertaining to OP10, Malaysia understands this to mean as a statement which is related to OP9 where the public, once equipped with information and knowledge, may be reasonably allowed to participate in the judicial and administrative process to enforce their rights, subject to the laws, regulations and national policies of the State.

12. ***Also Requests*** the Secretary General of AALCO in consultation with UNEP to organize a seminar for AALCO Member States legal experts on compliance and enforcement of Environmental Law at national, regional and international levels.