



AALCO
Asian-African Legal Consultative Organization
Fifty-Third Annual Session
15 to 18 September 2014
Tehran, Islamic Republic of Iran

SUMMARY REPORT
OF THE FIFTY-THIRD ANNUAL SESSION
OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION*

1. Introduction

- 1.1 **39** Member States of the Asian-African Legal Consultative Organization (the AALCO) participated in the Fifty-Third Annual Session (hereinafter "the Session") namely, **Arab Republic of Egypt, Bahrain, Bangladesh, Brunei Darussalam, People's Republic of China, Republic of Cyprus, Ghana, Republic of India, Republic of Indonesia, Islamic Republic of Iran, Republic of Iraq, Japan, Jordan, Kenya, Democratic People's Republic of Korea, Republic of Korea, State of Kuwait, Lebanon, Libya, Malaysia, Mongolia, The Republic of the Union of Myanmar, Nepal, Federal Republic of Nigeria, Sultanate of Oman, Pakistan, State of Palestine, State of Qatar, Kingdom of Saudi Arabia, Senegal, Republic of South Africa, Democratic Socialist Republic of Sri Lanka, Sudan, Syria, Thailand, Turkey, Uganda, United Arab Emirates and Republic of Yemen.**
- 1.2 Representatives of the following Regional Arbitration Centres of AALCO were also present: Kuala Lumpur Regional Centre for Arbitration (KLRCA), Regional Arbitration Centre for International Commercial Arbitration, Lagos (RCICAL), and Tehran Regional Arbitration Centre (TRAC).

* This is the Final Version of the Summary Report of the Fifty-Third Annual Session of AALCO held at Tehran, Islamic Republic of Iran.

In accordance with Rule 18 (1) of the Statutory Rules, the following Observers were admitted to the Session:

Representatives from the following Non-Member States: Comorose, Mali, Russia, Tajikistan, Vietnam.

(ii) Representatives of the following International Organizations: International Law Commission (ILC); United Nations Development Programme (UNDP); United Nations Office for Drugs and Crime (UNODC); United Nations High Commission for Refugees (UNHCR) and International Committee of the Red Cross (ICRC).

2. Inaugural Session

2.1 The Session commenced on 15 September 2014 with the Master of Ceremonies welcoming all the Delegations to Tehran for the Fifty-Third Annual Session.

2.2 **His Excellency Prof. Dr. Rahmat Mohamad, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)** welcomed all the delegations to the Session and thanked the Government of the Islamic Republic of Iran for hosting the Session. He stated that the commitment of the host Government was evident from the fact that so far it had hosted two previous Annual Sessions of AALCO in 1975 and 1997. Since joining AALCO it has been taking keen interest in the activities of AALCO be it referring substantive subjects for deliberation or seconding its officials on secondment as one of the Deputy Secretaries General of AALCO Secretariat. In addition to this Iran had been taking various initiatives for fostering solidarity among Asian-African States.

2.3 While noting that the world in the 21st Century was confronted by many challenges he opined that adherence to the principles of international law and rule of law would go a long way in maintaining the peace and stability of States. Drawing attention to acts of extremism taking place in many parts of the world, he pointed out that respect for the rules of international law would determine the future of our world. He added that the Five Principles of Peaceful Coexistence held continuing relevance even in the present era.

2.4 **Her Excellency, Dr. Neeru Chadha, Joint Secretary, Ministry of External Affairs, Government of India and President of the Fifty-Second Annual Session** while highlighting the institutional growth of the Organization in terms of history stated that many factors had contributed to the growth of the Organization. In her view this included the transition from a non-permanent Committee to a formal Organization, enlarging its membership from 7 to 47 Member States, Permanent Headquarters in New Delhi and taking new and contemporary topics of international law on its agenda. Dr. Chadha brought to the attention of delegates that AALCO Secretariat had organized

numerous programmes during her Presidency and hoped that it would continue to do so in the future as well.

- 2.5 **Her Excellency Ms. Elham Aminzadeh, the Vice-President of the Islamic Republic of Iran** stated that AALCO as the only inter-governmental Organization covering the Asian-African region could make solid contribution to the purposes and principles of the United Nations including in the field of peace and security. In this regard she also mentioned that AALCO represented respect for the rule of law in international relations at a time when lawlessness and the tendency on the part of certain powers to rely excessively on the use of force continued to escalate the vicious cycle of war, violence and instability. She was of the opinion that international law should not be monopolized by a few and that it should not be used, indeed, abused selectively to advance political interests.
- 2.6 Commenting on the emerging challenges faced by the international community of States in the contemporary era she stated that terrorism and violent extremism constituted one of the primary problems affecting our societies. In this regard she drew attention to the proposal of the President of the Islamic Republic of Iran on a World against Violence and Violent Extremism presented at the 68th annual session of the UNGA. In her view the Half Day Special Session on Violent Extremism and Terrorism (Legal Aspects) indicated the attentiveness of AALCO *vis a vis* global issues of common concern to humanity.
- 2.7 **His Excellency Mr. Abdullahi Ahmed Yola Oon, the Solicitor General of the Federal Republic of Nigeria and President of the Fifty-First Annual Session of AALCO** proposed a vote of thanks. He extended his heartfelt gratitude to the outgoing President Dr. Neeru Chadha for steering the Organization in the right path and in the process contributing to uplift the stature of the Organization.

3. **First Meeting of the Delegations of AALCO Member States**

- 3.1. **Her Excellency Dr. Neeru Chadha, Joint Secretary, Ministry of External Affairs Government of India, and President of the Fifty-Second Annual Session**, called the Meeting to order and invited the Head of Delegation of the People's Republic of China to introduce the additional agenda item i.e. International Law in Cyberspace. The delegate explained the rationale to introduce the new agenda item by referring to the problems associated with the regulation of cyberspace under international law. He also mentioned that an Explanatory Note on the proposed agenda item, in accordance with the Statutes and Statutory Rules of AALCO had been circulated to Member States before the Annual Session for their consideration. The proposal received an overwhelming support from a number of Member States including **Pakistan, India, Syria, Nigeria, Nepal, South Africa, Sudan, Republic of Korea, and the Islamic Republic of Iran**. Thereafter, the President declared that this topic would be included

on the agenda of AALCO and duly deliberated in the next Annual Session. The following agenda was adopted for the Fifty-Third Annual Session.

3.2. **Agenda:**

I. Organizational Matters

1. Consideration and Adoption of the Agenda
2. Election of the President and the Vice-President
3. Admission of Observers
4. Report of the Secretary-General on the Work of AALCO
5. Proposed Budget for the Year 2015
6. Report on the Work of the AALCO's Regional Arbitration Centres
7. Report by the Chairman of the Working Group on Customary International Law
8. Report by the Chairman of the EPG
9. Venue of the Fifty-Fourth Annual Session

II. Matters under Article 1 (a) of the Statutes: Matters Referred to the Organization by Member States

1. Law of the Sea
2. Status and Treatment of Refugees
3. 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
4. Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties
5. New Additional Agenda Item "International Law in Cyberspace"¹

3.3 **Admission of Observers:** The Admission of Observers to the Session, pursuant to Statutory Rule 18, was unanimously approved. The following non-member States i.e., Comoros, Mali, Russia, Tajikistan and Vietnam and the International Organizations namely, UNDP, UNODC, UNHCR and ICRC were admitted.

¹ This additional item has been referred to the Organization in accordance with its Statutory Rules by the Government of the People's Republic of China, vide its Explanatory Note received along with its Note Verbal D/29/14, dated 12 August 2014. The Explanatory Note was circulated to all the Member States on 13 August 2014.

- 3.4 ***Election of President and Vice President:*** The President of the Fifty-Second Annual Session, Her Excellency Dr. Neeru Chadha, invited the Member States to propose candidates for the posts of President and Vice-President of the Fifty-Third Annual Session of AALCO. The Head of Delegation of the **Federal Republic of Nigeria proposed the nomination of His Excellency Mr. Danesh Yazdi**, Deputy Minister of Foreign Affairs of the Islamic Republic of Iran **as the President of the Fifty-Third Annual Session of AALCO**. The nomination was **seconded by the Heads of Delegations of Pakistan and Japan, and he was unanimously** elected. The Head of Delegation of **Democratic Socialist Republic of Sri Lanka** proposed the **nomination of Her Excellency Mrs. Agimba Christine Anyango**, the Deputy Solicitor of Kenya, **as Vice-President of the Fifty-Third Annual Session**. The proposal was **seconded** by the Head of Delegation of **Sudan** and she was unanimously elected. Thereafter, the outgoing President Dr. Neeru Chadha invited the President and Vice-President of the Fifty-Third Annual Session to assume their positions on the dais.
- 3.5 Thereafter the newly elected **President and Vice President** assumed their positions on the dais.

4. First General Meeting

- 4.1 At the Fifty-Third Annual Session of AALCO the following delegations made their general statements: **Democratic People's Republic of Korea, Qatar, People's Republic of China, Japan, Nepal, Kuwait, Indonesia, Sudan, Jordon, Malaysia, Thailand, India, Sri Lanka, South Africa, Arab Republic of Egypt, Pakistan, State of Palestine, Brunei Darussalam, Nigeria, Islamic Republic of Iran, Senegal, Syria, Republic of Korea and Kenya**. The Observer Delegation from the ICRC also made a statement.
- 4.2 All the delegations congratulated H.E. Mr. Danesh Yazdi, the Deputy Minister of Foreign Affairs of the Islamic Republic of Iran on his election as President of the 53rd Annual Session of AALCO. Many delegations expressed confidence that under his able leadership and guidance and the concerted effort of delegations of various Member States, the Session would achieve complete success. Delegations also congratulated Mrs. Agimba Christine Anyango, the Deputy Solicitor General of Kenya on her election as the Vice-President of the Fifty-Third Annual Session of AALCO.
- 4.3 Delegations also sincerely thanked the Government and people of the Islamic Republic of Iran for the warm welcome and hospitality that was accorded to them. They also appreciated the efforts of the AALCO Secretariat for the papers on various subjects and preparation for the session. On the topics chosen to deliberate at the session, many of the delegates were of the view that they were of contemporary relevance and that they held considerable interest to the Member States.

- 4.4 Many delegations also appreciated the effort of AALCO in galvanizing Asian-African cooperation in the field of international law. Many delegates also appreciated the initiative of the host Government and the AALCO Secretariat for the two Half-Day Special Meetings on important items, namely Selected Items on the Agenda of the International Law Commission and Violent Extremism and Terrorism (Legal Aspects).
- 4.5. Many delegates expressed their grave concerns emanating from the phenomenon of terrorism that has posed challenges on many counts. They were of the considered view that the phenomenon of terrorism was not confined to any specific region and that adopting an effective domestic legal framework was critical in combating terrorism. It was also agreed that international cooperation particularly in intelligence gathering, investigation and tracking of finances available to terrorists was necessary to prevent and combat terrorism successfully. Some also pointed out that States should take all necessary measures to combat the practice of financing terrorism and in this regard they also pointed out to the need to adhere to the UN Convention for the Suppression of Financing of Terrorism. Others had also clarified that the phenomenon of terrorism should not be linked to any particular religion. It was also averred that terrorism should not be used as a pretext to launch counter-terrorism measures at the cost of disrespecting fundamental human rights law, sovereignty and territorial integrity of States.
- 4.6 Many delegates expressed their wholehearted support to the theme of the Special Half-Day Meeting on Violent Extremism and Terrorism (Legal Aspects) as acts of extremism were increasing in many parts of the world causing loss of life and property of innocent civilians. While pointing out the need to adhere to the principles of international law, they had pointed out that violent extremism posed a real threat to international peace and security. In the view of delegates these groups continued to commit heinous crimes against ethnic and religious minorities despite the existence of the vast body of international law existing in the area that provided for the culpability of the perpetrators of such acts. Additionally, this phenomenon had also tremendously increased the number of internally displaced persons and refugees, posing a variety of challenges to those countries that hosted them. It was also pointed out by some that real cooperation coupled with eliminating double standards of any kind was the key to changing theory into practice. This would be feasible only after a full-fledged fight on national, regional and international levels is launched against violence and violent extremism.
- 4.7 On the situation of Gaza, almost all the delegates were of the opinion that the latest round of violence in the Gaza strip dubbed as ‘Operation Protective Edge’ had led to the death or injury of thousands of Palestinian civilians and the destruction of the schools, hospitals and infrastructure. It was pointed out that AALCO has been following legal developments related to this topic, since 1988, on a reference made by the Government of Islamic Republic of Iran, and that Member States were dismayed that the Palestinian issue continued to plague the international community despite the

unity of opinion presented through numerous General Assembly and Security Council Resolutions condemning the atrocious practices of Israel all these years.

- 4.8 All the Member States were of the considered opinion that the Secretariat of AALCO had rightly given the necessary importance on the agenda of the ILC by arranging a Half-Day Special Meeting on selected items. It was agreed that the topics chosen to be deliberated under this agenda namely; Immunity of State Officials from Foreign Criminal Jurisdiction; Protection of Persons in the Event of Disasters and the Protection of the Atmosphere were of critical importance involving their collective and individual interests. While appreciating the participation of the Chairman and some Members of the ILC at the Session they wholeheartedly welcomed the initiative of the Secretary-General to establish a Working Group on Customary International Law, which would try to identify the practices of Asian-African States in various fields of international law.
- 4.9 Many Member States expressed their collective condemnation of the extra-territorial application of unilateral sanctions imposed by the powerful countries on third parties. These practices were against the well established principles of international law such as respect to sovereignty and non-interference in the internal affairs of the concerned countries and resulted in catastrophic consequences for the well being of the common people of the countries subjected to sanctions. It was also pointed out that the resolutions of the UN Security Council should not be used for invoking extraterritorial application of sanctions by a certain State against another State which has a different ideology and social system. In this regard they appreciated the Special Study prepared by the Secretariat on this issue.
- 4.10 Commenting on the need to uphold and promote rule of law many delegations agreed that rule of law was the foundation of friendly and equitable relations among States and the basis on which just and fair societies were built. In this regard they also welcomed the deliberations on the agenda item of the UN on the rule of law. The special need to promote rule of law in Asian-African countries was also emphasized by delegates.
- 4.11 Commenting on the importance of WTO in the promotion of international trade many Member States expressed the view that the Bali Package had important consequences for the domestic policies of the Member States of WTO. It was also noted that WTO should allow its Member States significant leeway in framing its policies relating to issues such as food security, trade facilitation and the like. The need to conclude the Doha Development agenda taking into account the special interests and concerns of developing countries were also expressed by many delegates.
- 4.12 On the issue of Environment and Sustainable Development it was stated that the phenomena of climate change resulted in rapid melting of snows, loss of biodiversity, erratic weather patterns and depletion of the source of fresh water. In this regard they emphasized that concrete measures need to be taken immediately to address the loss

and damage caused by climate change. Importantly they had also pointed out that the burden of climate change should not be shifted to the least developed countries.

- 4.13 Commenting on the human resource shortage of AALCO Secretariat a few delegations expressed the view that AALCO Secretariat should recruit more Legal Officers and put in place a recruitment and retention policy which would guarantee an assured career growth for them in order to avoid attrition of human resources.
- 4.14 Regarding the overall financial situation of AALCO some Member States expressed satisfaction at its current situation regarding both annual contributions made by Member States as well as collection of arrears from some defaulting Member States, yet they cautioned that the Secretariat should continue to exert efforts in this regard to ensure the financial sustainability of AALCO on a long term basis. Some States called on Member States who were in arrears to meet their financial obligations.
- 4.15 Some Member States were of the view that the African member States should play a more proactive role in the Organization and encourage the sisterly Francophone States in the region to join AALCO.

Statement of Mr. Mostafa Pour Mohammadi, Minister of Justice, Islamic Republic of Iran

- 4.16 Outlining the historical trajectory of international law he pointed out that the Eurocentric nature of international law had imposed an inequitable international system on the developing world that was completely inimical to the interests of the latter. While stating that that international law could be used as a tool to implement justice to remove poverty, enhance security and independence, he opined that the Governments of the Asian-African States needed to cooperate to be able to face the challenges in the contemporary era. In his view, these include breaches of IHL, selective application of human rights law, imposition of extraterritorial sanctions, violation of territorial integrity and independence of States and the like. The dominant powers of the international system considered themselves to be an exception when it comes to adhering to rules of international law. Commenting on the sanctions imposed on the developing countries particularly the Islamic Republic of Iran he pointed out that the people of Iran and its companies have been subject to a new round of sanctions imposed by the dominant global power. In this regard he highlighted the need to find new methods that could be mobilized in the fight against unilateralism.
- 4.17 On the working of the International Criminal Court he noted that this institution was blind towards the atrocities committed against the people of some countries which resulted in complete impunity for the perpetrators of these crimes. The human rights violations committed by the Zionist regime in Gaza was cited as an example in this regard.
- 4.18 Commenting on the potential role that AALCO could play in future he stated that AALCO, which was founded on the idea to fight colonialism and create an equitable

legal regime should act as the legal arm of Asian-African States. In his view AALCO could play a very important role in creating an independent legal regime and setting agendas taking into account the interests of its member States. In this regard he expressed the commitment of Islamic Republic of Iran to convert AALCO into a great institution in the field of international law.

5. Second General Meeting

5.1 The Secretary-General of AALCO briefly gave a background on the various publications of AALCO and their importance in the dissemination of international law knowledge in the Asian-African region. Thereafter, the following AALCO publications were released.

1. Yearbook of the Asian-African Legal Consultative Organization (2013);
2. AALCO Journal of International Law, (Volume 3, Issue 1, 2014);
3. Proceedings of the ILC Workshop on “Selected Items on the Agenda of the ILC” (2013); and
4. Verbatim record of the “Legal Experts Meeting on the Law of the Sea”, (2014).

5.2 Second Meeting of the Delegations of AALCO Member States

At the outset the Secretary-General congratulated both the President and Vice-President of the Fifty-Third Annual Session on their elections. He also thanked the outgoing President for steering the Organization for the past one year. He also thanked the Member States for their constant support and encouragement.

5.3 He stated that like other inter-governmental organizations, AALCO too is in a dire need to reflect on its mission, vision and objectives with a view to ensure its relevance and significance. He informed that this exercise led to the adoption of the Putrajaya Declaration in 2009 on the revitalization of AALCO.

5.4 Explaining the activities undertaken since the Fifty-Second Annual Session he listed out all the presentations or meetings that he had made/attended which had been duly reflected in the Report of the Secretary-General on the Work of AALCO (AALCO/53/Tehran/2014/ORG 1). As per the recommendations given by the AALCO EPG he also established an open ended Working Group on Customary International Law with the objective of identifying the practices of States in the field of international law and then to transmit them to ILC.

5.5 As regards strengthening the human resources available in the Secretariat he stated that the Secretariat was in dire straits in terms of the number of professional staffs. In this regard he wanted to increase the number of Legal Staff and to attract local talent by giving them suitable perks in order to have a good retention policy in place. As

regards the substantive matters he wanted to reactivate the AALCO Working Group which was active in the 1970's and 80's and to prioritize the work of AALCO.

- 5.6 While laying down the future plan of action he pointed out the need to engage in capacity-building programmes and research intensification projects on the work of AALCO and ILC and the need to give in-house training programmes to the AALCO Legal Staff. He also mentioned that there was an urgent need to strengthen the library collection and to expand the fellowship and internship programmes available in the AALCO Secretariat. Following the presentation of the Secretary-General on the Work of the Organization, and on the Current Financial Situation of the Organization and the AALCO's Budget for the Year 2015, all of them were adopted by consensus.
- 5.7 The presentation of SG was followed by comments made by the delegations from **India, Japan, Malaysia, Islamic Republic of Iran, Pakistan and People's Republic of China**. Some delegates' agreed with the proposal of the Secretary-general to enhance the human resources situation of the Secretariat as a measure to strengthen the Organization and to increase its profile. One delegate expressed satisfaction that the financial situation of AALCO had improved and the efforts to collect the arrears from some of the Member States yielding positive results. On the issue of few countries seeking waiver of arrears, the delegate was of the opinion that discussions on this issue should continue and that the Member States should not take decision on this issue at this stage.
- 5.8 Another delegate suggested that the publications/proceedings of AALCO should be made available on the web site of AALCO. He was also of the view that the publications of AALCO should be used as a reference material by international tribunals as AALCO was a legal body which should focus only on legal issues. The delegate also supported the lean budget proposed by the Secretariat for the year 2015. Yet another Member State called for strengthening the capacity building programmes for young jurists in the Asian-African region.
- 5.9 One delegate opined that AALCO should become the mouthpiece of its Member States at the ILC and other legal bodies and primarily concentrate its activities to the basic purposes of the Organization. He also shared the view expressed by another delegation that concrete proposals by the Secretariat on its important programmes should be shared with the Member States.
- 5.10 Another delegate stressed upon the important role that AALCO could play in the 21st century provided it had adequate finances to do so and in this regard encouraged Member States to not only pay their annual contributions but to voluntarily contribute AALCO whenever possible.

6. Third General Meeting

Agenda Item: Environment and Sustainable Development

- 6.1 The Secretary-General introduced the agenda item and stated that the law relating to the “Environment and Sustainable Development” constituted an important item on the work programme of AALCO.
- 6.2 He stated that at the United Nations Conference on Sustainable Development, Heads of State and Government recognized the significant contributions to sustainable development made by the multilateral environmental agreements² and requested that the future sustainable development goals be built upon commitments already made.³
- 6.3 He briefed the Member States about the main outcomes of 19th Conference of Parties to the UN Framework Convention on Climate Change (COP 19).
- 6.4 He was of the opinion that the post-2015 development agenda and the sustainable development goals must address such universal concerns with a universal ambition which recognizes that each country starts with a different baseline of challenges, needs, priorities and response capabilities. It is also important to recognize that even countries that have achieved certain goals are vulnerable to reversal of such gains from future environmental, economic and social shocks. Responses can be differentiated through choice of development pathways and according to national circumstances and priorities. Some countries are able to leapfrog the usual development trajectory by adopting a more resource efficient and less polluting pathway, which avoids future costs. Countries’ pathways will depend on their reconciliation of short-term versus long-term priorities.⁴
- 6.5 The Statement of the Secretary-General was followed by presentations from the following Member States, namely **Nepal, Islamic Republic of Iran, Indonesia, Japan, Sultanate of Oman, People’s Republic of China, Sudan, Pakistan, Malaysia and South Africa.**
- 6.6 Many delegations were of the view that the concept of sustainable development represented a holistic, equitable and far-sighted approach for preservation of environment. They all agreed that the protection and preservation of environment is vital not only for the present generation but also for the future of the human race and that any adverse impact on it could be seriously detrimental to socio-economic development.
- 6.7 Many delegates shared the view that the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification have played an important role in promoting the global environmental protection and sustainable development.

² General Assembly resolution 66/288, annex, para. 89.

³ Ibid., para. 246.

⁴ UNEP/EA.1/INF.18 dated 21 May 2014

- 6.8 A few delegates expressed the opinion that the progress towards achieving technical, technological and financial commitments made in the UNFCCC and subsequently in the Kyoto Protocol by developed countries has been disappointing. They were of the view that the developed country parties to the climate change regime must respect their commitments. While expressing the need to develop a Protocol/another legal instrument/an agreed outcome with legal force, under UNFCCC which is applicable to all Parties as mandated by the Durban Platform for Enhanced Action, a delegate encouraged the Member States of AALCO to accelerate the process in the COP to have a draft negotiating text to be ready in order to conclude the negotiation by 2015.
- 6.9 Some of the delegates were of the view that desertification was one of the major challenges faced by countries which had a negative effect on agricultural production. In their view desertification constituted a direct threat to ecological environment, food security and poverty eradication in rural areas. Population growth and increased food demand triggered the demand and expansion and intensification of land cultivation on dry lands, in this regard they stated that desertification in dry lands if unchecked would threaten future developments and well being.
- 6.10 On the issue of receiving financial support a few delegations expressed the view that the developed countries should supply the material and technological expertise for achieving sustainable development. One delegation also mentioned that they were supported by some friendly nations in facing their challenges in the area of environment.
- 6.11 One Member State called on the Secretariat of AALCO to consider the possibility of preparing a special study on “The New and Emerging Challenges in the Implementation of the Concept of Sustainable Development”.

Agenda Item: The Status and Treatment of Refugees

- 6.12 The **Deputy Secretary-General of AALCO Ms. Harimoto**, introduced the Agenda item. While highlighting the contributions of AALCO to the cause of the protection of refugees which included the adoption of the “Principles Concerning the Treatment of Refugees” (Bangkok Principles), she mentioned that escalating violence in various parts of Asia, Africa and the Middle East continued to trigger situations of displacement and refugees flows.
- 6.13 She stated that dealing with refugee situations in the Asian-African region required coordinated efforts on the part of all the States in the region to promote the protection and, and eventually durable solutions for the refugees. It also required consistent region-wide efforts from all involved States to institute the kind of top-down systems that would deliver assistance to refugees in the most efficient manner possible. This may also include ratifying and implementing the refugee Convention and IDP-related guidelines. It also required for States to honour their international obligations, particularly with regard to the respect of relevant humanitarian and human rights principles. She also highlighted that it was important to revisit the Guiding Principles

on Internal Displacement at this time especially considering that IDPs accounted for a greater percentage of UNHCR's 'Persons of concern' statistics than refugees, and because there was no international legal instrument to handle their plight.

- 6.14 The delegates from the **Islamic Republic of Iran, People's Republic of China, Japan, South Africa, Kenya, Nigeria, India, Arab Republic of Egypt and the Observer delegations from UNHCR and ICRC** presented their views on the agenda item.
- 6.15 Many delegations expressed concern that the largest number of refugees and internally displaced populations were in the Asian-African regions resulting from armed conflict, terrorism and increasing incidents of extremism, in addition to natural disasters which called for examining the root causes of this phenomena. As a result many countries hosted large number of refugees at the cost of their socio-economic stability. They deeply appreciated the efforts of the UNHCR and ICRC for coping with this humanitarian issue.
- 6.16 One delegation stated that as most of the protracted refugee situations in the world were in Asia and Africa, deliberation of this issue from the perspective of durable solutions deserved to be included on the agenda of AALCO. It was also emphasized that protection of refugees was a responsibility to be shared by the international community under the principle of international solidarity and burden sharing. Some member States encouraged others to consider ratifying the 1951 Convention on the Status and Treatment of Refugees and its Protocol.
- 6.17 A few delegations illustrated how through their national legislations/policies they had tried to cope with this issue which had many internal dimensions for countries hosting refugee populations. One delegation said that even though his country was not a party to the 1951 Convention it had hosted a large refugee population which was given their due rights under its Constitution.
- 6.18 Half-Day Special Meeting on Selected Items on the Agenda of the International Law Commission**
- 6.19 **Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO** delivered the introductory statement on the subject. He stated at the outset that the International Law Commission (ILC) and AALCO share a long-standing and mutually beneficial relationship and that one of the functions assigned to AALCO under its Statutes is to study the subjects which are under the consideration of the ILC and thereafter forward the views of its Member States to the Commission, he clarified.
- 6.20 Explaining the deliberations held at the sixty-sixth session of the Commission, he pointed out that they focused on *eight* topics, namely, Expulsion of aliens; the obligation to extradite or prosecute (aut dedere aut judicare); Protection of persons in

the event of disasters; Immunity of State officials from foreign criminal jurisdiction; Subsequent Agreements and Subsequent Practice in relation to the interpretation of treaties; Identification of Customary International Law ; Protection of Environment in relation to armed conflicts ; Protection of Atmosphere. He also gave a very brief overview of how each of these topics was dealt with.

- 6.21 **Ambassador Kirill Gevorgian, Chairman of ILC** made the first statement as the Panelist. Commenting on the relationship between ILC and AALCO, Amb. Kirill pointed out that cooperation between the ILC and AALCO has a long-standing tradition having been launched in 1957 at the ninth session of the Commission. He was of the view that since that time the Commission has benefitted immensely from different forms of cooperation with AALCO and its Member States.
- 6.22 On the topic of “Expulsion of Aliens” he mentioned that in 2014 the Commission adopted, on second reading, a set of 31 draft articles with commentaries, and that the Commission decided to recommend that the General Assembly take note of the draft articles in a resolution, to which the articles would be annexed and encourage their widest possible dissemination. It also recommended that the Assembly consider, at a large stage, the elaboration of a convention on the basis of the draft articles.
- 6.23 While noting that the Commission has concluded its work on “The Obligation to Extradite or Prosecute (*Aut Dedere Aut Judicare*)” with the adoption of its report on the matter, he pointed out that in this report the Commission had sought to address the issues that were of interest to States as expressed in the Sixth Committee, namely (a) the customary international law status of the obligation; (b) gaps in the existing conventional regime; (c) the transfer of a suspect to an international or special court or tribunal as a potential alternative to extradition or prosecution; and (d) the relationship between the obligation and *erga omnes* obligations or *jus cogens* norms. The report did not aim at resolving these highly controversial issues, but rather at stating faithfully the “state of affairs” in these areas.
- 6.24 On the issue of “Identification of Customary International Law”, he clarified that Sir Michael Wood has in his Second Report dealt with both constituent elements of rules of customary international law, namely, “a general practice” and “accepted as law” and suggested adopting eleven draft conclusions in this regard. The Commission also started looking into the role of international organization in the process of formation of customary international law and that next year the Special Rapporteur will address this important and complex issue, he added.
- 6.25 On the topic of the “Immunity of State Officials from Foreign Criminal Jurisdiction”, he pointed out that having adopted the draft articles on the immunity *ratione personae* during its past sessions, this year Commission’s attention was focused on the subjective scope of immunity *ratione materiae*. Accordingly, based on the proposal of the Special Rapporteur, the Commission adopted a draft article with commentaries on

the definition of a State official, and another on the beneficiaries of immunity *ratione materiae*. On the information sought by the ILC, he mentioned that the question of what constitutes “official acts” or “acting in an official capacity” is crucial for further work on this topic and that accordingly, the Commission expects the assistance of States with providing information on their domestic law and practice elucidating these terms.

- 6.26 **Dr. Hussein Hassouna, Member of the International Law Commission** made a presentation on the topic “Protection of Persons in the Event of Disasters”.
- 6.27 Commenting on the relationship between AALCO and ILC he acknowledged the important contribution of AALCO to the codification and progressive development of international law through its continued support of the work of the Commission. AALCO has worked over the years in order to ensure adequate reflection of Asian African concerns in the Commission’s work. It has also urged its members to respond in a timely manner to the questionnaires sent to them by the Commission. He believed that a time where International law is facing tremendous challenges in today’s world, it is of paramount importance for AALCO members to be actively involved in the formation of rules of international law that reflect their interests and concerns.
- 6.28 On the topic “Protection of Persons in the Event of Disasters”, he informed that as a result of its consideration of the topic at the last session, the ILC adopted on first reading a set of 21 draft articles, together with commentaries thereto.
- 6.29 According to him, the over-all approach of the Commission has been to strike a proper balance between the need to protect the persons affected by disasters and the respect for the principle of State sovereignty and non-interference. In order to fulfill that goal, humanitarian assistance to the persons in need should always remain neutral and objective and never become politicized. In addition, it should be based on solidarity and cooperation between all different actors. In fact, the ILC’s emphasis on rights and duties is grounded on the principle of cooperation, enshrined in draft articles 5,5 *bis* and 5 *ter*. Moreover, the draft extends to the response and disaster risk reduction phases of the disaster cycle, but does not enter into the post-disaster phase in so far as it leads into development.
- 6.30 The view was expressed during the ILC debate that the Special Rapporteur’s proposals had not adequately taken into account the concept of the “responsibility to protect”. However, even if the responsibility to protect were to be recognized in the context of protection and assistance of persons in the event of disasters, its implications would be unclear. This position was subsequently separately taken by the UN Secretary General who, in his 2008 report on implementing the responsibility to protect had indicated that “the responsibility to protect applies, until Member States decide otherwise, only to the four specified crimes and violations: genocide, war crimes, ethnic cleansing and

crimes against humanity. To try to extend it to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility”. The Commission has subsequently endorsed this position both during its debate at its 61st session (2009) and at the 63rd session (2011).

- 6.31 Seen from the larger perspective of public international law to be legally and practically effective the duty to cooperate in the provision of disaster relief had to strike a balance between different aspects. First, such a duty could not intrude into the sovereignty of the affected State. Second, the duty concerning the assisting States relates to the humanitarian conduct. Third, the duty had to be relevant and limited to disaster relief assistance by encompassing the various specific elements that normally make up cooperation on the matter. It thus, covered a great diversity of technical and scientific activities.
- 6.32 Assisting actors are required to provide assistance in compliance with the national law of the affected State (Draft Art.15). However, the right to condition the provision of assistance on compliance with national law is not absolute. The affected State has a duty to facilitate the provision of prompt and effective assistance, under its sovereign obligations to its population. States have an obligation to examine whether the applicability of certain provisions of national law must be waived in the event of a disaster (visa and entry requirements, custom requirements, granting privileges and immunities, freedom of movement...) (Draft Art 14)
- 6.33 As regards Prevention, mitigation and preparedness Art 11 deals with Duty to reduce the risk of disasters. In his view, the international community has recognised during the last decades the fundamental importance of the prevention of disasters i.e. of risk reduction.
- 6.34 **Prof. Shinya Murase, Member of the International Law Commission** made a statement on the “Protection of the Atmosphere”.
- 6.35 On the procedure to include a topic on the agenda of ILC, Prof. Shinya Murase clarified that every new topic of ILC needed to pass three feasibility tests, namely practical feasibility, technical feasibility and politically acceptable. He was of the considered view that the topic on the “Protection of the Atmosphere” satisfied these criteria.
- 6.36 The Commission discussed the topic on the basis of his First Report in May and June 2014. The majority of the members supported his liberal interpretation of the Understanding that the Special Rapporteur should be permitted to “refer to” some of the controversial principles such as the “common but differentiated responsibilities (CBDR) although he may not deal with those principles, he added.

- 6.37 While dealing with the Draft guideline 1 that gives a working definition of the atmosphere, he stated that the definition also refers to the functional aspect of the atmosphere that “transports” pollutant substances. On Draft guideline 2 that concerns the scope of the project, he clarified that we are concerned with only the anthropogenic activities, that is, human activities, that cause atmospheric problems and we were not concerned with those caused by natural phenomenon such as volcanic eruptions or meteorites.
- 6.38 Explaining the outcome of his topic at ILC, he mentioned that this will take the form of the draft guidelines based on basic principles on the protection of the atmosphere and its inter-relationship. He clarified that the content of his second report would be incorporating Draft general guidelines 1 and 2 taken from the first report. It would also make reference to the basic obligations of states to protect the atmosphere and protection of atmosphere as a common concern of mankind. In his view, the notion of common concern is to be the basis for international cooperation.
- 6.39 Commenting on the Third Report to be submitted in 2016, he stated that it will be devoted to the basic principles of international environmental law, namely, *sic utere tuo* principle, prevention and precaution, sustainable development, equity and special circumstances and vulnerability.
- 6.40 He stated furthermore that his Fourth Report to be submitted in 2017, would deal with the issue of inter relationship that includes law of the sea, international trade law and human rights among others. In the Fifth and final report to be submitted in 2018 he would be dealing with the question on compliance and dispute settlement. Finally he stressed that it was very important for member States of AALCO to make their views known at the Sixth Committee of the UNGA till next month. In conclusion he stated that both the ILC and AALCO share few common objectives including that of transforming the Eurocentric traditional international law into a system that is also fair to Asia and Africa.
- 6.41 Following the statements made by the Panellists a number of Member States made their statements/interventions on the subjects raised by them. These included: **Thailand, Japan, India, Islamic Republic of Iran, Malaysia, Syria, Republic of Korea and Pakistan.**
- 6.42 **Half Day Special Meeting on “Violent Extremism and Terrorism (Legal Aspects)”**
- 6.43. The **Deputy Secretary-General Ms. Harimoto** introduced the agenda item. While explaining the theme of the special day special meeting she mentioned that the subject of this meeting expands the scope of the Secretariat’s study on International Terrorism and hence it has been titled Violent Extremism and Terrorism.

- 6.44 While informing that the topic had been proposed by the Islamic Republic of Iran she mentioned that the topic has assumed increasing prominence since the adoption of the UNGA resolution A/RES/68/127 entitled “A World Against Violence and Violent Extremism”. In this regard she also made reference to the recently adopted Security Council Resolution 2170 (2014) which condemned gross and wide spread abuse of human rights committed by extremist groups in Iraq and Syria.
- 6.45 She was of the view that violent extremism not only posed a real threat to life of innocent civilians but also seriously endangered peace and security of States, regions and the world. The multifaceted scourge of violent extremism has become so pandemic in the last couple of years that an increasing number of AALCO Member States had been hard hit by its diverse manifestations. In the light of these factors she pointed out that this meeting was meant to address the very important question of how international law dealt with violent extremism and terrorism.
- 6.46 **Dr. Rohan Perera, Chairman of the UN Ad-Hoc Committee on Measures to Eliminate International Terrorism, Chairman of EPG/AALCO** and Former Member of the International Law Commission from Sri Lanka, made the next presentation. While explaining the legal regime, he stated that the overall global architecture of the existing sectoral conventions served to highlight the building blocks that exist in which legal responses to violent extremism could be founded. He was of the view that acts of violent extremism included the indiscriminate use of violence against innocent civilians, the targeting of civilian population including women and children in violation in particular international humanitarian law and human rights law.
- 6.47 According to him, from an international criminal law perspective violent extremism involved a range of crimes categorised as grave crimes under international law including bombing of public buildings and infrastructure, hostage taking and arbitrary executions. While explain the salient features of the sectoral conventions of the existing 16 sectoral regime he pointed out that it included the principle of extradite or prosecute, a clear obligation to either surrender an offender to a State seeking his extradition or to prosecute where the evidence so warranted.
- 6.48 While explaining the features of the new generation standards of international law existing in the area he noted that this included causing of death or serious bodily injury to any person, or serious damage to property, when the purpose of the conduct by its nature was to intimidate or to compel a Government or an IGO to do or to abstain from doing any act. It also included treatment of certain crimes as non-political crimes for the purpose of extradition and enhanced measures of mutual legal assistance.
- 6.49 **Dr. Nasrin Mosafa, Professor, Tehran University** was of the view that terrorism and resort to violent extremism attacked the values that lie at the heart of the UN Charter,

respect for human rights, rule of law, rules of war that protect civilians and the peaceful resolution of conflicts.

- 6.50 While noting that the fight against violent extremism and terrorism is a fight for an international rule of law she stated that there was an urgent need to cooperate with other states at the regional level. Explaining the rationale for engaging in regional cooperation she mentioned that the States of a region were better aware of the situation and having a cultural backdrop, societal context and historical background.
- 6.51 While outlining the efforts of the African Union in this area she brought attention to the resolution adopted on the strengthening of cooperation and coordination among African States in which the African Union pledged to fight the scourge of extremism and terrorism. In her view the AU's legal framework against terrorism and extremism is one of the oldest and most progressive of its kind among regional arrangements. At its essence the African Legal Framework can be taken as an example for regional cooperation.
- 6.52 In describing the situation in Asia she stated that ASEAN's relatively young campaign against terrorism and extremism is mainly known by its 2007 Convention on Counter terrorism. Though ASEAN's Treaty on Mutual Legal Assistance in Criminal Matters can be acknowledged as another legal basis for regional cooperation, she was of the view that ASEAN's legal framework is still a work in progress. In this regard she also brought reference to the Shanghai Cooperation Organization (SCO) that represented another regional arrangement which contributed towards legal basis of regional cooperation. Among Muslim States the Organization of Islamic Cooperation is the arrangement determined to promote cooperation.
- 6.53 Finally, she stated that a review of current legal framework of African Union, ASEAN, Shanghai Cooperation Organization and the Organization of Islamic Cooperation suggested a tradition of regional cooperation replaced by regional arrangements to combat terrorism and violent extremism among other matters.
- 6.54 **Mr. Khoder EL Tari, Legal Adviser, ICRC** at the outset stated that by virtue of the Geneva Conventions the ICRC has a mandate and promote International Humanitarian Law. While stating that the Geneva Conventions are a source of customary law he mentioned that the aim of IHL is to protect human life and dignity during armed conflict. In his view a crucial reason for not legally conflating armed conflict and terrorism was the fact that the legal framework governed armed conflict already prohibited the great majority of acts which would be adjudicated as terrorists if they were committed in peace time.
- 6.55 He was of the view that the subject of panel discussion necessitated our consideration of international human rights law and related norms. Core internationally protected human rights norms, namely the right to life, personal liberty and security, the

prohibition against torture, the right to due process and to a fair trial and the right to judicial protection must be protected and ensured without discrimination.

- 6.56 While acknowledging the role undertaken by the Islamic Republic of Iran on promoting dialogue and consensus on a world against violence and violent extremism he highlighted various aspects of the UNGA resolution on this topic which found convergence with important IHL principles.
- 6.57 The following delegates made their statements pursuant to presentations made by panellists namely: **Islamic Republic of Iran; People’s Republic of China; Qatar; India; Arab Republic of Egypt; Nigeria; DPR Korea; Japan; Indonesia and Senegal.**⁵

7. Fourth General Meeting

Agenda Item: Law of the Sea

- 7.1 The **Deputy Secretary-General Mr. Feng Qinghu** while introducing the agenda item, “The Law of the Sea” stated that it was first taken up for consideration at the initiative of the Government of Indonesia in 1970, since then, this agenda item has been considered as one of the priority items at the successive Annual Sessions of AALCO. In the negotiations of United Nations Convention on the Law of the Sea (UNCLOS), 1982, particularly, the areas relating to the Exclusive Economic Zone (EEZ), Archipelago States and Rights of Land Locked States, the AALCO’s contribution is well known at the international level.
- 7.2 He stated that during the year 2013-2014 the International Tribunal for the Law of the Sea (ITLOS) has acted in four cases raising a number of complex issues, including: provisional measures for the release of a detained vessel and persons on board; the lawfulness of the arrest and confiscation of a vessel; the status of bunkering in support of foreign vessels fishing in the exclusive economic zone; reparation for damage; and IUU fishing. From the procedural perspective, two of these cases concerned the merits of a dispute; one was an urgent proceeding, and the other an advisory opinion. It disposed of two cases in 2013 and one more in April 2014. The request for an advisory opinion remains on the docket and the hearing will take place in September this year. In the *M/V “Louisa” Case* between Saint Vincent and the Grenadines and the Kingdom of Spain, The Tribunal concluded in its judgment that no dispute concerning the interpretation or application of the Convention existed between the Parties at the time the Application was filed and that, therefore, it had no jurisdiction *ratione materiae* to entertain the case.

⁵ The Delegate of the Republic of Iraq had shared his views on the issue of terrorism and violent extremism on the last day (18th September 2014) of the Session.

- 7.3 He pointed out that in the intervening reporting period from 2013 to 2014 the Commission on the Limits of the Continental Shelf (CLCS) held 3 sessions. Given the large number of submissions made by coastal States, it was important to facilitate its work for expeditious consideration of the submissions. He also asserted that there was a need to adopt a balanced approach that ensured the speed and quality of its consideration of submissions, and the need to expedite consideration should not be allowed to compromise the serious, scientific and professional nature of the Commission's work.
- 7.4 However, questions remained with regard to the amount of resources required, their source and ways to effectively apply them so as to achieve results. In this regard, it was pointed out that the suggestion by the United Republic of Tanzania at the Twentieth Meeting of States Parties to consult with neighbouring countries before submitting disputes to the Commission, as a way to minimize disputes and reduce costs merits consideration.
- 7.5 He suggested that in light of the fact that there were around 20⁶ pending submissions from Asian and African States and preliminary information from about 30 Asian/African States regarding upcoming submissions to the CLCS, a possible Subcommittee Meeting of the Member States of AALCO has been called upon to take further initiatives in this regard.
- 7.6 He mentioned that the 2013 International Seabed Authority (ISBA) meeting adopted a draft decision concerning overhead charges for administration and supervision of exploration contracts. It approved amendments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and appointed KPMG as independent auditor for 2013 and 2014. AALCO member states may consider renewing their efforts to control and restrict damage from seabed mining in keeping with these new regulations. The Session also discussed "*Programmes to mark the 20th Anniversary of entry into force of UNCLOS*". It also stressed the importance of capacity building for developing countries, including the African group, particularly in marine scientific research, noting that this would allow States to acquire the means to reap the benefits from the oceans while also preserving its resources for future generations.
- 7.7 With regard to many critical issues such as pirate attacks and armed robbery against ships, which have raised a serious threat to international commerce and maritime navigation, it was argued that lack of strong domestic law enforcement capability and a lack of institutional capacity to bring pirates to justice has exacerbated the problem for

⁶ Following Member States of AALCO either individually or jointly have made submissions to the CLCS pursuant to article 76, para 8 of UNCLOS namely: Indonesia, Japan, Mauritius, Yemen, Ghana, Pakistan, South Africa, Malaysia, Kenya, Mauritius, Nigeria, Sri Lanka, India, Bangladesh, United Republic of Tanzania, People's Republic of China, and Republic of Korea. Ref Submissions to CLCS http://www.un.org/depts/los/clcs_new/commission_submissions.html assessed on 6/12/2013 at 12.39 PM

UNCLOS. In order to counter the menace of piracy, AALCO Member States should, among other measures, consider enacting adequate national legislation to criminalize acts of piracy and armed robbery at sea, and associated crimes, as well as modern procedural laws, which are indispensable for the effective suppression of piracy.

- 7.8 Following the introduction of the AALCO brief on the Law of the Sea, a brief presentation was made on the subject by **Mr. H.P.Rajan, Legal Adviser to AALCO on Law of the Sea Matters**. In his presentation he highlighted the role of AALCO and its predecessor AALCC in the development of the Law of the Sea and the important contributions made during the deliberations at the Third United Nations Conference on the Law of the Sea. In particular, he recalled the elements of the package deal in the drafting of the Convention and the compromises made by the Asian and African States. Thereafter, the presentation identified issues that may be of immediate priority and concern to Member States. In particular the presentation touched upon the work of the Institutions established under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. The presentation recalled that at the time of the drafting of the Convention there was much expectation of huge economic benefits through exploration and exploitation of seabed resources. However the only tangible benefit for the developing countries so far has been due to the training obligations completed by the former Registered Pioneer Investors, four of whom are the AALCO member States, namely, India, Japan, China and the Republic of Korea. The other benefit that accrued to the developing countries was through the endowment fund set up by the Authority that was created almost entirely from the interest accrued on the surplus of the registration fee paid by each of the seven Registered Pioneer Investors. Once again, the major share of that fund came from the four RPIs: China, India, Japan, and Republic of Korea, all Member States of AALCO Members. While commercial exploitation still remains a distant future, there are two aspects in the work of the Authority that may be of immediate interest to Member States of AALCO. The first relates to the modalities for implementation of Article 82 of the Convention and the second concerns the administration of the large amounts of application fees received from the contractors and the interest that is accrued on the surplus after deduction of the costs of processing of the applications.
- 7.9 He suggested that Member States may wish to review the work of the Authority in the light of the developments in the past several years, and how far their own aspirations have been fulfilled against the backdrop of hard and difficult compromises that were made as a package deal at the Conference.
- 7.10 As regards the work of the International Tribunal for the Law of the Sea, in view of the far reaching implications of the judgments, Advisory opinions as well as some of the Arbitral awards, it may be of interest to Member States to bring out a comprehensive study on the subject.

- 7.11 The work of the Commission on the Limits of the Continental Shelf is of vital importance to Member States of AALCO. The workload of the Commission and the delay in the consideration of submissions has been a subject of major concern to coastal States. Given the importance of the work of the Commission, he suggested that Member States of AALCO may wish to convene a meeting to critically examine and evaluate the scope and the current working methods of the Commission, including issues that touch upon conflict of interests of some members of the Commission.
- 7.12 Lastly, he touched upon a subject that has not been discussed in AALCO so far. This relates to the question of the legal regime in the Arctic arising out of global warming and the melting of the Arctic Ocean. The question today is not about the need for a new legal regime for the Arctic, but how to govern the Arctic in view of its melting and opening up of new possibilities under the existing legal framework.
- 7.13 After the above mentioned statements the following Member States made their presentations namely: **Thailand, Sri Lanka, Islamic Republic of Iran, Japan, People's Republic of China, Kenya, Indonesia, South Africa, India, and Malaysia.**
- 7.14 One delegate pointed out that the advancement and implementation of the rights of the land locked States was of paramount importance of the rights of geographically disadvantaged States. In view of its tremendous impact upon the Member States of AALCO, equally important would be the rights of the Archipelagic States, he added. One delegate mentioned that in view of the advancement of science and technology and the resultant increase in the capacity to exploit resources of the sea and the land mass under it, the interest of the international community had expanded to unprecedented proportions necessitating to regulate state activities in the sea areas had also assumed greater significance. He noted that with the acceptance of the deep sea bed as common heritage of mankind, a greater demand for the regulation of state activities by legal provision could be observed globally. He also stated that the issue of demarcating the outer limits of the continental shelf had occupied a prominent place in the agenda of many states.
- 7.15 Many Member States expressed concern that piracy continued to be an issue of serious concern to the international community and especially to AALCO Member States as many of them were active in key maritime trade routes. A few delegations pointed out to the need of protection of marine environment which was crucial in safeguarding the health and well-being of human beings. Pollution at seas and oceans had reached alarming levels and the international community could not afford to ignore it.
- 7.16 One delegate opined that in order to enhance the rule of law in oceans it was crucial that states make their claims based on international law, refrain from using force or coercion, and settle their disputes by peaceful means. In this regard the role of the arbitral tribunal was appreciated.

- 7.17 One delegate pointed out that over the past 20 years the principle of common heritage of mankind had translated from concept to reality and the international Sea-Bed Authority had adopted three regulations for prospecting and exploitation for poly-metallic nodules, poly-metallic sulphides and cobalt-rich ferromanganese crusts in the area, approved 26 plans of work for exploration and steered work on the exploitation code of the resources in the area. Yet new challenges were arising from the implementation and development of the law of the sea were closely interrelated with science and technology, resources in environment which required an integrated, interdisciplinary and inter sectoral approach to address the relevant problems.
- 7.18 A few Member States highly appreciated the presentation made by Mr. H. P. Rajan, and one delegation suggested that the AALCO Secretariat could include some of its proposals laid down on page 14 for further consideration and also requested the Secretariat to keep alive the issue affecting the Arctic of melting of ice.

Agenda Item: Extraterritorial Application of National Legislation: Sanctions Imposed against Third Parties

- 7.19 The **Secretary-General of AALCO Prof. Dr. Rahmat Mohamad** introduced the agenda item and said that it had been considered since 1997 when the topic was added on the agenda of AALCO upon referral by the Islamic Republic of Iran. While noting that the topic of Sanctions and the Extraterritorial Application of National Legislation is of particular pertinence to developing countries, he pointed out that certain AALCO Member States such as the Syrian Arab Republic and the Islamic Republic of Iran currently found themselves the target of sanctions. He also informed that in compliance with the mandate received from the Fifty-First Annual Session held in Abuja, Nigeria the Secretariat had brought out a study entitled “*Unilateral and Secondary Sanctions: An International Law Perspective*”. The focus of the study was on the effects of the implementation of sanctions which comprise of both Unilateral Sanctions, which are directed against a certain targeted state and its nationals, as well as Secondary Sanctions, which are directed against third Parties, be they States or private entities.
- 7.20 He added that the Report prepared by the Secretariat for the current Session focuses on the deliberations at the Fifty-Second Annual Session of AALCO held in New Delhi in 2013, and will highlight the recent developments in this area including: the Ministerial Declaration adopted at the Thirty-Seventh Annual Meeting of the Ministers for Foreign Affairs of the Member States of the G77 and China, held at the UN Headquarters in New York on 26 October 2013; and the debates on the agenda item “Necessity of Ending the Economic, Commercial and Financial Embargo imposed by the United States of America against Cuba”, at the Sixty-Eight Session of the UNGA held on 29 October 2013.

- 7.21 The Secretary-General further stated that Vide the Ministerial Declaration adopted by the Thirty-Seventh Annual Meeting of the Ministers of Foreign Affairs of the Group of 77 and China, the imposition of laws and regulations with extraterritorial impact, as well as other forms of coercive economic measures, including sanctions, was firmly rejected by the Ministers. Emphasis was placed on the fact that such actions undermine principles enshrined in the Charter of the United Nations and threaten freedom of trade and investment.
- 7.22 On 29 October 2013, the UN General Assembly also voted overwhelmingly in favour of ending the United States of America's economic, commercial and financial embargo against Cuba while citing the crippling of Cuba's development by the embargo and the morally indefensible nature of the embargo. To this effect, a resolution was passed for the twenty-second consecutive year calling for an end to the embargo.
- 7.23 However, despite the almost universal opposition of the imposition of extraterritorial measures and unilateral sanctions, such measures remain in force in various parts of the world, and continue to have devastating far-reaching effects for the economic development of various States and the social development of the citizens of those States. It is hoped that this Meeting will provide a forum for States to voice their opinions on these measures and contribute to the eventual complete cessation of the extraterritorial application of national legislation and the use of unilateral sanctions.
- 7.24 After the presentation made by the Secretary-General the following Member States made presented their views namely: **Syria, People's Republic of China, South Africa, Japan, DPR Korea, Islamic Republic of Iran, Republic of Korea, and Sudan.**
- 7.25 All the Member States strongly condemned the imposition of unilateral sanctions imposed on any country as they violated the international legal instruments including the UN Charter and other Conventions.
- 7.26 One delegate noted that in past decades, some individual country, motivated by differences in values and ideology, frequently used its domestic law to impose unilateral sanctions against other countries and even imposed decades of economic blockade, in order to overthrow the regime of the targeted country and change its social system and development model. Those acts have met universal condemnation from the international community. He held the view that unilateral sanctions were inconsistent with fundamental principles of international law such as equality of States sovereignty, non-interference in other's internal affairs; violate international law obligations with regard to freedom of trade and navigation; and infringe upon fundamental human rights such as right to survive, and right to development of the targeted country and its people. While noting that the phenomena of "secondary sanctions" was new, he contended that those secondary sanctions seriously violated

the international law in the following ways namely: First, secondary sanctions aimed to coerce third parties to join the embargo imposed by the sanctioning state in order to realize de facto multilateral sanctions. Second, some country's domestic laws on secondary sanctions, *prime facie*, only claim jurisdiction over so-called its own national persons or entities prohibiting them from entering economic or trade relations with any person or entity of a third party in violation of the secondary sanctions. But in essence, those laws directly disturb or limit activities of persons or entities of third countries and indirectly force them to comply with the domestic laws of the sanctioning country. Third, secondary sanctions directly breach the principle of free trade of the WTO and constitute illegal impediment to international trade. Some individual country uses the WTO national security exemption clause as a pretext for its illegal sanctions. But a delegate stated that secondary sanctions imposed by some individual country motivated by differences in values and ideology, have nothing to do with national security. It is a misinterpretation and misuse of the national security exemption clause of the WTO.

- 7.27 Another delegate highlighted the point that the history of the international relationship in the past had shown that sanctions could not resolve effectively the disputes between states but rather had served as the main cause of deterioration of situations bringing about growing sufferings amongst innocent people. The sanctions unilaterally enforced by some states against other states or a third party based on their domestic legislation were in flagrant violation of the principles of respect to sovereignty and the peaceful solution of disputes reflected in the UN Charter and the general principles of international law. These acts retard the socio-economic development of the target state and greatly impede the establishment of a fair international economic order and trading regime.
- 7.28 Yet another delegate maintained that the concept of unilateral and secondary sanctions violates certain core principles of international law. These include the principle of sovereign equality of States and territorial integrity and its duty to cooperate, the principles of respect for and dignity of national sovereignty, the principle of self-determination of people, principle of non-use of force, the principle of non-intervention into the internal and external affairs of States, the principle of peaceful settlement of international disputes, the principle of cooperation among States and the principle of fulfilling in good faith obligations assumed under international law. These fundamental principles that regulate and govern international relations are stated in the Charter of the United Nations and the 1970 Declaration of Friendly Relations and Cooperation among States.
- 7.29 One delegate mentioned the recent endeavour to establish a relationship between the condemnation of economic or political coercion and the prohibition of the threat or use of force in the context of the 1970 Declaration on Principles of Friendly Relations and the resolution on the Definition of Aggression, indicates that many countries and

international jurists are supportive of the prohibition of extreme economic sanctions. Such sanctions threaten the territorial integrity and political independence of the State and violate the principles of sovereignty and territorial integrity as enshrined in Article 2, paragraph 4 of the UN Charter. In this regard, he mentioned that the United States sanctions against Iran are unprecedented. They target all the sections of the Iranian society, especially economy and trade, inter alia, oil and gas, financial institutions and transportation. These sanctions violate the principles of sovereignty and territorial integrity.

- 7.30 One delegate noted that unilateral application of national laws entailing any encroachment upon the sovereignty of other States cannot be justified. However, unilateral application of national laws affecting the sovereign States should be distinguished from the national measures taken as a means implementing the resolutions of the United Nations. Concerning the question of the conformity of the UN resolutions, he was of the opinion that, when a resolution is adopted by an organ of the United Nations in accordance with the decision-making procedures of the UN system, its conformity must be recognised by all Member States.
- 7.31 Another delegate mentioned that his Country was suffering from the dire consequences of economic sanctions and called upon AALCO Member States to denounce the same as they violated the UN Charter and regional Conventions. Some delegations expressed the hope that AALCO would continue to do research in this area so as to enable its Member States to speak their minds more freely in international fora and fight and resist the hegemonic acts of some individual country.

Agenda Item: “WTO as a Framework Agreement and Code of Conduct for the World Trade”

- 7.32 The **Deputy-Secretary General of AALCO Mr. Feng Qinghu** introduced the agenda item. On the importance of WTO he stated that WTO as an institution has always had immense significance for the welfare of the people of the developing countries and that since the Doha Round was first launched in 2001, the international trading system has experienced significant geo- economic changes spurred by the increasing rate of technological innovation particularly in large emerging economies and the financial crisis in the developed world.
- 7.33 He stated that in recent times the issue of agricultural trade (i.e., food security for developing countries) has been the main bone of contention between the developed and developing countries in the WTO Bali Meeting. Commenting on the Agreement on Agriculture, he explained that a major and glaring loophole created in the Uruguay Round’s Agreement on Agriculture to the benefit of the developed countries was the ‘Green Box’ (or Annex 2 of the Agreement on Agriculture).
- 7.34 He was of the opinion that the situation surrounding the Green Box has created a curious paradox: the Developing Countries are claiming the right to do what the U.S.

and European Union have been doing all along-protecting some parts of their domestic production while simultaneously promoting the interests of their multinational commodity traders and agri-business firms. The anomalies in the rules that they dispute are real, he added. In his view, the crux of the issue lied in the question – are the major powers of the North prepared to go along with a global trading system that puts the interests of the majority of the world’s people before their own interests? There are other issues that deserve our attention as well. These include: Trade Facilitation Agreement, integration of LDCs into global trading system, duty- free quota- free market access (DFQF) for LDC goods and others. The developing and poor countries want credible and balanced multilateral trading rules that would take into account their developmental concerns, he added.

- 7.35 After the presentation of the Deputy Secretary-General, the following States made their statements; **Thailand, Japan, Indonesia, Qatar, Malaysia and Sudan.**
- 7.36 Many delegations welcomed the achievements of the Ninth Ministerial Conference of the World Trade Organization (WTO) held in Bali, Indonesia in December 2013 and stated that they viewed the Agreement on Trade Facilitation (TFA) to be a very important agreement which would make a tremendous contributions to flows of world trade.
- 7.37 One delegate noted that the Ninth Ministerial Conference had adopted agreements which includes international standards to assist the developing countries and LDCs’ capabilities in building up an effective regulatory governance policy for their own customs regulatory bodies. Such international practices, which are modeled from developed countries are often viewed as better suited than domestic regulations of developing countries and LDCs. particularly when it came to the regulation of international trade, he added. The delegate was of the view that the regulatory governance challenge in the FTA stemmed mainly from its provisions themselves and that it did not provide for flexibility attaining their legitimate policy goals and diversity to meet the domestic regulatory activities of a small state, which can be at risk from the future liberalized rules.
- 7.38 While stating that the FTA rules are intended to improve institutional and regulatory changes at the expense of domestic customs authorities of small members, he pointed out that one important reason for inapplicability of some provisions in the FTA to small economies members relates to the so called ‘associative-dissociative strategy’, which combined of a free trade policy combined with a form of protectionism – for its local conditions. On one hand, the associative policy of small economics depends on international markets for exports and imports; on the other hand the dissociative strategy relies in the use of many protective measures (e.g. import-substitution policies, state intervention, subtle forms of protectionism, public subsidies for some specific economic sectors), which run counter to some predetermined provisions laid out under the FTA, he added.

- 7.39 One delegate stated that he placed particular importance on the TFA as it would have been the first multilateral agreement to be achieved since the establishment of the WTO. He was of the opinion that the early entry into force of the agreement and its steady implementation should be prioritized so as to keep momentum towards the conclusion of DDA.
- 7.40 Another delegate stated that it was strongly committed to the expeditious implementation of all the Bali 2013 decisions particularly each of the agreed timelines for Agriculture, the TFA and the LDC-related decisions. Pursuant to the interim peace clause that would exempt public stockholding programmes for food security purposes that exceed the minimum levels from legal action at the WTO for four years, the delegate was of the view that this will only be a short term resolution. The fact that food security is an important issue for a lot of developing countries, including those who are AALCO Members, means it is essential for there to be a long term solution which would protect and safeguard the interests of both developing and also developed countries. In this regard, he also proposed for the AALCO Secretariat to conduct a study on the issue of food security and public stockholding which may serve to assist AALCO Members in their deliberations at the WTO front. In conclusion he noted that the failure to implement the TFA will have grave consequences for the credibility of the WTO as a body for negotiating multilateral trade agreements as well as the entire post-Bali work programme.
- 7.41 Another delegation welcomed the outcomes of Bali Conference which reaffirmed the WTO's role as the pre-eminent forum for multilateral trade negotiations. The Bali Conference has succeeded in concluding the Bali Package that will bring food security to billions of the world's poorest, strengthen world's economy and help the LDCs to benefit more from the multilateral trading system. In this regard he underlined the importance of the implementation of the Bali Package according to its time frame, while taking into account each country's level of development, capacity and capability, in the process. In this respect, he also encouraged AALCO Member States to expeditiously implement this multilateral agreement, which also provides capacity building support to developing countries and LDCs to help them implement the agreement.

Agenda Item: 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

- 7.42 **The Secretary-General of AALCO Prof. Dr. Rahmat Mohamad** had delivered the introductory statement on the subject⁷. He mentioned that even after many decades of Israeli occupation of the Palestinian Territories, all serious bilateral and multilateral

⁷ One delegation suggested that paragraph 112, on page 36 of the document pertaining to this topic (AALCO/53/TEHRAN/2014/SD/S4) should be deleted.

attempts at conflict resolution have failed to bring justice for the people of Palestine. While stating that the recent Israeli shelling of Palestinian territories and civilians, especially women and children could not be justified on any account he pointed out that the illegal Israeli blockade of Palestinians in Gaza has led to the economy of Palestine being suffocated to a great extent. However, despite all legal efforts exerted by the international community to persuade Israel to stop its illegal expansionist settlement activities and declare Palestine as an Independent State, occupation continues till date, without an early solution in sight, he added.

- 7.43 Commenting on the legal principles applicable, he stated that the international community has time and again asserted the application of the Fourth Geneva Convention relative to the Protection of Civilian Persons in the Time of War to this conflict and that illegal annexation of Palestinian Land, the creation of Jewish Colonial Settlements and the massive deportation of Palestinians are all actions in violation of international humanitarian law and human rights law. He was of the considered opinion that the denial of water and other essential services to Palestinians and the continuing blockade of Gaza that prevents the Palestinians from exercising their right to seek refuge in other territories are acts in the nature of “collective punishment”, imposed on the people of Palestine, in violation of the Geneva Conventions and customary International Humanitarian Laws. As the numerous reports that were discussed in the AALCO Secretariat document demonstrate, the continuing occupation of Palestinian lands and the blockade of Gaza lied at the root of all the human rights violations faced by the Palestinian peoples, he added.
- 7.44 While stating that the situation in Palestine is grave and the principal tool to redress this is ensuring compliance with international law, he called for the resolution of the conflict in accordance with the principles of international law including 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 regarding the Protection of Civilian Persons at the time of war.
- 7.45 On the issue concerning the Statehood of Palestine, he mentioned that this issue had been debated by the various United Nations Organs since 1947 and that no amicable solution of the issue had been found yet. Until all the rights accorded to the Palestinian people by virtue of the principles enshrined in international law, are respected by Israel, the Palestinian right of resistance to the occupation, established by a consensus within the UN would continue, he added.
- 7.46 In conclusion, he assured that AALCO, as the only inter-governmental legal Organization in the Asian and African region would continue to reiterate the urgent need on the part of the international community to seriously address all of the above mentioned grave violations and severe breaches of international law, including

international humanitarian law, being committed by the occupying power, against the Palestinian people.

- 7.47 After the presentation by the Secretary-General, the following Member States presented their views, namely **India, Japan, Islamic Republic of Iran, State of Palestine, Syria, Arab Republic of Egypt, People’s Republic of China, South Africa, Malaysia, DPR Korea, Turkey, and Indonesia.**
- 7.48 Many delegations condemned the latest onslaught of violence leashed on the people of Gaza in the first part of 2014, which has killed thousands of innocent civilians, including women, children and men. Besides, it had displaced thousands of civilians, ravaged their homes and devastated the infrastructure, including homes, hospitals, schools run by the UN and the only electricity generation plant in Gaza. All these acts were in total disregard of all the established principles of international law and agreements between the Parties, the United Nations Security Council and General Assembly Resolutions, and the IVth Geneva Convention of 1949.
- 7.49 Many of the delegations supported the view that a comprehensive resolution of the Palestinian issue, leading to a sovereign, independent, viable and United State of Palestine living within secure and recognized borders, side by side at peace with Israel, was the apt solution to this issue.
- 7.50 One delegation was of the view that the title of the agenda item “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”, required to be reconsidered. Explaining this rationale he pointed out that the concept of deportation that had been used for a long time connoted a temporary phenomena of a temporary nature, however, over the years the nature of the problem has changed. He was of the view that what is happening in Palestine today had less to do with deportation and more to do with belligerent occupation which continued to expel Palestinians from their homeland. This view was supported by two other delegations.
- 7.51 One delegate was of the view that AALCO could consider the possibility of conducting a study on “how to compensate the refugees” created by the illegal policies of the Israeli regime over the years. This proposal was supported by another Member State as well.
- 7.52 One delegate was of the view that AALCO could consider providing a “Legal Framework on how to bring War Criminals to Justice before the ICJ/ICC”.

New Agenda Item: International Law in Cyberspace

- 7.53 This new agenda item was proposed by the **Government of the People’s Republic of China** and received an overwhelming support from the Member States for inclusion in

the agenda of the AALCO. While giving a detailed presentation on the need to include the agenda item, the Chinese delegate stated that the 21st century is the Century of Internet/Cyberspace and that the rules governing the regulation of cyberspace are not clear and consistent. The delegate suggested that AALCO should give emphasis to discussions of State sovereignty and internet freedom, peaceful use of cyberspace and prevention of cyberspace in militarization, international cooperation in combating cyber crimes and development and application of international rules for cyberspace.

- 7.54 The delegate was also of the view that these issues were the most important issues related to the formulation of applicable norms of international law and international order in cyberspace. He added furthermore that Asian-African countries still lagged behind their developed countries counterparts in regard to usage and vulnerability to the cyber security risks. He went on to add that, AALCO as the only inter-governmental legal consultative organization in the Asian-African region should place this issue on its agenda. He also shared his views on the four issues listed in the explanatory note attached to the new agenda circulated during the Session and before that in New Delhi.
- 7.55 The following Member States namely, **Japan, Islamic Republic of Iran and Nigeria** expressed their views subsequently on this issue and shared the common and individual concerns that exist in this area.
- 7.56 One delegate recognized the risks to stable use of cyberspace as an urgent security issue and stated that no single country could address this issue by itself and that it had been actively participating in the discussions on the scope of application of existing international law to cyberspace in the UN Cyber Group of Governmental Experts (GGE) under the First Committee of the UN General Assembly. The delegate also noted that the Convention on Cybercrime of the Council of Europe or the so-called Budapest Convention is at present the only effective multilateral instrument on the use of cyberspace.
- 7.57 Another delegate was of the view that the diverse legal dimensions of cyber activities span different areas of national and international law, including telecommunications law, aviation law, law of space, law of the sea and International Humanitarian Law. He further added that whether called “cyber attacks” “cyber warfare” or “cyber terrorism”, all these cyber activities are harmful and are capable of shutting down nuclear centrifuges, air defence systems, electrical grids, and other vital infrastructures in violation of State sovereignty and territorial integrity, and shall hence be properly regulated.

8. Third Meeting of the Delegations of AALCO Member States

Agenda Item: Report on the Work of AALCO's Regional Arbitration Centres

- 8.1 **Prof. Datuk Sundra Rajoo, Director, Kuala Lumpur Regional Centre for Arbitration (KLRCA), Hon. Wilfred Danola Ikatari, Director, Regional Centre for International Commercial Arbitration-Lagos (RCICAL), Federal Republic of Nigeria and Judge Parviz Ansari Moein, Chairman, Tehran Regional Arbitration Centre** had made their presentations which outlined the activities undertaken by the respective Centres in the previous year.
- 8.2 A Presentation on the developments leading up to the creation of the **Nairobi Centre for International Arbitration** was given by **Mrs. Agimba Christine Anyango, the Deputy Solicitor of Kenya and the Vice-President of the Fifty-Third Annual Session of AALCO**. While providing an update on the Centre, she stated that a law had been enacted in Kenya in 2013 consistent with the AALCO objectives both for domestic and international arbitration. The Board of Directors for the Nairobi Centre had been appointed in 2013 and an Interim Director too had been appointed, she informed. While stating that small but considerable progress has been made by Kenya on this Centre, she expressed optimism that it could be used to promote and support the use of Regional Arbitration Centre for the settlement of disputes.

Report by the Chairman of the Eminent Persons Group (EPG)

- 8.3 The Chairman of the AALCO Eminent Persons Group (EPG) **Dr. Rohan Perera** had presented a Report on the fourth Meeting of the EPG that took place on 14th September 2014 at Tehran. He informed that the meeting focused on both the Organizational and Substantive Issues of the Organization in great details.

Report of the Interim Chairman on the Working Group on International Customary Law⁸

- 8.4 The Secretary-General informed that the name of the Working Group on Customary International Law had been changed to, "Informal Expert Group on Customary Internal Law". Further, he also sought endorsement from the Plenary on the appointment of Dr. Sufian Jusoh, Associate Professor UKM, as the Chairman of this Informal Group and Professor Xianhe YI, Wuhan University, People's Republic of China as its Special Rapporteur. He further informed that this Informal Group on CIL would meet twice, to discuss the issues flowing from this agenda item of the ILC and forward the same to the Special Rapporteur of the ILC on this topic. The Plenary endorsed the appointments of the Chairman and the Special Rapporteur.

⁸ This was presented by Secretary-General, Prof. Dr. Rahmat Mohamad

Adoption of Message of Thanks to the President of the Islamic Republic of Iran

- 8.5 The Secretary-General on behalf of the Member States of AALCO read out the Message of Thanks to the President of the Islamic Republic of Iran. The same was unanimously adopted.

“Excellency,

On behalf of all the Delegations of the Member States and Observers attending the Fifty-third (2014) Annual Session of the Asian-African Legal Consultative Organization (AALCO), I would like to extend the following message as a token of our heartfelt gratitude and respect to the Government and people of the Islamic Republic of Iran:

“We, the participants in the fifty-third annual Session of the Asian-African Legal Consultative Organization, would like to seize this opportunity to convey our profound gratitude and respect to Your Excellency, and through you to your esteemed Government and the people of the Republic of Iran, for graciously helping and assisting to host the Fifty-Third Session of AALCO in this historical city of Tehran, Iran. Excellency, I thank the Government of Iran on behalf of AALCO, and on my own behalf, for supporting in hosting this session.

Islamic Republic of Iran has always espoused the cause of the developing countries and hence taken a keen interest in the affairs of AALCO over the years. In that pursuit it has always taken an active part in deliberations during the Annual Sessions and has undertaken to strengthen the agenda and the role of the Organization among the comity of nations.

Your Excellency would be pleased to know that a spirit of constructive dialogue and cooperation amongst attending delegations marked this Session, thus enabling us to make crucial decisions on the organizational as well as substantive matters. Amongst the many factors which paved the way for the success of the Session, one of the prime ones was the excellent cooperation from the Government of Iran which contributed significantly towards the excellent achievements of our deliberations.

In this beautiful city of Tehran, famous for its picturesque juxtaposition of history and modernity, we the delegates of the Fifty-Third Annual Session of AALCO would like to place on record our sincere gratitude for the full cooperation that the Government of Iran has extended to AALCO and its Member States for hosting the Annual Session with warmth, graciousness and ability.

Please accept, Your Excellency, the assurances of our highest respect and consideration and may the Almighty bless the endeavours of your great country.”

Venue of the Fifty-Fourth Session of AALCO

- 8.6 The Head of the Delegation of the People's Republic of China graciously offered to host the Fifty-Fourth Annual Session of AALCO at Beijing in the first part of the 2015. He added further that this event would also mark the commemoration of the Bandung Conference that was held in 1955 and that it would be a great occasion to chart the future of AALCO at this historical event.

Adoption of Resolutions

- 8.7 The following Resolutions were adopted at the Third Meeting of the Delegations of AALCO Member States on 18 September 2014:

Organizational Matters

RES/53/ORG 1 Report of the Secretary-General on Organizational, Administrative and Financial Matters

RES/53/ORG 2 AALCO's Budget for the Year 2015

RES/53/ORG 3 Report on AALCO's Regional Arbitration Centres

Substantive Matters that were Deliberated

RES/53/S 2 Law of the Sea

RES/53/S 3 The Status and Treatment of Refugees

RES/53/S 4 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

RES/53/S 6 Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties

RES/53/S 7 International Terrorism

RES/53/ S 10 Environment and Sustainable Development

RES/53/S 13 WTO as a Framework Agreement and Code of Conduct for World Trade

RES/53/S 17 International Law in Cyberspace

RES/53/ SP 1 Resolution on the Special Meeting on “Selected Items on the Agenda of the International Law Commission”

RES/53/SP 2 Resolution on the Special Meeting on “Violent Extremism and Terrorism (Legal Aspects)”

Consideration of the Summary Report

- 8.8 The Draft Summary report of the Fifty-Third Annual Session of AALCO was placed for consideration of the Member States. The Member States adopted the Summary Report and thereafter they were requested to send in their written comments on the same to the Secretariat within one month, after which the same would be finalized.

Fifth General Meeting and Concluding Session

- 8.9 A vote of thanks was proposed by the Head of Delegation of State of Qatar on behalf of the Asian Member States of AALCO and South Africa on behalf of the African Member States. The Observer Delegation of the International Committee of the Red Cross (ICRC) later submitted a vote of thanks to the AALCO Secretariat for record.
- 8.10 **H.E. Mr. Danesh Yazdi**, the President of the Fifty-Third Session of AALCO had delivered the concluding remarks.

The Fifty-Third Annual Session of AALCO was thereafter adjourned.