

**SUMMARY RECORD OF THE THIRD
MEETING OF DELEGATIONS OF
AALCO MEMBER STATES, HELD ON
1st JULY 2005 AT 9.00AM**

H.E Mr. Amos Wako, the President of the Forty-Fourth Session in the Chair.

1. **The President** formally called to order the Third Meeting of the Delegations of AALCO Member States. Two agenda items were to be taken up for discussion namely, The Report of the Chairperson of the Drafting Committee and adoption of the documents of the Session. Before calling upon the distinguished chairperson of the Drafting Committee, he called upon the Secretary General of AALCO to give some information regarding the venue of AALCO's Forty-Fifth Session. The resolution on that item would be adopted in the afternoon.

2. **The Secretary General** stated that the draft resolution on the Venue of the Forty-Fifth session was to be taken up that afternoon; he gave brief report on progress on that item. He recalled, that the Minister of Justice of Sudan during the Forty-Third Session held in Bali last year had extended an invitation to hold the Forty-Fifth Session in Khartoum. However, due to many circumstances, relating to the shifting of the Secretariat, inauguration of the new Headquarters and Golden Jubilee of AALCO, the Secretary-General explained to the Excellency the circumstances and requested him to grant the approval to postpone their invitation from Forty-Fifth Session to the Forty-Sixth Session and give him the opportunity to hold the coming Session in the Headquarters. The invitation for that session would be from the Secretary General and it would be termed as "Permanent Headquarters Session". The Minister of Justice of Sudan willingly agreed to the proposal and promised that Sudan would maintain its invitation. Thus, the Forty Sixth Session would be held in Khartoum. Therefore, the Forty Fifth Session would be held in New Delhi at the Permanent Headquarters of AALCO. It would afford all

the delegations an opportunity to be present at the inauguration of the new headquarters and commemoration of the Golden Jubilee of AALCO.

3. **The President** thanked the Secretary General for that report. He noted that the Fiftieth Anniversary of AALCO coincides with the completion of the Headquarters of AALCO; it was thus appropriate that the Forty- Fifth Session be held in New Delhi. He thanked the Secretary General for that invitation. The next item was the report of the Drafting Committee, he called upon the distinguished Chair Person of the Drafting Committee, Senior Principal State Counsel, Office of the Attorney General and Deputy Head of the Treaties and Agreement Section, Ms. Rosalyn Amadi to present her report.

4. **Ms. Rosalyn Amadi, Chair Person of the Drafting Committee:** stated that the Forty-Fourth session had established the Drafting Committee on 27 June 2005, the first day of the Session. –It was entrusted with the task of preparing documents of the Session, draft resolutions, summary reports and a text containing a Message of Thanks to the Head of State of the host country. Following past practice the Committee was chaired by the Representative of the host country and she was honoured to perform that duty. After long hours of meetings late in the night the Drafting Committee had been able to complete its work. It was an open-ended body with membership open to all delegates on voluntary basis. She expressed very special gratitude to all the delegations that gave up their time and participated in the work of the Committee diligently and attended all the meetings on time and without fail. All the drafts considered in the Drafting Committee were prepared by a Sub-Committee comprising Members of the Kenyan delegation and the AALCO Secretariat. For facilitating the adoption of the drafts by the Plenary Meeting, the Drafting Committee had done its utmost to prepare the resolutions in such a way that they captured the essence of deliberations and were acceptable to all delegations. The drafts

reflected, the ideas and views commonly shared by delegations.

5. The Chair Person congratulated all the delegates who participated in the discussions and for the confidence they had reposed in her which helped her in discharging her responsibility. The useful contribution by the delegates greatly enriched the quality of the documents. She extended sincere appreciation to all delegations for their maximum flexibility exercised during the deliberations. She appreciated the presence of the Deputy Secretary General of AALCO and his able staff during the deliberations and observed that their wisdom, experience and resourcefulness were a big help for the completion of the work of the Drafting Committee. She also saluted the Kenyan Delegation drafting team for their hard work, dedication and patience that made it possible for the Drafting Committee to complete its work. During the daytime they were busy like a bee, taking notes, distributing documents, at night they were moonlighting as members of the Drafting Committee. Finally she said the documents to be adopted were the Summary Report of the Inaugural Session, first and second meetings of the Delegations, first and second general meetings, resolutions on organizational matters, and resolutions on substantive matters that were distributed yesterday. The other works, which were being finalized, were the remaining documents and reports on the Special Meeting on Environmental Law and Sustainable Development, fourth and fifth general meetings, remaining resolutions and message of thanks to the President of the Republic of Kenya to be taken up in the evening. She then placed the documents already circulated for consideration and adoption.

6. **The President** thanked the Chair Person of the Drafting Committee for the work done. The President acknowledged that the Drafting Committee members had worked for long hours and said that they had worked when most of them slept and because of their

hard work the documents were before delegations for approval and adoption.

7. **The President** thereafter placed for consideration the Provisional Summary Report of the Inaugural session and First and Second Meetings of Delegations of AALCO Member States held on Monday, 27th June 2005. There being no comments it was unanimously adopted.

8. The meeting then took up for consideration the Report of the First and Second General Meetings, and Third General Meeting, dated 28 June 2005. There being no comments the document was unanimously adopted.

9. **The President** placed for consideration draft resolution RES /44/ORG 1 on **“Report of the Secretary-General on Organizational, Administrative and Financial matters”**.

10. **The Leader of Delegation of People’s Republic of China** referred to operative Para 6 “ Also requests the Secretary General to invite intellectuals and scholars to contribute with substantive articles...” and found the word “with” not necessary. Subject to the amendment the resolution was unanimously adopted

11. The next draft resolution placed for consideration by the **President** was RES/44/ORG 2 **“ AALCO’s Biennial Budget for the Years 2005 and 2006”**.

12. **The Leader of Delegation of Ghana** suggested that in the preambular paragraph “ Taking into account the recommendation on Budgetary Proposals for the years 2005 and 2006, adopted by...” it should be “adopted at”

13. **The President** agreed with that amendment and asked if there were any other comments.

14. **The Leader of Delegation of Ghana** also suggested that in operative paragraph 3 “that” after the word Urges is unnecessary “ Urges those Member States who are in arrears...”

15. **The President** asked for any other comment on ORG 2.

16. **The Leader of Delegation of Japan** with regard to operative paragraph 2, suggested to delete the brackets and stated that the additional wordings would be acceptable to his delegation.

17. **The President** stated that the delegation of Japan asked for the deletion of the brackets in the operative paragraph 2. so that it reads “as soon as possible in accordance with their budgetary system”. Thus after modifications suggested by Ghana and Japan RES/44/ORG/2, Resolution on AALCO’s Biennial Budget for the Years 2005 and 2006 was adopted.

18. The meeting thereafter proceeded to consider the Resolution on “ **Review of AALCO’s Statutory Rules**”, RES/44/ORG 6.

19. **The Leader of Delegation of Ghana** suggested that in Preambular Paragraph 2, “ Also Recalling with appreciation....., which mandated the Secretary-General in Consultation with...’. Instead of “ ...in consultation of...” With this modification the resolution was adopted unanimously.

20. The next resolution considered by the meeting was “**The International Criminal Court: Recent Developments**”, contained in RES/44/S10. The resolution was unanimously adopted.

21. Then next resolution considered by the meeting was” **An Effective Legal Instrument against Corruption**”, RES/44/ S 12.

22. **The Leader of Delegation of the Republic of Indonesia** suggested a change in Para 2. which reads “ Encourages Member states to consider ratifying/ acceding to the UN Convention against Corruption”. He suggested “ Encourages Member States to ratify/accede...”. With the change suggested by Indonesia the resolution was adopted.

23. The President then took up for consideration resolution RES/44/S 13, “ **Report on the Work of the UNCITRAL and other International Organizations in the field of International Trade Law.**”

24. **The Leader of Delegation of the People’s Republic of China** stated that Preambular paragraph 2 “ Taking note, with appreciation, of the comments included in the Report of the Secretary-General” had been repeated again in the next paragraph.

25. **The Secretary General** pointed out that Preambular paragraph 3 “ Taking note, with appreciation, of the presentation of the Secretary General of UNIDROIT “ had to be deleted, because the Secretary General of UNIDROIT was supposed to come but in fact he did not come for the meeting

26. The **President** noted that on suggestion of the delegation of People’s Republic of China and the Secretary-General, preambular paragraphs Paras 3 and 5 be deleted. The resolution was adopted as amended.

27. The next resolution considered by the meeting was RES/44/S 1, “ **Matters relating to the Work of the International Law Commission**”. As there were no comments the resolution was unanimously adopted.

28. The next resolution taken up for consideration was RES/44/S 2, “ **Law of the Sea**”, One delegation suggested that the presence of Judge Caminos be acknowledged in the resolution, the Secretary-General clarified that since it was a non-deliberated item they could not mention the presence of the Judge of the ITLOS. The resolution was adopted without any changes.

29. The next resolution taken up for consideration by the meeting was RES/44/ S 3, “ **The Status and Treatment of Refugees**” a non-deliberated item. There being no comments the resolution was unanimously adopted.

30. The next resolution taken up for consideration by the meeting also related to a non-deliberated item namely, “ **Legal**

Protection of Migrant Workers". As there were no comments the resolution RES/44/S 5 was unanimously adopted.

31. The next resolution for consideration also was a non-deliberated item RES/44/S 6, "**Extra-Territorial Application of National Legislation: Sanctions Imposed Against Third Parties**". There being no comments it was unanimously adopted.

32. The next resolution for consideration of the meeting was RES/ NAIROBI/44/SP.1, "**Nairobi Resolution on " Environmental Law and Sustainable Development**".

33. **Some delegations namely, Ghana, the People's Republic of China, Republic of Indonesia, Malaysia and Myanmar** suggested changes to the reformulation of the Preambular paragraphs, which seemed repetitive in nature as well as some modifications in the operative paragraphs¹. The Drafting Committee duly incorporated those changes into the final resolution.

34. **The President** informed the meeting that subject to the amendments RES/NAIROBI/44/SP.1, Nairobi Resolution on "Environmental Law and Sustainable Development" was adopted.

35. The President concluded the morning session with the words that the meeting had adopted this morning the resolutions and reports submitted to it. The remaining work would continue this afternoon and documents to be considered were, namely, **Report on the Special Meeting on Environmental Law and Sustainable Development, Report on the Fourth and Fifth General Meetings, other remaining resolutions and Message of thanks to the President of the Republic of Kenya**. He announced that the meeting would reconvene at 4.30PM.

Thereafter the meeting was adjourned

¹ The exact suggestions made by the delegations will be reflected in the Verbatim Record of Discussions of the Forty-Fourth session.