

**XII. SUMMARY RECORDS OF THE THIRD  
MEETING OF DELEGATIONS OF AALCO MEMBER  
STATES**

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DELEGATIONS OF AALCO MEMBER STATES  
HELD ON FRIDAY, 25<sup>TH</sup> JUNE 2004 AT 10:15 AM**

**The Vice-President Hon'ble Mr. Ambrose Patrick Dery in the Chair.**

1. The Meeting commenced with the **Vice-President** inviting the **Secretary-General** to discuss an important issue.

2. The **Secretary-General** informed with pleasure the Member States that the Secretariat had finalized the *Yearbook of the Asian-African Legal Consultative Organization*, which was the earlier publication "Report and Selected Documents" of the Session. He stated that this was the first time that Secretariat had prepared the Yearbook in this form and title and with different contents from other previous years. He informed that two-copies of the Yearbook had been sent to the Member States through the Embassies of Member States accredited in New Delhi. He hoped that by that time it would have reached the respective Ministries, focal points in the capitals. Any delegation wishing to have an extra copy could request the Secretariat for one and it would try to provide the copies, as much as it could. He thanked profusely the Secretariat team headed by Amb. Dr. Deihim and called the Member States to applaud this work. He also thanked the Librarian, the Legal Staff and many other locally recruited Staff who had contributed in finalizing the incredible work. He said that most of the Secretariat had contributed to finalize it. He hoped that the Yearbook in its new form and contents would satisfy the Member States. He requested the Member States for their remarks and suggestions to further improve it. Thereafter, he presented the Yearbook to the Vice-President.

3. The **Leader of Delegation of Palestine** drew the attention of the Chair and the Secretariat regarding the agreement on the inclusion of state terrorism by Israel in the resolution.

4. The **Vice-President** clarified that the point would be noted only if the resolution did not contain any such reference. He requested the Leader of the Delegation of Palestine to hold on till all delegations had received the resolutions.

5. The **Leaders of Delegations of Islamic Republic of Iran and Kenya** at this juncture, enquired from the Chair that based upon the assumption that all the delegations had received the Draft Resolutions and Summary Report what course of action the chair would follow regarding their adoption.

6. The **Vice-President** stated that first the delegations would consider the Provisional Summary Report and thereafter the Draft Resolutions.

7. The **Vice-President** thereafter placed for consideration the item the Report of the Drafting Committee. For presenting this Report he invited the Chairman of the Drafting Committee Mr. Djumantoro Purbo, Director for Information Systems of Human Rights,

Ministry of Justice and Human Rights of the Republic of Indonesia. He also commended the work done by the Drafting Committee and called for a round of applause for it.

8. **Mr. Djumantoro Purbo, Chairman of the Drafting Committee** stated that the Forty-Third Session of AALCO had established the Drafting Committee and entrusted it with the task of preparing documents of the Meeting, namely, 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 he was honoured to perform that duty. He reported with pleasure to the delegates that after long hours of meetings early in the morning and late in the evening the Drafting Committee had been able to complete its work. He mentioned that the Committee was an open-ended body with membership open to all delegates on voluntary basis. All the drafts considered in the Drafting Committee were prepared by a Sub-Committee comprising Members of the Indonesian delegation and the AALCO Secretariat. Mr. Purbo stated that with a view to 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.

9. The Chairman of the Drafting Committee congratulated all the delegates who had participated in the discussions. He said that his heartfelt thanks went to the delegates for the confidence they had reposed in him and which had helped him in discharging his responsibility. The useful contribution by the delegates enriched the quality of the documents ably produced by the Drafting Committee. He also extended his sincere appreciation to all delegations for their maximum flexibility exercised during the deliberations. He said that he would be remising his duty if he failed in appreciating the presence of the Secretary-General, his Deputy and his able staff during the deliberations. He observed that their wisdom, experience and resourcefulness were a big help for the completion of the work of the Drafting Committee. He also saluted the Indonesian Delegation drafting team for their hard work, dedication and patience that made it possible for the Drafting Committee to complete its work. He said that while 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, he said that the draft resolutions, summary reports and message of thanks had been circulated to all the delegations and they were ready for consideration and eventual adoption by the Meeting.

10. The **Vice-President** thanked the Chairman of the Drafting Committee and commended the work achieved by it and called for another round of applause for the Drafting Committee and the members of the AALCO Secretariat for their tireless work.

11. The **Vice-President** thereafter placed for consideration the Provisional Summary Report of 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> June 2004 issued on daily basis.

12. The Meeting took up for consideration first the Provisional Summary Report for Monday, 21<sup>st</sup> June 2004.

13. The **Leader of Delegation of the Syrian Arab Republic** intervened and stated that Iraq was one of the founder member of AALCO and at present it was passing through a very difficult time and it was the duty of AALCO to show solidarity for that sister country in their statements.<sup>1</sup>

14. The **Vice-President** clarified that the Secretary-General in his statement on his Report on the work of the Organization on the first day itself had mentioned about Iraq and that would be reflected in the Final Report.

15. Thereafter the Meeting adopted with applause the Summary Report of the proceedings for Monday, 21<sup>st</sup> June 2004.

16. Next, it proceeded with the consideration of the Provisional Summary Report for Tuesday, 22<sup>nd</sup> June 2004. Their being no comments the Meeting adopted the Summary Report for Tuesday, 22<sup>nd</sup> June 2004 with an applaud.

17. Thereafter, it proceeded with the consideration of the Provisional Summary Report for Wednesday, 23<sup>rd</sup> June 2004.

18. The **Delegate of the People's Republic of China** drew the attention of the Chair regarding a minor amendment concerning spelling. She said that the correct spelling of the name of Mr. Tang Chengyuan appearing on paragraph 5.9 of Tuesday's Summary Report was Mr. Tang Chengyuan and that correct spelling of his name should appear in the Summary Report.

19. The **Vice-President** stated that the Summary Report of Tuesday, stands adopted with the amendment proposed by the delegate of the People's Republic of China.

20. Next the meeting proceeded to consider the Provisional Summary Report of Wednesday, 23<sup>rd</sup> June 2004.

21. The **Leader of Delegation of Malaysia** congratulated the Drafting Committee for their excellent reporting of the proceedings. However, she said that Malaysia would like to propose the following substitution in their intervention: "Malaysia supports the proposal for a study by the Secretariat on the possibility of formulating model legislation which reflects the relevant international instruments."

22. The **Vice-President** noted the Malaysian proposal and requested the delegation to give its amendment in writing to the Secretariat.

23. With the amendment proposed by Malaysia, the Summary Report for Wednesday, 23<sup>rd</sup> June 2004 was adopted with a round of applause.

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<sup>1</sup> Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

24. The meeting thereafter proceeded to consider the Message of Thanks to the President of the Republic of Indonesia. The **Vice-President** gave the floor to the **Secretary-General** for an explanation.

25. The **Secretary-General** explained that at the end of each Session on behalf of all the Member States, the Secretary-General signs and sends a Message of Thanks on behalf of all the delegations to the President of the Republic of host country in which the delegations expressed their thanks, appreciate and express their gratitude to the President of the host country for hosting the Session. After finalizing the message, he said that he had placed it before the Drafting Committee and now the Draft Message was ready. After the meeting approved it, he would sign it and send it on their behalf to the President of Republic of Indonesia Her Excellency Mrs. Megawati Soekarnoputri. The Message reads as under:

Excellency,

On behalf of the Member States and Observers of the AALCO attending the Forty-Third Session, I would like to extend the following message as a token of our heartfelt gratitude and appreciation:

“We, the participants in the Forty-Third Session of the Asian-African Legal Consultative Organisation, would like to seize this opportunity to convey our profound gratitude and appreciation to Your Excellency and through you to your esteemed Government and the people of Indonesia for hosting the Forty-Third Session of AALCO on this beautiful island of Bali.

We express our deepest gratitude and profound regards to Your Excellency for finding some time from your extremely busy schedule and giving us the privilege of your gracious presence. The inauguration of the Forty-Third Session by Your Excellency demonstrates the importance which the Republic of Indonesia attaches to the Asian-African Legal Consultative Organisation. Your inspirational address had set the tone for our fruitful deliberations during the course of five-days and we all stand indebted to Your Excellency.

We would like to put on record the fact that the Republic of Indonesia has been sincerely keen and perseverant to host our Annual Session since 2001 and it kept alive this keenness till the time was ripe and finally we had enjoyed your hospitality for our Forty-Third Session. We reiterate, Madam President, our deep gratitude.

Your Excellency would be pleased to learn that this Session was marked by a spirit of constructive dialogue and co-operation amongst attending delegations, thus enabling us to take crucial decisions on the substantive as well as organizational matters. Although many factors

contributed to the success of the conference, yet it would not be an exaggeration that the excellent rendition of the conference services contributed significantly towards the achievement of our mission.

In addition to successful accomplishment of the agenda of the Conference, the Session also provided a valuable opportunity for the participants from the far-flung places of the two continents to experience and relish the rich pluralistic traditions and unique cultural heritage of Indonesia. I am pleased to state, Your Excellency, the legendary hospitality and great efficiency of the people of Bali in hosting international conferences, has been proven yet again.

The rigors of the strenuous week-long Session was mitigated by the hospitality of the highest standards and exemplary administrative arrangements rendered to us throughout the Forty-Third Session of AALCO. For this gesture, we extend our felicitations and profoundly thank Your Excellency, your esteemed Government and all the committed officials for their willing and untiring co-operation. The traditional hospitality and the natural warmth and cheerfulness of the people of Indonesia have etched an indelible impression on each one of us.

I conclude my letter Excellency reiterating my deep gratitude and thanks to all your painstaking efforts to host us and to make this event a great success by all means and in every aspect. Excellency, as we leave Bali for our respective capitals, we carry with us very fond and cherished memories of our stay in this majestic and charming island of Bali. We sincerely wish Indonesia's success in all its endeavours and its development, overcoming any impediment it may confront in the achievement of its national goals. May God bless you, the Government and the People of Indonesia.

Please accept, Excellency, the assurances of our highest consideration.”

26. The Meeting approved the Message of Thanks to the President of the Republic of Indonesia with a loud round of applause.

27. The **Vice-President** thereafter placed for consideration of the meeting the Draft Resolutions. He mentioned that there were 10 Organizational and 16 Substantive Resolutions for consideration. He also cautioned the delegations against opening the floor on the possibility of further wide-ranging deliberations on the resolutions.

28. The **Vice-President** placed for consideration resolution AALCO/RES/DFT/43/ORG 1 on the “**Report of the Secretary-General on Organizational, Administrative and Financial Matters**”. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

29. The next resolution placed for consideration by the **Vice-President** was AALCO/RES/DFT/43/ORG 2 on “**AALCO’s Budget for the Year 2004**”. Their being no amendments or modifications the resolution was unanimously adopted.

30. The third resolution to be considered by the Meeting pertained to “**Progress Report on Regional Centres for Arbitration**” contained in AALCO/RES/DFT/43/ORG 3. The **Leader of the Delegation of Nigeria** proposed the insertion of word “the” in the last line of operative paragraph 6 before the words “four Arbitration Centres” in order to do away with the ambiguity. The **Leader of Delegation of Malaysia** requested the addition of “Dato” in the name of Dr. Zakaria Yatim, the former Director of the Kuala Lumpur Regional Centre for International Commercial Arbitration in operative paragraph 4. It should, he stated read Dato Dr. Zakaria Yatim. The Meeting, after amending the resolution as proposed by Nigeria and Malaysia unanimously approved it.

31. The fourth resolution considered by the Meeting was AALCO/RES/DFT/43/ORG 4 on the “**AALCO’s Centre for Research and Training**”. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

32. The fifth resolution considered by the Meeting was AALCO/RES/DFT/43/ORG 5 on “**Establishment of the Permanent Headquarters of the Asian-African legal Consultative Organization**”. The Chair called for an acknowledgement of the contribution of the Government of India in this regard by a round of applause. There being no modifications or amendments, the resolution was unanimously adopted.

33. The next resolution considered by the Meeting was AALCO/RES/DFT/43/ORG 6 pertaining to “**Admission of South Africa as a Member State of the Organization**”. The **Delegate of the People’s Republic of China** suggested that in preambular paragraphs 1 and 4 rule no. should be capitalized and read as Rule No. The **Delegate of Nigeria** proposed to delete no. 1 in the operative paragraph as there was only one operative paragraph. The Meeting after amending the resolution as proposed by the People’s Republic of China and Nigeria unanimously adopted it.

34. Thereafter, the meeting considered AALCO/RES/DFT/43/ORG 7 on “**Review of AALCO’s Statutes and Statutory Rules**”. The **Leader of the Delegation of the Islamic Republic of Iran** proposed in operative paragraph 3 after the words Statutory Rules the addition of words “to propose the revisal”. The **Secretary-General** clarified that in operative paragraph 4 “Requests the Secretary-General to report on the progress achieved on this work at the Forty-Fourth Session”. He said that it was within this paragraph it was being proposed what was being revised. The mandate was to accomplish the draft revision before the Forty-Fourth Session. Then at the Forty-Fourth Session he would propose in his Report what had been revised. He explained that this was exactly the mandate. The Iranian proposal received support from the **Delegate of Nigeria**. The **Delegate of Sudan** suggested that the operative paragraph 3 should read as “Mandates the Secretary-General after due consultation with the Committee of Liaison Officers for the Revision of the Statutes and Statutory Rules, to prepare revised draft of the same,

prior to the Forty-fourth Session”. Their being consensus on the amendment proposed by Sudan the resolution was adopted by including the amendment proposed by Sudan.

35. The next resolution taken up by the meeting was on the “**Venue of the Forty-Fourth Session**” contained in AALCO/RES/DFT/43/ORG 8. The Meeting thanked the Government of Kenya for its kind offer and adopted the resolution accepting the proposal of Kenya to hold AALCO’s Forty-Fourth Session in Kenya.

36. The **Secretary-General** informed the meeting of the receipt of an Official letter by him from the **Minister of Justice of Sudan** expressing the desire of its Government to hold the Forty-Fifth Session in Sudan. He also said that in fact Sudan wanted to host Forty-First Annual Session of the Organization but had graciously withdrawn in favour of Nigeria and the Organization had its Session in Abuja with the promise that it would give the first chance to Sudan to host the Session when the turn of Africa came. He said that this letter would be distributed to the Member States as soon as he returned to the Secretariat. The **Vice-President** thanked the Minister of Justice of Sudan for his interest in holding the Annual Session of AALCO.

37. Thereafter, the Meeting considered the resolution on “**Implementation of AALCO’s Documentation Policy**” contained in AALCO/RES/DFT/43/ORG 9. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

38. The next resolution was on the “**Revision of AALCO’s Gratuity Scheme for the Locally Recruited Staff**” contained in AALCO/RES/DFT/43/ORG 10. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

39. Thereafter the Meeting proceeded to consider the resolutions on Substantive Matters. The first resolution considered in this regard was AALCO/RES/DFT/43/SP1 on “**Special Meeting Resolution on Establishing Cooperation Against Trafficking in Persons, Especially Women and Children**”. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

40. The next resolution considered by the Meeting was on the “**Matters Relating to the Work of the International Law Commission**” contained in AALCO/RES/DFT/43/S 1. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

41. Thereafter the Meeting proceeded to consider the resolution on the “**Law of the Sea**” contained in AALCO/RES/DFT/43/S 2. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

42. The next resolution considered by the Meeting was on the “**Status and Treatment of Refugees**” contained in AALCO/RES/DFT/43/S 3. The **Leader of the Delegation of India** proposed the removal of word “limited financial assistance from UNHCR” in line 1 of operative paragraph 4. He suggested the deletion of the word



“limited” as he was of the view if there was an agreement on accepting financial assistance then there was no need for being critical of it by qualifying it by adding “limited”. The Secretary-General clarified that it was the exact language in the letter received from UNHCR in this regard. He mentioned that the UNHCR had stated in its letter that in case the AALCO accepted the study then it must also accept the “limited financial assistance.” The Leader of Delegation of India observed that UNHCR might have its budgetary constraints but from the AALCO perspective whatever the inputs were it amounted to financial assistance. On the suggestion of the chair, that it was not a substantive issue, but a matter of form, India withdrew its proposal and the Meeting unanimously adopted the resolution.

43. The Meeting thereafter proceeded to consider the Resolution on “**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**” contained in AALCO/RES/DFT/43/S 4.

44. In view of the seriousness of the issues involved, as well as the fact that the struggle of the Palestinians to have a state of their own and the hardships which the entire population was subjected to by the Occupying Power i.e. Israel, delegations namely **Kenya, State of Palestine, Sudan, Islamic Republic of Iran, Nigeria, South Africa, Turkey, Japan, and Republic of Indonesia**<sup>2</sup> stated their position on the draft resolution placed for consideration.

45. Since time was the essence of the Meeting and a consensus did not seem to emerge, the **Leader of Delegation of Japan** proposed a Point of Order and requested that a Committee of Interested States meet during the break and try to achieve consensus on the resolution.

46. The **Vice-President** appealed to the Member States to ignore “semantics” and instead focus upon the substance.

47. While fully agreeing to the proposal put forward by the **Leader of Delegation of Japan**, the **Secretary-General** stated that he would hold consultations with the concerned delegations during the break and report on the matter when the Plenary reconvenes.

48. The next resolution considered by the Meeting was AALCO/RES/DFT/43/S 5 on the “**Legal Protection of Migrant Workers**”. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

49. The Meeting thereafter proceeded to consider the resolution on “**Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties**”, contained in AALCO/RES/DFT/43/S 6. The **Leader of the Delegation of Sudan** stated

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<sup>2</sup> The deliberations in their entirety shall be reflected in the Verbatim Record of Discussions of the Forty-Third Session.

that sanctions were imposed upon targeted parties not on third parties. The third parties were affected by sanctions imposed on other countries. In this context, he suggested for some change in the language. The chair sought more explanation from the delegate. To further, explain his point, the delegate said that in case sanctions were imposed against State “B”, the State “C” was not targeted by sanctions but could be an affected state. Hence in his view to say that sanctions were imposed against third parties was not correct. The **Leader of the Delegation of Islamic Republic of Iran** said that in fact unilateral sanctions were also against the third parties, it was not only against the targeted parties. Any company that was to invest there get affected by the limitations contained in those sanctions. He stated that in many cases the unilateral sanctions were directed against third parties. He said that in view of the suggestion of Sudan there was a need to review it. The delegate of Sudan agreed with the views expressed by the delegate of Islamic Republic of Iran i.e. the sanctions had effect on third parties and sometimes they had very grave effects on third parties. But the sanctions were imposed against parties against which resolutions for sanctions were adopted. At this juncture, the **Leader of the Delegation of Nigeria** drew attention to operative paragraph 1 which states “Directs the Secretariat to continue to study legal implications related to the Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties and the executive orders imposing sanctions against target States”. He said that it was clear that unilateral sanctions were imposed against the target states but it had collateral damage or affects other parties. He stated that these were the wordings of AALCO for last several sessions and hence there was no need to change it at this Session. In view of this the delegate of Sudan with drew his proposal and the resolution was adopted unanimously without any modifications or amendments.

50. The next resolution considered by the Meeting was AALCO/RES/DFT/43/S 7 on “**Jurisdictional Immunities of States and their Property**”. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

51. The Meeting thereafter proceeded to consider the resolution on “**International Terrorism**” contained in AALCO/RES/DFT/43/S 8. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

52. The next resolution considered by the Meeting was AALCO/RES/DFT/43/S 10 on “**The International Criminal Court: Recent Developments**”. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

53. The Meeting thereafter proceeded to consider the resolution on “**Environment and Sustainable Development**” contained in AALCO/RES/DFT/43/S 11. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

54. The next resolution considered by the Meeting was AALCO/RES/DFT/43/S 12 on “**An Effective International Legal Instrument Against Corruption**”. The **Delegate of the People’s Republic of China** said that for the sake of consistency the words

“member states” in operative paragraph 3 should be capitalized. With the modifications suggested by the Peoples’ Republic of China the resolution was unanimously adopted.

55. The Meeting thereafter proceeded to consider the resolution on “**Report on the Work of the UNCITRAL and Other International Organizations in the Field of International Trade Law**”, contained in AALCO/RES/DFT/43/S 13. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

56. The next resolution considered by the Meeting was AALCO/RES/DFT/43/S 14 on “**WTO as a Framework Agreement and Code of Conduct for World Trade**”. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

57. The Meeting thereafter proceeded to consider the resolution on “**Expressions of Folklore and its International Protection**” contained in AALCO/RES/DFT/43/S 15. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

58. The next resolution considered by the Meeting was AALCO/RES/DFT/43/S 16 on “**Human Rights in Islam**”. The **Leader of Delegation of Kenya** suggested that whether it was feasible to include other religion and their human rights aspects in the proposed seminar. The Chair clarified that in case Kenya was interested in pursuing such a proposal it may raise an application before the Secretary-General at a later date. He stressed that every Member State had a right to make such a proposal. There being no modifications or amendments, the resolution was unanimously adopted by the Meeting.

59. The **Delegate of Oman** enquired in the resolutions considered there was not any resolution numbered S 9. The Chair clarified that S 9 was now SP 1 i.e. the resolution adopted regarding the Special Meeting.

60. The **Leader of Delegation of Oman** referring to the Provisional Summary Report of Wednesday, 23<sup>rd</sup> June 2004 on the Special Meeting on “Establishing Cooperation Against Trafficking in Persons, Especially Women and Children”, pointed out that he had posed four different questions to the Panelists and only three of them were reflected in the Provisional Summary Report of that day. The Chair directed the Secretariat to take note of the inclusion of remaining one question.<sup>3</sup>

61. The **Leader of the Delegation of Palestine** proposed for voting on the various amendments proposed regarding the resolution on Palestine. The Vice-President remarked that he had agreed with the point of order made by the Japanese delegation and therefore the resolution would be considered in the Meeting, to be convened after the break. He emphasized that the AALCO Member States were solidly behind Palestine in its struggle.

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<sup>3</sup> Statement delivered in Arabic. Unofficial translation from Interpreter’s version.

62. The Meeting was thereafter adjourned and the resolution of Palestine and the consideration of Provisional Summary Report for Thursday, 24<sup>th</sup> June and Friday, 25<sup>th</sup> June 2004 were deferred for consideration after the break.