

(vii) **THE SEVENTH GENERAL MEETING HELD ON SUNDAY, THE 24TH JUNE 2001 AT 4.00 P.M**

**(Dr. P.S. Rao, President, in the Chair)**

1. The **President** stated that the Meeting would take up for consideration the Draft Minutes of the five General Meetings which were held until Saturday, 23<sup>rd</sup> June, 2001. He said that the Secretariat had done a commendable job in preparing the draft minutes of the Five Meetings held until yesterday. As regards the Sixth and the Seventh General Meetings held on Sunday, the draft minutes would be circulated to the Member States in due course. He reiterated that the procedure that had been followed in respect of the adoption of the Minutes of the First Meeting of the Delegation of the Member States, would be the same for the consideration of the Draft Minutes of the General Meetings. Accordingly, he invited the Delegates to make comments or corrections with respect to any portion of the minutes particularly related to their own statements. He would appreciate very much if such corrections could be handed over to the Secretariat.
2. The **Delegate of the Arab Republic of Egypt** recognising the need to expedite the proceedings stated that he would not go into details and would submit his corrections to the Secretariat regarding his delegations interventions.
3. The **Delegate of the Republic of Korea** stated that he had certain corrections on Page 5 of the Draft Minutes of Summary Records of the first General Meeting, which he would give to the Secretariat.
4. The **President** declared the adoption of the Minutes of the first General Meeting subject to corrections made by the delegations. Then, he drew attention to the Summary Records of the Second General meeting held on the 21<sup>st</sup> June at 9.30 A.M.
5. The **Delegate of Kuwait** referred to Page 2 of the Second Meeting and stated that in the right of reply his delegation had asked delegations of AALCO Member States to visit his country in order to see that there are no Iraqi Prisoners in the Kuwait Prison.
6. The **Secretary General** requested the Delegate of Kuwait to indicate which page he was referring to.
7. The **Delegate of Kuwait** referred to Page 2 of the Minutes of the Second General Meeting and suggested deletion of the last sentence beginning from "In this regard" till the end of the sentence and substitute his observations made in the context of his right of reply.

8. The **Secretary-General** clarified that Paragraph 18 on Page 13 reflected exactly what he wished. It was within the framework of the right of reply. Further, as regards deletion of the last sentence on Page 2 in the Minutes of the Second General Meeting, it would be done.
9. The **Delegate of Iraq** referred to Paragraph 4 on Page 3 and stated that he would like to add two lines to that Paragraph. He would give these additions to the Secretariat.
10. The **Delegate of Nigeria** pointed out that on the top of the Minutes of the General Meeting it was not mentioned who had chaired the Meeting.
11. The **President** assured him that this omission would be rectified. The distinguished Vice-President had Chaired that Meeting.
12. The **Delegate of Libya** stated that in his statement at the Third General Meeting, the summary of which appeared on Page 7, paragraph 12 he had mentioned the names of two countries, the Democratic People's Republic of Korea and Cuba. The first name was missing in the record.
13. The **Delegate of Ghana** reminded the President about the procedure which he had announced for the submission of corrections by the delegations. He expected that procedure to be followed so that the Meeting could finish in time.
14. The **President** thanked the Delegate of Ghana for his support. He said that it was a small courtesy which he offered to the delegations and gave them time to make brief statements. He was aware of the shortage of time. He repeated his requests to delegations to take the floor only when it was necessary to highlight some fundamental changes in the portion of the summary of their statements or interventions.
15. The **Delegate of Libya** felt that the matter concerning time-constraint should have been raised at the beginning of the session and not on the last day.
16. The **Delegate of Palestine** complemented the Delegate of Ghana for his timely reminder. He also thanked the President for his reassurances that all corrections made by the delegations would be put in the record. He said that he would submit his corrections to the Secretariat.
17. The **Delegate of the Islamic Republic of Iran** also endorsed Ghana's suggestions. He said that he would submit his corrections to the Secretariat.
18. The **Delegate of Kuwait** also expressed his intention to submit his corrections to the Secretariat.
19. The **Delegate of Myanmar** stated that he had no difficulty in going along with the Delegate of Ghana. However, there was a substantive and serious mistake which he had to point out.

20. The **President** stated that he would not like to discourage Delegates in taking the floor. As regards Myanmar's observation, he would consider it when the Minutes of the Fifth Meeting would be taken up for consideration. He then declared the adoption of the Minutes of the Second General Meeting.

21. The **President** then drew attention to the draft summary records of the Third General Meeting held on 21<sup>st</sup> June 2001. He noticed that no time was indicated when that Meeting was held. Since there were no further comments, the President declared adoption of the Minutes of the Third General Meeting.

22. The **President** then invited the attention of the delegations to the Summary Records of the Fourth General Meeting held on Friday, the 23<sup>rd</sup> June 2001 at 9.30 A.M. He said that on 22<sup>nd</sup> June, 2001 the Special Meeting on Some Legal Aspects of Migration was held. He understood that the Records of that Meeting were not available at this stage. He requested the Secretary-General to explain the position.

23. The **Secretary General** clarified that there would be a brief Report and full verbatim record of the Special Meeting. That report will be finalized in consultation with the International Organization for Migration (IOM) as the Special Meeting was held jointly in co-operation with that Organisation. Then it would be sent to the Member States for their comments.

24. The **Delegate of Singapore** recalled his intervention during the deliberations in the Special Meeting, where he had drawn attention to an omission by the Secretariat of not mentioning his Government's written comments on the proposal for drafting a model legislation on migrant workers. He hoped that this should be reflected in the Minutes of this Meeting as well as in the records of the Special Meeting.

25. The **President** assured the Delegate of Singapore that the Secretariat had taken note of his observations and it would be mentioned in the Records of today's meeting as well as the Special Meeting.

26. The **Delegate of Oman** stated that as the Records of the Special Meeting were not available today, he was not in a position to make any comments on the proceedings of that Meeting.

27. The **President** clarified that as soon as the draft Report of the Special Meeting was available, it would be sent to the Member States for seeking their comments and observations and the Delegates would be entitled to make their corrections and only then would the draft Report be finalised.

28. The **Secretary-General** also confirmed the observations made by the President and said that the Member States would have enough time and opportunity to send their comments on the draft report and in the light of their comments and corrections the final report would be prepared which again would be circulated to the Member States.

29. The **President** hoped that with all these explanations the Delegates should not have any worry about the Report of the Special Meeting. He then turned to the Summary Records of the Fourth General Meeting and invited comments from the delegations.
30. The **Delegate of Jordan** stated that in his statement he referred to not only the rights of Palestinians to return to their homeland but right to seek compensation as well. This should be correctly reflected in the summary on Page 16.
31. The **President** requested him to submit his comments in writing to the Secretariat.
32. The **Delegate of the Arab Republic of Egypt** wished to make few minor changes in his intervention set out in Paragraph 19 on Pages 14 and 15. He said that he would submit those corrections to the Secretariat.
33. The **President** stated that subject to the corrections proposed, the Minutes of the Fourth Meeting were adopted. He then, drew attention to the Draft Summary Records of the Fifth General Meeting held on Saturday, 23<sup>rd</sup> June at 10.00 A.M.
34. The **Delegate of Myanmar** referred to Para 12 on Page 6 and said that his intervention was totally different from what had appeared in the Summary record. He proposed the deletion of Para 12 and to replace it by the text which he had given to the Secretariat.
35. The **President** thanked the Delegate of Myanmar for bringing this to his notice.
36. The **Delegate of Singapore** stated that he had some corrections which he would submit to the Secretariat.
37. The **President** stated that consideration of the draft minutes of the Five General Meetings had been completed. He appreciated the efforts of the Secretariat, that inspite of the pressure of work it was able to complete the Minutes of the five General Meetings held until Saturday. He thanked the Delegates for their co-operation in adopting the Minutes. He reassured them that if they still wished to delete, add or present their interventions in a focused manner they were welcome to send their corrections to the Secretariat.
38. The **Delegate of the Arab Republic of Egypt** wished to know the time frame within which such corrections had to be sent to the Secretariat.
39. The **President** clarified that those delegations who still wished to make corrections in the Minutes of the first to fifth General Meetings, they should send their written comments to the Secretariat in the next 15 days beginning from 24<sup>th</sup> June 2001. As regards the draft Summary records of the Sixth and Seventh General Meetings, they could do so in 15 days from the day they receive them. The same time frame would apply for the Draft Report of the Special Meeting, i.e. 15 days from the day they receive that report.

40. The Meeting then took up for consideration the **Draft Resolutions on the substantive items**. The **President** referred to draft **RES/40/1. on Matters Relating to the work of the International Law Commission** and said that it was a standard resolution appreciating the work of the International Law Commission. As there were no comments from the floor, the Meeting adopted the resolution.

41. The second draft resolution taken up for consideration was Draft **RES/40/2 on the Law of the Sea**.

42. The **Delegate of the Arab Republic of Egypt** recalled that at the AALCC's 38<sup>th</sup> Session held in Accra (1999), it was decided to take up this item biennially and accordingly it was not placed on the agenda of the 39<sup>th</sup> Session. He thought, perhaps it was a typing mistake indicating the inclusion of the item on the agenda of the 41<sup>st</sup> session.

43. **Mr. M.R.DABIRI, the Deputy Secretary General** stated that the Delegate of Egypt was correct in his observation. The Secretariat had reconsidered the issue and was of the opinion that in view of the current relevance of the Law of the Sea and the important role which the AALCC could play, it had been suggested that the item could be taken up for consideration at each annual session.

44. The **President** stated that being fully aware of the decision taken at the Accra Session, the Secretariat was making this suggestion and if there was no objection it could be accepted.

45. The **Delegate of Sudan** proposed addition of the phrase in operative paragraph 2 line 2 after the word Authority "and other related bodies established by the United Nations Convention on the Law of the Sea,1982".

46. Since there was no objection from the floor, the **President** declared the resolution as adopted.

47. The next resolution for consideration was **RES/40/3 on the Status and Treatment of Refugees**. The President requested the Secretary-General to clarify certain points with regard to that resolution.

48. The **Secretary-General** pointed out that the resolution dealt with two aspects. First, the adoption of the Revised Text of the Bangkok Principles and Second, to keep the item on the agenda of the next session. He said that some delegations had suggested him to add the words "by consensus" in operative Paragraph 1 after the word "Adopts".

49. The **Delegate of the Republic of Korea** stated that all resolutions considered so far had been adopted by consensus. He wished to know whether it was necessary to specify in this resolution that it had been adopted by consensus.

50. The **Secretary-General** clarified that it was not his own proposition. He was approached by some delegations who had made such a suggestion.

51. The **President** stated that the delegation of the Republic of Korea rightly pointed out that it would not be fair to identify a single resolution. And in the absence of any formal proposal by any delegation, it would be redundant to add the word “consensus”.

52. The **Secretary-General** informed the Meeting that he had consultations with some Delegates from the Member States of the Gulf Co-operation Council (GCC). While they agreed in principle to support the adoption of the Revised Text of the Bangkok Principles, they would like to keep their right to make any reservation, which they would communicate to the Secretariat within two months from today. Such reservations would be reflected in the form of footnote to the Revised Text of the Bangkok Principles.

53. The **President** thanked the Delegate of Kuwait and representatives of some other Member States of the GCC for their kind co-operation and understanding.

54. The **Delegate of the Arab Republic of Egypt** appreciated such an understanding which he felt was very reasonable and met the concern of those delegations. He drew attention to the Arabic text of the Revised Text of the Principles and suggested that for the sake of convenient reference the footnotes in the Arabic Text could be shifted from the end to the corresponding articles as had been done in the English text.

55. The **President** assured him that the Secretary-General would consider his suggestion.

56. The **Delegate of Palestine** wished to know whether every delegation had the right to make reservations.

57. The **President** confirmed this and declared adoption of the resolution. He observed that the adoption of the AALCC’s Revised Bangkok Principles of 1966 was culmination of four years efforts to which contributions were made by the Member States. He appreciated UNHCR’s patience and persistence in helping to accommodate the views of Member States and congratulated everyone who was involved in this exercise.

58. The **President** referred to the next Draft Resolution for consideration, **RES/40/5 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.**

59. The **Delegate of Pakistan** referred to operative paragraph 1 and said that it’s language was drafted in such a way as if it had to be adopted by a political organisation and not a legal organisation like the AALCC. In order to bring this into line, he proposed insertion of two paragraphs which read as follows:

“**Affirms** that strict adherence to the rules of international humanitarian law contributes to the establishment of peace and security;

**Also affirms** that violation of the rules of international law in general and those of international humanitarian law in particular jeopardizes the possibility of achieving peace and security;”

60. The **Delegate of Palestine** suggested insertion of word ‘and Peoples’ in line 3 of the operative Paragraph 1 after the word countries and the phrase, “within a framework of international protection” at the end of the sentence in the same operative paragraph. Further, he proposed insertion of “and peoples” in line 2 of the operative para 2, and the word “closely” in line 1 in the operative paragraph 3.

61. The **Delegate of the Islamic Republic of Iran** felt that the draft resolution did not reflect the present situation in Palestine. He said that his delegation had serious problem with the substance of the resolution especially the three preambular paragraphs and the operative Paragraph 1. Therefore, his delegation could not joint the consensus on this resolution.

62. The **President** requested the delegation of Pakistan to give his suggestion in precise formulation so that it could be incorporated in the resolution. He referred to the proposal of Palestine in respect of Preambular Paragraphs 2 and 3 and as there were no comments from the floor, he declared their acceptance by the Meeting.

63. The **Delegate of the Arab Republic of Egypt** observed that since in Preambular Paragraph 2 a reference has been made to ‘comprehensive’, in order to maintain consistency, in Preambular Paragraph 3, the word ‘comprehensive’ should be added.

64. As there were no objection, it was accepted by the Meeting.

65. The **Delegate of the Arab Republic of Egypt** further proposed that in penultimate paragraph a reference to resolution 194 concerning the right of return should be made.

66. The **President** declared that after reflecting these amendments text of the draft resolution will be amended accordingly. As regards the observations made by the Leader of Delegation of Islamic Republic of Iran, it would be mentioned as a footnote to the resolution.

67. The Meeting then took up for consideration draft **RES/40/5** concerning the **Extra-Territorial Application of National Legislation: Sanctions Imposed Against Third Parties.**

68. The **President** read the operative part of the draft resolution and invited comments from the floor. As there were no comments, the resolution was adopted.

69. The next draft resolution for consideration was **RES/40/6** on the **Jurisdictional Immunities of States and Their Property.** As there were no comments the resolution was adopted.

70. The **President** then drew attention of the Meeting to the draft RES/40/7 entitled “**Follow-up of the work of the Preparatory Commission concerning some Aspects of Rome Statute (July 1998) Establishing the International Criminal Court.**”

71. The **Delegate of Pakistan** stated that in view of certain reservations expressed by some delegations made in their statements at the General Meeting, in Preambular Paragraph 2, the word ‘vital’ did not fit in and proposed its deletion. Further, in the next preambular paragraph, instead of “appreciation” the better word would be “satisfaction”. Referring to Preambular paragraph 4, he felt that by an inadvertent oversight the word “signing’ had been mentioned. Since the time for signing had already expired, he proposed deletion of that word.

72. The **President** observed that as far as possible the use of ‘adjectives’ should be avoided. And, if there was a strong view on the proposal to delete ‘vital’, he had no objection to that proposal.

73. The **Leader of the delegation of Islamic Republic of Iran** proposed deletion of the first operative paragraph. In his view, certain outstanding issues such as the definition of crime of aggression were still under consideration in the Preparatory Commission, it would not be advisable to urge Member States at this stage to consider ratifying the Rome Statute. Each Member States had its own domestic system and procedure and would consider taking such action at an appropriate time.

74. The **Delegate of Turkey** was agreeable to the first operative paragraph as set out in the draft resolution.

75. The **President** commenting on the proposal of the Leader of the Delegation of the Islamic Republic of Iran stated that one of the functions of the AALCC was to promote wider acceptance of the international conventions concluded under the auspices of the United Nations. It certainty did not prejudice the sovereign will of Member States to consider becoming Party to any international convention. It was not the intention to impose any obligation on the Member States. It would only help the AALCC to promote its co-ordination and co-operation with the United Nations System. It had been the practice in the past that the AALCC had been making such recommendations. His own delegation’s position in respect of the Convention establishing the International Criminal Court was known. He did not consider that such a recommendation from the AALCC would impose any obligation on the Member States.

76. The **Delegate of Republic of Korea** while appreciating the concern of the leader of the Delegation of the Islamic Republic of Iran stated that keeping in view the general feeling to promote international humanitarian law, he proposed to substitute the word ‘encourages’ replacing ‘urges’.

77. The **Leader of the delegation of the Islamic Republic of Iran** considered the above suggestion useful and could go along with that proposal. He said that his country has signed the Convention establishing the International Criminal Court and was keen to ratify it. However, it would depend on the outcome of the work of the Preparatory Commission on the definition of crime of aggression. He stressed the active participation of the AALCC Member States in the



deliberations in the Preparatory Commission. In his view, it would facilitate the ratification of Statute.

78. The **Delegate of Turkey** referred to Preambular paragraph 4 and said that her preference was to use the word “appreciation” as mentioned in the draft resolution under consideration.

79. The **Leader of the delegation of the Islamic Republic of Iran** reiterated his preference to follow the suggestion of the delegation of Pakistan.

80. The **President** declared that the word ‘satisfaction’ would replace “appreciation” and with that amendment, the resolution was adopted.

81. The **President** next referred to the draft **Resolution 40/8** concerning **Follow-up of the United Nations Conference on the Environment and Development**. He straight went to the operative paragraphs and invited comments from the floor.

82. The **Delegate of Pakistan** referred to operative Paragraph 1 and stated that the language of that paragraph absolutely did not fit in with the characteristics of this organisation. That paragraph was in an imperative form and such a direction could only be issued by a political organisation. He suggested toning down of the language of that paragraph.

83. The **Delegate of Malaysia** speaking about the same paragraph besides proposing a textual correction to add alphabet ‘s’ in the ‘obligation’ also proposed addition of the phrase “in particular, the transfer of technology and the provision of financial assistance” after the word UNFCCC. Further, she proposed to substitute in the beginning of the same paragraph the word “urges” in place of “calls upon” as it was a very strong word.

84. The **Delegate of Pakistan** was prepared to accept the suggestion made by the delegation of Malaysia. He, however, proposed deletion of the words “international community” in the last line. In his view, the indication of obligations concerning transfer of technology and provision of financial assistance was directed towards the international community. Instead, it should read as “urges the developed countries”.

85. The **President** observed that while the Pakistani’s delegations suggestion was more focussed, in order to have a balanced view, the obligations of the developed countries should be aligned with the obligations of others. He stressed the retention of the words “international community” which in his view, would emphasise and ensure the need for co-operation between the developed and developing countries.

86. The **Leader of the delegation of the Islamic Republic of Iran** agreed with the President’s observation and supported retention of the words “international community”.

87. The **Delegate of the Arab Republic of Egypt** endorsing the views of the Delegate of the Islamic Republic of Iran supported the retention of the words “international community”. He, however, suggested that the language of the same paragraph could be further improved. He proposed deletion of the phrase “who have been keeping the largest share of historical and

present emission of green house gases”. He gave an alternative formulation which read as “especially those developed countries with the highest levels of greenhouse gas emission”.

88. The **President** stated that if there was no objection these amendments could be made and declared the adoption of the resolution.

89. The **President** referred to the next draft **RES/40/10** on the Progress **Report concerning the Legislative Activities of the United Nations and other International Organisations concerned with International Trade Law**. He observed that it was a standard resolution basically commending UNCITRAL for completion of its work on the various items assigned to it. As there were no comments from the floor, the President declared adoption of the resolution.

90. The next draft resolution taken up for consideration was **RES/40/10 on the “WTO as a Framework Agreement and Code of Conduct for World Trade”**.

91. The **President** stated that the AALCC had special interest in the WTO dispute settlement mechanism. In view of the current importance of a number of issues before the WTO, the AALCC might take up specific issues for further study.

92. The **Delegate of the People’s Republic of China** felt that in the second line in the operative Paragraph 2, instead of specific reference to African countries, either there could be reference to Asian and African countries, or to developing countries in general. Therefore, he proposed deletion of the words “more particularly countries in the African region”.

93. As there were no comments from the floor, the President stated that the proposal of the Delegate of China was acceptable and declared the adoption of the resolution.

94. The **President**, next drew attention of the Meeting to the draft resolution **RES/40/11 on International Terrorism**”. He briefly dealt with the contents of the resolution and invited comments from the floor.

95. The **Delegate of Sudan** proposed addition of a new paragraph to reflect the repeated calls of the United Nations to its Member States to refrain from disseminating unverified and unascertained information related to elimination of international terrorism.

96. The **President** observed that the Delegate of Sudan’s proposal was aimed at curbing the spread of rumours and false propaganda in dealing with combating terrorism. It was a reasonable proposal. He sought the views of the delegations on this proposal.

97. The **Delegate of Republic of Korea** was of the view that the proposal was a strong one and could give a wrong impression about the United Nations role in this regard.

98. The **President** stated that there was some misunderstanding about the proposal. That proposal, he added, did not attribute any allegation to the United Nations. He asked the Delegate of Sudan to further clarify the intent of his proposal.

99. The **Delegate of Sudan** explained that his proposal reiterated the appeal made by the United Nations not to resort to propaganda and false information as it could deviate the efforts of the international community to combat terrorism.

100. The **President** further clarified that the intention was to discourage the States and not the United Nations.

101. The **Delegate of Republic of Korea** expressed his satisfaction over the explanations given by the President.

102. The **Delegate of Kuwait** suggested that the draft resolution should refer the exception that any armed struggle for liberation and self-determination would not be considered as an act of terrorism.

103. The **Delegate of Oman** stated that while the draft resolution condemns all acts of terrorism, it did not speak about the definition of the term terrorism. He suggested a reference could be made to any document, which pin-points that terrorism did not include people's right to defend themselves against aggression.

104. The **Delegate of Turkey** referred to the proposal of Sudan and stated that for the sake of clarity the number of the United Nations resolution should be mentioned.

105. The **Delegate of Syria** said that terrorism should be considered as a crime and there should be a distinction between terrorism as a crime and struggle for independence and against occupation.

106. The **President** said that while the intervention made by the delegation was very legitimate, however, these issues were still under consideration in the Working Group of the Sixth Committee of the General Assembly of the United Nations. During the course of the discussions in that Working Group, proposals and counter proposals have been made regarding the definition of terrorism. No conclusions have yet been reached. No exceptions have been agreed. It might be difficult for this Meeting to achieve a consensus on these substantive issues. The draft resolution under consideration was merely intended to ask the Secretariat to monitor the developments in the Working Group which would be meeting in October this year and February next year. Since the Working Group had not yet taken any decision on these matters, it would not be desirable to anticipate any decision in this Meeting. As the Leader of the delegation of India, he was involved in the negotiations in the Working Group. Speaking as the Delegate of India, he appealed to the Delegates not to insist on any substantive amendments to the draft resolution under consideration. Without any prejudice to the position of any delegation, he reiterated the sensitive nature of the issues raised. He said that at the Working Group Meeting proposals have been made by Malaysia and some other delegations on these issues. Those proposals were still under consideration. Since this Meeting had no opportunity to discuss these proposals, thus no consensus could be arrived at. In his view, at this juncture the best forum to discuss these issues would be the Working Group of the Committee of the General Assembly. As far as this organisation was concerned, it could take up these matters at its next

session. By that time, it would be in a position to consider the progress made in the Working Group. He therefore appealed to Delegates to let this draft resolution be adopted in its present forum. It would not prejudice the positions taken by any delegation.

107. The **Delegate of the Arab Republic of Egypt** stated that while the issue of definition was quite a controversial one and could not get support in the Working Group Meeting, nonetheless, the issue of distinction between the terrorism and the rights of people to struggle under foreign occupation was enshrined in the United Nations Charter. He referred to the resolution 4 of the General Assembly of the United Nations which was very clear on this matter. He said that like his delegation, the delegations of Sudan, Kuwait had explicitly referred in their statements made during this session, to the issue of distinction between terrorism and people's right to struggle against foreign occupation. No one could challenge that. It was a principle recognised in the United Nations Charter.

108. The **President** felt that he had been put in a difficult position. He would like to resume his seat as Indian delegation. So that he could explain his delegations position properly. He said that he would like to invite the Vice-President to take the chair.

109. The **Vice-President, speaking as the Delegate of Nigeria** said that the Delegate of the Arab Republic of Egypt was opening a Pandora's box. In this way, the discussions could go on and the Meeting would be prolonged. In his view, the President had wisely explained and made very fair proposition which would not harm any delegation. He proposed adoption of the resolution and move to the next item.

110. The **President** felt that it was a long day and perhaps he had become emotional. He urged the Delegates to bear with him. He said that it would be illusionary to think that there could be an early solution. He assured the Delegates that their views have been noted and would be duly reflected in the minutes of the Meeting. He recalled that, in his delegation's statement made earlier at this session, his delegation had assured that as an initiator of this proposal, his delegation was prepared to consider proposals and suggestions made at this session. However, he urged Delegates not to push his delegation in one direction or another. The AALCC provided a very useful forum for discussion. However, when the United Nations was seized with this matter, no hasty conclusions should be drawn here.

111. The **Delegate of Palestine** reiterated that his Government was against terrorism in all its forms and manifestations. However, stressing the need to make a distinction between terrorism and struggle for independence and self determination, and to reflect that point of view, he proposed addition of a new para reading as "The struggle of People is a legitimate right in order to gain independence and self determination". That in his view, would make the resolution under consideration balanced and reflect the views of all delegations.

112. The **Delegate of the Arab Republic of Egypt** stated that he also wished that this long session should be concluded; but not at the cost of integrity of the work. His sole objective was to propose a compromise and for that, operative Paragraph 2 could be the common ground addressing the concerns of the delegations who had stressed on this issue. He was prepared to draft a text on these lines and submit the same to the Secretariat.

113. The **President** while appreciating his help asked him to do so. He said that he wished to resolve the issue. The meeting should not be bogged down. He said that judging from the mood of the delegations it was his impression that it would be desirable to wait until the discussions in the Working Group of the Sixth Committee progressed on this issue.

114. The **Delegate of Ghana** was of the view that this issue had already been resolved in the Preambular paragraph 2 which recalled. General Assembly resolutions including resolution 41/64. It should meet the concern of the Delegate of Egypt.

115. The **Delegate of Turkey** did not consider it necessary to add anything new to the text.

116. The **Delegate of Kuwait**, said that the issue was not of drafting a proposal. It was a principle accepted by the United Nations as a result of long struggle of the Third World Forces.

117. The **President** asked the delegation of Kuwait, where he would like to place that paragraph.

118. The **Delegate of Kuwait** suggested that it should be placed in the preamble.

119. The **Delegate of the Arab Republic of Egypt** quoting from the U.N. General Assembly resolution 46/94 entitled "Measures to Eliminate International Terrorism" which emphasised the distinction between the acts of terrorism and the legitimate rights of peoples under foreign occupation to struggle towards to achieve the legitimate right of self determinations.

120. The **President** observed that while there were slight differences between Kuwait and Egyptian delegations' suggestions nonetheless they expressed the same sentiments. On the other hand, the delegation of Nigeria and some others were of the view that the draft resolution as presented was neutral and should not be amended in such a way as it could prejudice the position of the delegations. Expressing his concern that such a division was not a practice followed in the Committee. It would harm the Organization.

121. The **Delegate of Tanzania** felt that in view of all the statements that had been made, it was time to proceed further and take a decision on this matter. In his view, the matter could be further discussed at the next session.

122. The **Delegate of Palestine** stated that the language of operative Para 1 of the draft was not impartial and clear and hence it should be deleted.

123. The **Delegate of Islamic Republic of Iran** observed that if para 1 was to be deleted, it would necessitate modification of para 2. He said that the Secretariat should take into consideration UN Resolution 49/90 which contained the Declaration to combat terrorism and the more recently Resolution 51/210.

124. The **Delegate of Oman** also suggested deletion of operative paragraph 1.

125. The **President** while agreeing with the deletion of Paragraph 1 stated that it was a good compromise. He declared adoption of the resolution and thanked the delegations for their co-operation.

126. The next draft resolution placed for consideration was **RES/40/S.13** on “**Establishing Co-operation Against Trafficking in Women and Children**”.

127. The **Delegate of Nigeria** proposed certain textual changes in the second preambular paragraph. He suggested that the word “victimized” should be replaced by “exploited”. Further in Preambular paragraph 3, in line 2 the word ‘sexual’ to be replaced by ‘human’ and the last word in the same para ‘beings’ by ‘persons’.

128. The **President** stated that as there were no objections, these amendments would be carried out.

129. The **Delegate of Singapore** referred to the operative paragraph 2 which dealt with the Secretariat proposal to draft a model legislation. In his view, there had been no opportunity to discuss the proposal in detail and its objectives were also not clear. He, therefore, proposed its deletion from the operative part and to place it in the preambular paragraph reading as “Noting the Secretariat proposal to undertake preparation of draft model legislation aimed at preventing and combating the trafficking of Women and Children”. He also proposed renumbering of operative paragraphs by bringing para 4 in place of para 2, thus emphasizing the mandate to the Secretary-General to explore the feasibility of organizing a seminar.

130. The **Delegate of the Islamic Republic of Iran** also proposed deletion of operative paragraph 2. However, if other delegations insisted on its retention, its language would need to be modified.

131. The **Delegate of Indonesia** proposed certain changes in the preambular paragraph 3. The new para should read “.....all forms of violence such as sexual and physical, sexual harassment, trafficking in women and children and assassination”

132. The **Delegate of Nigeria** observed that ‘assassination’ had nothing to do with trafficking in women and children. Further, the words like ‘Harassment’ did not fit in that para. It would tend to water down that paragraph.

133. The **President** agreed with these observations. He asked the Delegate of Indonesia whether she would like to reconsider her suggestion in the light of observations made by the delegation of Nigeria.

134. The **Delegate of Indonesia** did not press for her amendments.

135. The **President** referred to the observations made by the delegations of Singapore and the Islamic Republic of Iran regarding the mandate to the Secretariat to prepare a draft model legislation. He felt that the matter had not been focused and properly identified. However, the

preparation of a model legislation could be helpful for those states who wished to become parties to the Convention and were in the process of the preparation of their own implementing national legislation.

136. The **Delegate of the Islamic Republic of Iran** while appreciating the intention of the Secretariat, observed that each state had to adjust its national legislation in terms of the Convention to which it becomes a party.

137. The **Delegate of Nigeria** recalled that during the discussions in the Special Meeting, one of the matters brought out was how IOM could be useful in helping the countries in this regard. The intention of the mandate was to ask the Secretariat to look into the preparation of a model legislation in co-operation with the international organization for migration for the use of those countries which needed such assistance. It was without any prejudice. It was for states to consider what and how they liked to do about it.

138. The **Delegate of People's Republic of China** as a compromise proposed the deletion of that para and suggested that the concerns expressed by delegations could be reflected in operative para 3, by adding the phrase "especially the necessity and feasibility of drafting of any model legislation".

139. The **President** considered that it was a very helpful suggestion. Accordingly, operative para 2 was deleted, and para 3 was amended, incorporating the suggestions of the delegation of People's Republic of China. Finally the resolution was adopted.

140. The **President** then drew attention of the Delegates to the last draft resolution **Res/40/SP1** which dealt with the matters concerning **the Special Meeting on Some Legal Aspects of Migration**. He said until now this item had focused on migrant workers. The Special Meeting on Migration dealt with migration issues in the broader aspects.

141. The **Secretary General** observed that the deliberations in the Special Meeting highlighted the great need both sending and receiving countries to sit together.

142. The **President** pointed out that in operative paragraph 5, there was typographical error, the word "migration" should be replaced by "migrant workers".

143. The **Delegate of Singapore** referred to the last paragraph in the Preamble and stated that the mandate of the Secretariat was confined to seeking written comments from Member States on the utility of drafting a model legislation. That process had not been fully completed and there was no need to jump the gun by requesting the Secretariat to undertake preparation of a model draft legislation. Singapore had earlier initiated the discussion on the utility and also suggested the need to identify all issues that would affect all the Member States. He said that the deliberations in the Special Meeting had confirmed the complexity of the problem. Moreover, there should be some kind of balance between the attention being given to source countries, the transit countries, host countries and of course to the problems of repatriation.

144. The **Secretary General** drew attention of the Delegate of Singapore to the last paragraph of the Preamble which set out the mandate to draft model legislation. While agreeing with him that the response from the Member States was not enough, however it was a continuing process.

The proposal to draft a model agreement came out as an idea after deliberations in the Special Meeting where issues of sending and receiving countries were raised. It would be desirable to consider these issues within the framework of model agreement for co-operation between the protection of migrant workers and rights of sending and receiving states and the duties of migrant workers. That is why, the suggestion was to prepare a balanced model looking into the rights of both sending and receiving countries, workers in receiving countries, sovereignty of receiving countries. That was the aim of that paragraph which concerned the process of a model legislation.

145. The **Delegate of People's Republic of China** expressing his concern about paragraph 5 suggested deletion of all that has been set out after the word "deliberations". Further, in second para he proposed deletion of "collaboration....." And the operative paragraph 5 could be redrafted by inserting wordings "to explore the feasibility.....".

146. The **President** thanked the Delegate of China for his useful suggestions. If there was no objection to that suggestion it could be accepted and preambular para 5 could reflect that change. It was so agreed.

147. The **Delegate of Singapore** further pointed out that after going through the mandate of the AALCC's 38<sup>th</sup> Session's resolution, there was only one recommendation. He, therefore, suggested deletion of the word "inter alia" in preamble paragraph 2.

148. The **President** saw no objection to this proposal and accepted it, and subject to these amendments, the resolution was adopted.

149. The **President** announced that all the resolutions on substantive issues had been considered and adopted.

150. The **Secretary General** expressed his happiness over the completion of the work on the substantive items. He drew attention to the last item on the agenda "venue of the 41<sup>st</sup> Session". He had received proposals from some Member States. There was now a firm offer to host the 41<sup>st</sup> Session. He requested the President to give the floor to the Hon'ble Delegate of Nigeria.

151. The **President** requested **Hon Chief Bola Ige (SAN)** to make his statement.

152. The **Delegate of Nigeria** stated with great humility and respect his delegation would consider it an honour and would be grateful if the Federal Republic of Nigeria was allowed to host the 41<sup>st</sup> Session of the AALCO at Abuja, the Federal capital of Nigeria if agreeable in the first week of March 2002. The season during that time was neither rainy nor hot. He thanked all the delegations in advance for accepting his Government's invitation.

153. The **President** declared that the motion was carried. He said that the AALCO accepts the kind invitation of the great country Nigeria to host AALCO's 41<sup>st</sup> Session in Abuja in March next year with great pleasure and gratitude.



154. The **Delegate of the Republic of Korea** raised a question about the procedural matter concerning adoption of the resolutions. First of all, he thanked the Secretariat for the immense efforts put in to prepare the draft resolutions. However, it was his understanding that in many international conferences, draft resolutions were distributed at the beginning of the Conference in order to give time for consideration by the delegations. He suggested that from the next session the Secretariat could distribute draft resolutions at the beginning of the Session, it would be most helpful.

155. The **Secretary General** explained that in practice draft resolutions were drafted after the item was discussed during the Session, taking into consideration what had been said during deliberations. However, the Secretariat would try to do it. After the discussion on an item were complete, the Secretariat would prepare the draft resolution on that item and distribute it to the participants, and it would not wait to give the entire set of resolutions on the last day.

156. The **President** said that the point made by the distinguished Delegate of Republic of Korea was a good one. Since the Secretariat was not in a position to circulate draft resolutions, without consultation with the concerned delegations which have placed the particular item on the agenda, he thought it would be appropriate, that these resolutions be given as early as possible to the delegations. It was the wish of the Delegate of the Republic of Korea and the Secretary General agreed with that and it would be done as such. He apologized on behalf of the Secretariat and on behalf of the Secretary General for any inconvenience that had been caused to the delegations for not being able to do so with respect to some sensitive resolutions for which they did not have enough time to react.