

**SUMMARY RECORDS OF THE SEVENTH GENERAL MEETING HELD ON FRIDAY 19 JULY 2002, AT 5.30 P. M.**

H. E. Al-Musa Elayo Abdullahi, Minister of State for Justice, Federal Republic of Nigeria on behalf of the President in the Chair

1. The Meeting took up for consideration the item “**Adoption of the Summary Records of the General Meetings**”.

2. The **Secretary-General** informed that the Secretariat has prepared the Summary Records of the First, Second, Third and Fourth General Meetings for consideration and adoption. The summary records of the remaining general meetings would be prepared by the Secretariat and forwarded to the respective diplomatic missions of Member States in New Delhi.

3. The **Delegate of the Islamic Republic of Iran** suggested that instead of partly adopting the summary records, a full set of summary records could be prepared and sent to the Member States through their diplomatic missions in New Delhi. A time-limit of 2 months could be stipulated to receive comments and observations from the Member States on the summary records.

4. The **Delegate of India** supported this suggestion.

5. The **Secretary-General** commenting on the suggestion as to the time-limit of a 2-months period, stated that the Secretariat would wish to have the comments from Member States atleast by the end of August 2002.

6. Based on this understanding, the Meeting then took up the agenda item **Adoption of Resolutions on Substantive Matters**”.

7. The resolution on “Matters Relating to the Work of the International Law Commission” (RES/41/1) was adopted without any modification.

8. The resolution on “Law of the Sea” (RES/41/2) was adopted subject to certain drafting changes to operative paragraph 2 as proposed by the President; and the delegations of India and China.

As regards operative paragraph 3, the Indian Delegate proposed the inclusion of the Phrase “in the Review of the” preceding the words “...United Nations Informal Consultative Process...”.

Following the suggestion by the Delegate of India, a new operative paragraph was included to read as follows:

“4 Urges also full and effective participation of Member States in the UN General Assembly’s Special Meeting to commemorate the Twentieth Anniversary of the United Nations Convention on the Law of the Sea, 1982”.

9. RES/41/3 on “The Status and Treatment of Refugees” was adopted, subject to minor grammatical changes suggested by the Delegate of Ghana to operative paragraph 2 of the resolution.

10. The Meeting decided that 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” (RES/41/4) was to be finalized by the Secretariat, after its receipt of the written proposals/modifications from the Islamic Republic of Iran and Tanzania.

11. Tanzania has suggested the following amendments to this resolution:-

1. Deletion of preambular paragraph 4,

2. Deletion of the phrase "and their elected leadership" in the last line of preambular paragraph 7.
3. Proposes the phrase "Urges the State of Israel to comply..." to replace the phrase "Demands that Israel, the Occupying Power comply..." in operative paragraph 1.
4. As regards operative paragraph 2, following are the proposed changes:
  - (a) Reformulating the first line to read as: "Urges both parties to the Middle East crisis to cease with immediate effect all acts of violence..."
  - (b) Proposes deleting the word "occupying" in the third line of the paragraph.
  - (c) Proposes deleting the phrase "as a first step for ending the Israeli occupation of Palestinian land occupied since 1967" in the last line of the paragraph.

12. The Secretariat is awaiting the written comments from the Islamic Republic of Iran.

13. The resolution on "Legal Protection of Migrant Workers" (RES/41/5) was adopted without any amendments.

14. The resolution on "The Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties" (RES/41/6) was adopted without any changes.

15. The resolution on "Jurisdictional Immunities of States and Their Property" (RES/41/7) was adopted without any changes.

16. The Meeting then took up for consideration the resolution on "International Terrorism (RES/41/8).

17. The Delegate of India invited attention to operative paragraph 2 of the resolution, which read as follows:

"2. Requests the Secretary General to study the need to convene an inter-sessional meeting for in-depth study of this important item and its root causes;"

The Indian delegate was opposed to the resolution's formulation as regards the study of root causes. It was the delegate's view that the AALCO was not the appropriate forum to address root causes. He drew attention to operative paragraph 4 of the Resolution on Special Meeting on Combating Terrorism and Human Rights (RES/SP/1) which read as follows:-

"4. Endorses the view that the international community in its fight against terrorism, should also address the root causes of terrorism".

Drawing reference to this formulation, the Delegate was of the opinion that addressing root causes involved study of policy aspects, touching on the economic, political and social dimensions of the problem, which was beyond the competence of the AALCO Secretariat, and should rightfully be addressed by the international community. Therefore, he proposed the deletion of the reference to root causes in operative paragraph 2 of the RES/41/8/.

18. This proposal was opposed by the Delegates of Islamic Republic of Iran, Pakistan, Oman and Uganda. The delegates pointed out that virtually all the speakers who participated in the discussion on this agenda item had referred to root causes of terrorism and hence the reference in the resolution should be retained.

The **Secretary-General** pointed out that the resolution was merely seeking a mandate for the Secretary-General to examine the root causes. He said that the resolution had no reference to the AALCO Secretariat, so the finer analysis whether it was a legal or policy issue or whether the Secretariat was within its mandate to do a study did not arise. As there were many experts in the Asian-African region, possibly an inter-sessional meeting of such experts could examine the root causes of terrorism, in all its dimensions.

In order to break this dead lock, the Secretary-General presented the following options:-

- (a) Possibility of India appending a reservation to the resolution;
- (b) Consideration of an alternative formulation to the effect that the phrase “and its root causes” in operative paragraph 2 be replaced by the phrase “in all its aspects”.

The **President** strongly urged the delegates to consider the Secretary-General’s proposals in a spirit of accommodation and consensus and resolve the issue.

Finally, the **Delegate of India**, in deference to the President’s request stated that his delegation would accept the second proposal (b) as presented by the Secretary -General. The operative paragraph 2 as finally adopted reads as follows:-

“2. Requests the Secretary General to study the need to convene an inter-sessional meeting for in-depth study of this important item in all its aspects;

A new operative paragraph 3 was included, on the suggestion of the Delegate of Tanzania, which reads as follows:

“3. Requests the Secretary-General to include in its web-site national legislation enacted by Member States to combat terrorism, to facilitate exchange of information among Member States”.

19. The resolution on “Establishing Co-operation Against Trafficking in Women and Children” (RES/41/9) was adopted without any modification.

20. The resolution on “Follow-up of the Work of the Preparatory Commission concerning some Aspects of Rome Statute (July 1998) Establishing the International Criminal Court” (RES/41/10) was adopted subject to the written amendments proposed by the Delegate of Pakistan to replace the words “Assembly of the Member States” in operative paragraphs 2 and 3 with the words “Assembly of States Parties”.

21. The resolution on “An Effective International Legal Instrument Against Corruption” (RES/41/12) was adopted without any modification.

22. The resolution on “Human Rights in Islam” (RES/41/15) was adopted without any modifications.

23. The resolutions on “The Progress Report concerning the Legislative Activities of the United Nations and Other International Organizations concerned with International Trade Law” (RES/41/13); and on “WTO as a Framework Agreement and Code of Conduct for World Trade” (RES/41/14) were adopted without any amendments.

24. The resolution on “Special Meeting on Combating Terrorism and Human Rights” (RES/SP/1) was adopted subject to the proposal of the Delegate of Pakistan to include the word “should” in operative paragraph 4 preceding the phrase “also address the root causes of terrorism”.

25. After the adoption of resolutions the Meeting then took for consideration the agenda item relating “**Venue of the 42<sup>nd</sup> Session of the AALCO**”.

26. The **Secretary-General** informed that the Government of the Republic of Korea had by letter dated 4 June 2002, informed the Secretary-General of its proposal to host the 42<sup>nd</sup> Session of the AALCO in the Republic of Korea. On receipt of this letter, the same has been circulated to the diplomatic missions of all Member States in New Delhi. Meanwhile, the Head of the Delegation of Indonesia had orally expressed his country’s desire to the Secretary-General to host the 42<sup>nd</sup> Session of AALCO. The Secretary -General informed that he had requested both Republic of Korea and Indonesia, in a spirit of co-operation, to reach on understanding on the hosting of the 42<sup>nd</sup> session. As the time was short to conclusively decide the matter, the Secretary-General stated that the following understanding has been arrived at among the Secretary-General and the Delegations of the Republic of Korea and Indonesia.

- (a) On principle and for the time being, Republic of Korea would host the 42<sup>nd</sup> Session.
- (b) Meanwhile the Governments of the Republic of Korea and Indonesia would undertake further consultations in this regard and communicate the results of their consultations to the Secretary-General of 15<sup>th</sup> August 2002.
- (c) Following such consultations, if there was no communication to the Secretary-General from the Government of Republic of Korea withdrawing its offer, then it would be agreed that the 42<sup>nd</sup> session would be hosted by the Republic of Korea.

27. On the request by the Secretary-General, the Meeting endorsed this understanding.

28. On behalf of the participants to the AALCO session, the Secretary-General proposed a message of thanks would be sent to His Excellency Chief Olusegun Obasango, Hon'ble President of the Federal Republic of Nigeria. Following is the text of the message as endorsed by the meeting: -

"We, the participants in the 41<sup>st</sup> Session of the Asian-African Legal Consultative Organization, wish to convey our profound gratitude and appreciation to Your Excellency and through you to your esteemed Government and the people of the Federal Republic of Nigeria for hosting the annual Session of AALCO in this beautiful city of Abuja.

Excellency, your inspiring message delivered through the Hon'ble Vice- President of the Federal Republic of Nigeria set the tone for the start of our deliberations. The serene atmosphere and the conducive ambience of the beautiful city of Abuja offered the congenial setting for our Meetings. Your Excellency would be pleased to hear that this Session was marked by a spirit of constructive co-operation amongst attending delegations, thus enabling us to take important decisions on substantive and organizational matters.

Apart from the task accomplished on substantive matters, the Session provided an opportunity for participants from far-flung places of Asia and Africa to acquaint themselves and partake of the rich cultural heritage of Nigeria. We also had a glimpse of the commendable economic and infrastructural development being ushered in Nigeria under your able leadership and guidance.

The rigours of hard work that attended a week-long Session were considerably mitigated by the excellent administrative arrangements and warm and generous hospitality extended to all of us. For this gesture, we profoundly thank through Your Excellency, your esteemed Government and all the committed officials for their willing and ever available co-operation. The traditional African hospitality and the natural warmth and cheerfulness of the Nigerian people have left an indelible impression on every one of us.

Excellency, we reiterate our thanks to you and we carry with us very fond and cherished memories of our stay in this wonderful and charming city of Abuja and we sincerely wish to Nigeria, total success in all its endeavours and its development, over-coming any obstacle that may confront in the achievement of its national goals. May God bless you, the Government and the People of Nigeria."

29. The **President** thanked the delegates for the warm and appreciative words and assured that he would transmit the message to the Hon'ble President of the Federal Republic of Nigeria.