

SUMMARY RECORD OF THE THIRD GENERAL MEETING HELD ON TUESDAY, 16 JULY 2002, AT 2.30 P. M.

Vice-President Hon'ble Prof. Dr.Yusril Ihza Mahendra, in the Chair

1. The Meeting took up the item "**Law of the Sea**".
2. The **Secretary-General** welcomed Hon'ble Dr. P. C. Rao, President of the International Tribunal for the Law of the Sea (ITLOS) and said that ITLOS provided useful framework for the settlement of disputes concerning the interpretation or application of the Convention.
3. **Mrs.Toshiko Shimizu, Deputy Secretary-General** stated that Law of the Sea was one item which had been consistently on the agenda of AALCO's annual sessions since 1970. In fact, it was the single most important item during the entire decade of 1970's and new concepts such as Exclusive Economic Zone, Archipelagic States, Rights of Land locked States originated and developed in the course of deliberations in the AALCO meetings which later became part of the 1982 Law of the Sea Convention (UNCLOS).

After the conclusion of the United Nations Convention on the Law of the Sea in 1982, the AALCO's Work Programme was oriented towards assisting Member States in matters concerning their becoming parties to the Convention and other related matters. With the entry into force of the Convention in 1994, the process of establishment of institutions envisaged in the Convention began. The AALCO Secretariat prepared studies monitoring these developments and the Secretariat documents for AALCO's annual sessions reported on the progress of work in the International Sea Bed Authority, the International Tribunal for Law of the Sea, the Commission on the limits of the continental shelf, the Meeting of states parties to the Convention and other related developments.

The General Assembly by its resolution 54/33 of 24 November 1999 established an open-ended consultative process on ocean affairs (UNICPO) to review the developments related to the ocean issues, consistent with the UNCLOS and Chapter 17 of Agenda 21. The AALCO Secretariat had been monitoring the deliberations at those meetings. The reports of these meetings contain exhaustive programmes for consideration. Keeping in view the limited resources of AALCO, she believed that it would be desirable to select certain areas which were of primary concern to AALCO Member States and urged them to identify those areas so that a viable follow-up work programme could be taken up.

4. **Dr. P. C. Rao, President of the International Tribunal for the Law of the Sea** thanked the Secretary-General of AALCO for inviting him to participate at the Session. He also expressed his gratitude to the Government of Nigeria for the hospitality extended to him.

He said that the most important and radical feature of the United Nations Convention on the Law of the Sea concerned the exclusive economic zone. He recalled that it was at the Colombo Session of AALCO that the concept of the Exclusive Economic Zone took its initial inspiration. Representatives of the Latin American countries were also present at the Colombo Session. He said that AALCO should be legitimately proud of its contribution in the making of the UNCLOS.

The United Nations Convention on the Law of the Sea set out the legal framework within which all activities in the oceans and seas must be carried out. It contained in Part XV provisions for the settlement of disputes. It was this part, read with Annex VI of the Convention, that provided the basis for the establishment of the International Tribunal for the Law of the Sea. The Statute of the Tribunal was contained in Annex VI to the Convention.

The Tribunal is composed of judges from the principal legal systems of the world, in accordance with the principle of equitable geographical representation.

He said that the Convention required States Parties to settle their disputes concerning the interpretation or application of the Convention by peaceful means indicated in the Charter of the United Nations. The Convention does not provide for a single procedure for the settlement of disputes but gives a choice to the disputing parties in this regard. The Tribunal was one of the means for the settlement of disputes concerning the interpretation or application of the Convention. The Tribunal has been assigned a special role in the settlement of the Law of the Sea disputes. He cited the following reasons among others.

1. The Tribunal is a standing court, consisting of judges with recognized competence in the field of Law of the Sea. Like the ICJ, it is a world court but with jurisdiction limited to the Law of the Sea.

2. Unless the parties otherwise agree, the jurisdiction of the Tribunal becomes obligatory in the matter of prompt release of vessels and crews under Article 292 of the Convention, and in the matter of provisional measures under Article 290, paragraph 5 of the Convention.

3. The Seabed Disputes Chamber of the Tribunal also enjoys almost exclusive jurisdiction in disputes with respect to activities in the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction. It is this Chamber which is competent to give advisory opinions at the request of the Assembly or the Council of the Seabed Authority on legal questions arising within the scope of their activities.

4. The jurisdiction of the Tribunal is not limited to disputes under the Convention; it extends to all disputes specifically provided for in any other agreement which confers jurisdiction on the Tribunal. Examples of such agreements are the 1995 Agreement on Straddling Fish Stocks and the 1996 Protocol to the London Dumping Convention.

5. If all the parties to a treaty or convention already in force and concerning the subject matter covered by the Convention so agree, any dispute concerning such treaty or convention may also be submitted to the Tribunal.

6. The Tribunal may give an advisory opinion on a legal question if an international agreement related to the purposes of the Convention specially provides for the submission of a request for such an opinion.

7. Very significantly, the Seabed Disputes Chamber is open to non-State entities in disputes with respect to the activities in the International Seabed Area.

8. Finally, the Tribunal, is also open to non-state entities in any case submitted pursuant to any agreement conferring jurisdiction on the Tribunal which is accepted by all the parties to that case.

He said that the Parties could choose between having a dispute heard by the full court, which includes all its judges, and having a dispute heard by one of its special chambers. Special chambers for dealing with particular categories of disputes include the Chamber of Summary Procedure, the Chamber for Fisheries Disputes and the Chamber for Marine Environment Disputes.

The Tribunal may also be required to form a special chamber for dealing with a particular dispute submitted to it, if the parties so request. The composition of such a chamber is to be determined by the Tribunal with the approval of the parties. This option would be of particular interest to parties considering arbitration as a means for the settlement of disputes. The costs of a special chamber are met from the general budget of the Tribunal and not imposed on the parties to a case directly. If an ad hoc chamber does not have a member of the nationality of one of the parties, that party may choose a person to participate as a member of the special chamber. This remains valid even if the Tribunal (as distinct from its ad hoc chamber) has on the bench a member of the nationality of that party.

He gave an example whereby at the request of Chile and the European Community, the Tribunal, by its Order dated 20 December 2000, constituted a special chamber of 5 judges to deal with a dispute between the two concerning the conservation and sustainable exploitation of swordfish stocks in the South Eastern Pacific Ocean.

This was the first time that a special chamber of the Tribunal under article 15, paragraph 2 of the Statute had been formed for dealing with a particular dispute. It was also significant that the Chile-European Community case, a case between a State and an international organization was the first of its kind to come for adjudication in the contentious jurisdiction of a world court.

He said that the Tribunal was now five years old. During the first year it worked on its Rules, the Resolution on the Internal Judicial Practice and the Guidelines concerning the Preparation and Presentation of Cases before it and thus equipped itself to handle its judicial business. The Tribunal, during the subsequent years, dealt with ten cases. These cases brought into focus a range of issues concerning, among other things, the rights and jurisdiction of a coastal state, freedom of navigation, hot pursuit, conservation and management of the living resources of the high seas, protection of the marine environment, and prompt release of vessels and crews. It may be of interest to note that African and Asian States were involved in about half of the cases dealt with by the Tribunal.

He informed the meeting that the Tribunal's judgements, orders and other case materials are available on the Tribunals website (www.itlos.org for the English version and which had been in operation since 9 November 2001).

The Tribunal has shown full commitment and skill in resolving complex disputes in accordance with the Convention within remarkably short periods. It has eschewed doctrinaire approaches in its expositions of the provisions of the Convention. This was in no small measure due to the fact that almost all the judges of the Tribunal were involved in drawing up the Convention. The Tribunal is the only body whose judges were also the draftsmen of the instrument they are asked to interpret and apply.

He referred to General Assembly Resolution 56/12 of 28 November 2001, in which the Assembly, while noting the contribution of the Tribunal to the peaceful settlement of disputes in accordance with the Convention, underlined the Tribunal's important role and authority concerning the interpretation or application of the Convention. He also recalled with appreciation the resolution of the Asian-African Legal Consultative Organization adopted on 24 June 2001 at its fortieth session in which this august body welcomed the active role being played by the International Tribunal for the Law of the Sea in the peaceful settlement of disputes with regard to ocean related matters.

He hoped that in line with the Tribunal's important role in the dispute settlement scheme of the Convention an increasing number of States would make declarations under Article 287 of the Convention choosing the Tribunal as the means for the settlement of disputes concerning the Convention.

He said that, under Annex VII to the Convention, every State Party was entitled to nominate four arbitrators. He informed that only four States from Asia and Africa had so far nominated arbitrators. Annex V to the Convention required the Secretary-General of the United Nations to maintain a list of conciliators. It enabled every State Party to nominate four conciliators. Only three States from Asia and Africa had so far nominated conciliators. He invited States Parties present at the session that had not yet done so to nominate conciliators and arbitrators in accordance with Annexes V and VII to the Convention.

He drew attention to the Trust Fund established by the Secretary-General of the United Nations, pursuant to General Assembly Resolution 55/7, for the purpose of assisting States in the settlement of disputes through the Tribunal. The purpose of the Fund is to provide financial assistance to States Parties to the Convention for expenses incurred in connection with cases submitted, or to be submitted, to the Tribunal, including its Chambers. Assistance would be provided in appropriate cases, principally those proceeding to the merits where jurisdiction is not an issue, but in exceptional circumstances may be provided for any phase of the proceedings. So far only one State – the United Kingdom has made a

contribution of US\$ 24,865 to the Fund. He hoped that more contributions will be forthcoming especially from the developed countries to make this fund meaningful. It is a shared objective that financial hardship should not stand in the way of seeking recourse to the Tribunal. The Secretariat of AALCO may consider circulating to its members copies of the General Assembly Resolution on the subject.

In all aspects of its work, the Tribunal attaches significance to being as cost-effective as possible and, where appropriate, has reflected this in its procedures. It is fully aware of the need to minimize the costs of international adjudication to the parties that contribute to the budget of the Tribunal. In this respect, the Tribunal hopes to benefit from recent developments in technology and makes constant efforts to be user-friendly.

While the Tribunal's accomplishments in the course of the last five years or so have not been insignificant, it is obvious that the Tribunal had not been put to full use. The Tribunal will be able to live up to the community expectations only when litigants, especially States, make full use of it.

In his concluding remarks, he wished the Secretary-General of the AALCO all success in his endeavours and said that the International Tribunal for the Law of the Sea wished to have closer co-operation with AALCO.

5. The **Delegate of the Arab Republic of Egypt** stated that the item on Law of the Sea had been one of the priority items discussed at AALCO's Sessions since 1970s for almost twelve years before the Law of the Sea Convention was concluded. The AALCO, he recalled also played an important role in promoting wider ratification to the Convention. He stated that it had become clear that developed countries had some concern over the implementation of Part XI of the deep sea bed mining regime. He appreciated the work of the International Sea Bed Authority, with special reference to the continental shelf. The delegate expressed satisfaction at the increasing number of cases being referred to ITLOS. He also drew attention to the disturbing trends of private fishing vessels entering the maritime limits of other countries and its potential to endanger international peace and security. He also informed the meeting of the decennial review of UNCLOS planned by the UN General Assembly for the year 2004.

6. The **Delegate of Indonesia** expressed its appreciation to the Secretariat for its work in preparing the materials and documents for this session including the one on Law of the Sea. He said that this item was taken up for consideration by AALCO at the initiative of the Government of Indonesia in 1970. He said that Indonesia was the world's largest archipelago, located between the Indian Ocean and the Pacific Ocean.

He said that Indonesia ratified the Law of the Sea Convention by Act 17 of 1985. Indonesia's struggle for international recognition on archipelagic concept has succeeded by the acceptance and incorporation of the archipelagic state principle in Chapter IV of the UN Convention concerning Law of the Sea of 1982. However, Indonesia has to consider and recognize the rights of other states, especially for the passage of military ships/sea fleet through Indonesian waters, particularly through the regions which are usually used for international shipping. This concession is given by an archipelagic state in the form of archipelagic sea lanes as mentioned in Article 53 of the Convention.

He said that United Nations Convention on the Law of the Sea 1982 sets out principles and norms for the conduct of relations among States on maritime issues and therefore provides a foundation to govern the oceans by establishing the various maritime zones and the rights and duties of States in those zones, including the oceans beyond national jurisdiction. He hoped that UNCLOS 1982 would enable the natural resources, flora and fauna of the oceans to be fully exploited for the benefit of all people and countries.

UNCLOS 1982 recognized that ocean affairs inclined to go transboundary, as such that they call for close co-operation, co-ordination and joint supervision among States if and when shared objectives are to be achieved. This understanding is especially acknowledged in the concept of the deep seabed beyond national jurisdiction which is called a common heritage of mankind. UNCLOS 1982 is also meant

to establish a truly universal legal mechanism to achieve a just and equitable international order governing ocean affairs.

He recognized that developing and less developed countries need to realize that justness and fairness of ocean affairs should not be taken for granted. The economic assistance, capacity building and transfer of technology provisions in UNCLOS 1982 should be one of the rallying points for developing and less developed countries for future equitable sharing of seabed resources.

He said that transfer of technology and capacity building for the benefit of developing and less developed countries are very important. The challenge ahead was to address this and other problems through the general framework for international co-operation and co-ordination taking into account the particular interests of developing countries set out in UNCLOS 1982. This was precisely the goal of the General Assembly when it established the UN open-ended Consultative Process in order to facilitate the annual review of ocean affairs and the Law of the sea.

7. The **Delegate of India** at the outset welcomed the President of International Tribunal for the Law of the Sea (ITLOS) Dr. P. C. Rao to be at the meeting. He said that now 138 states are Parties to the UNCLOS which is moving towards universal participation. All institutions as envisaged in the Convention have been established and are functioning effectively. ITLOS has received a number of cases and has acquired a reputation as a court that can respond quickly for resolution of disputes in ocean related matters.

International Sea Bed Authority has adopted a Mining Code, India and all other pioneer investors have signed exploration contracts. CLCS has received the first submission on the extent of the continental shelf and this marks the beginning of the substantive phase of its work. The extension of 10 years deadline for submission is helpful to developing countries. The UNICPOLOS established by the General Assembly Resolution 5433 in 1999 to review the ocean related matters was a welcome step. He hoped AALCO Member States would participate actively in the review process. He however, felt that the review process should remain informal and should not affect the integrity of the Convention or undermine the role of the States Parties to the Convention. He observed that 2002 marks the 20th anniversary of the adoption of the Convention. He recalled the important contribution of AALCO in the adoption of the Convention which was the first major codification exercise of the United Nations for the newly independent states and hoped that AALCO would continue to play an important role.

8. The **Delegate of People's Republic of China** thanked the Deputy Secretary-General for her statement. He said that the 1982 UN Convention on the Law of the Sea had established the modern order of seas and provided basic legal framework for human activity in this field. The rules prescribed by the Convention had been accepted and respected by the international community since its entry into force in 1994. His country actively supported and participated in the activities of the organs established within the framework of the Convention.

He said that after the adoption of the Regulations on Prospecting and Exploration of Polymetallic Nodules in the Area in 2000, the International Seabed Authority had signed 15 year contracts for exploration of polymetallic nodules with the 7 registered pioneer investors. The signing of the contracts enabled the activities of prospecting and exploration of polymetallic nodules in the area to be regulated, and is a milestone in the work of the ISA. China had actively promoted the drawing up and adoption of the Regulations and had been of the view that marine environment should be protected when activities were conducted in the Area so as to preserve the common heritage of mankind.

He stressed that as the only judicial organ established by the Convention, the International Tribunal for the Law of the Sea was playing an increasingly important role in the settlement of marine disputes and interpretation of the Convention. The Tribunal had taken up and delivered judgments on several cases and maintained its high quality and efficiency in dealing with them.

He said that the Commission on the Limits of the Continental Shelf (CLCS) had made full preparation for receiving submissions from coastal states on the delineation of their continental shelf beyond 200 nautical miles after it adopted the scientific and technical guidelines in 1999. The first delineation case submitted by Russia in March 2002 to the CLCS symbolized a new phase for the Commission's work after the Convention entered into force in 1994 which would help to promote the work on delineation of continental shelf in a comprehensive and rapid manner.

He said that the United Nations Informal Consultative Process on Ocean Affairs and the Law of the Sea had attracted attention from various countries. He pointed out that the process established by General Assembly Resolution 54/33 was aimed at strengthening co-operation and co-ordination among states and international agencies and the process had made great contribution to the consideration of the item on Oceans and the Law of the Sea by the General Assembly through the comprehensive discussions of the issues of marine resources utilization, illegal fishing, marine environmental protection, marine scientific research, marine crimes, maritime safety, capacity building, integrated ocean management and regional co-operation. He said that as the marine issues were closely inter-related, it was necessary to deal with them as a whole in an integrated, inter-disciplinary and inter-sectoral approach. In the area of marine science and technology, international co-operation should be strengthened, marine management capacity of the countries especially of the developing countries should be further improved. China attached great importance to and positively valued the role of the informal consultations process in the area of law of the sea and his country was confident that the process would continue and further promote international co-operation and co-ordination in ocean affairs.

He said that as a developing coastal state, China highly values the importance of oceans in the social and economic development. Therefore, China would make positive efforts to promote the effective implementation of the Convention of the Law of the Sea and international co-operation and co-ordination in the development and utilization of oceans.

9. The **Delegate of the Republic of Korea** was pleased to note that membership of the UN Convention on the Law of the Sea was steadily increasing with 137 States Parties and the European Community, two more than at the period of the previous session of AALCO. The Convention and the Agreement relating to the Implementation of Part XI of the Convention form the basic framework on matters relating to the law of the sea, and offer the basis for further development in this area. He believed that in order to ensure a stable maritime order, the Convention should be universally accepted and applied in a consistent manner.

He said that International Sea Bed Authority had made much progress during the 7th Session in its administrative work. As a registered pioneer the Republic of Korea was keenly interested in the activities of the International Sea Bed Authority. His country continued to be an active member in its work and had fulfilled its obligations. He said that his country hoped to contribute towards further progress of the activities of the Authority by seeking the re-election as member of the Council of the International Sea Bed Authority at the forthcoming election.

The 12th Meeting of the States Parties to the Convention saw the election of the second term of the Commission on the Limits of the Continental Shelf. During the first term it held nine sessions and with the submission of the Russian Federation, the second term of the Commission has got a substantial task to begin its functions as envisaged in the Convention.

The 12th Meeting of the States Parties discussed the matter of strengthening its role which was at present limited to administrative and financial topics. Despite the view of some States that because of the lack of specific provisions in the Convention, the meeting was not a suitable forum for discussing substantive matters, his delegation supported strengthening the role of the Meeting. He felt that the meeting was the most important plenary meeting convened according to the terms of the Convention and that lack of specific provisions in the Convention did not prevent the meeting from deliberating on substantive matters.

He said that his country attached high priority to marine living resources and maritime transportation and made much efforts to achieve enhanced ocean management in accordance with the rules embodied in the Convention. He reiterated his country's commitment to the promotion of an orderly and stable regime of the oceans in the spirit of mutual understanding and co-operation which form the very basis of the Convention.

Comments submitted by the Government of **Malaysia**:

1. Malaysia became a party to UNCLOS with effect from 13 November 1996.
2. Malaysia is actively pursuing its obligations and rights under UNCLOS. In particular, Malaysia is in the process of finalizing its baselines and is reviewing its maritime legislation to harmonize it with the provisions of UNCLOS. New legislation will be enacted to establish Malaysia's baselines.
3. By virtue of Article 156.2 of UNCLOS, Malaysia is ipso facto a member of ISBA but Malaysia has not been actively participating in its work. Malaysia also did not participate in the deliberations regarding the drafting of the Regulations on Prospecting and Exploration of Polymetallic Nodules in the Area. However, Malaysia takes note of the work and developments of the ISBA.
4. As a State Party to UNCLOS, Malaysia has participated in the States Parties Meeting of the Law of the Sea (SPLOS) and takes note of the work of the Tribunal on the Law of the Sea and the Commission on the Limits of the Continental Shelf.
5. Malaysia proposes to claim an extension of its continental shelf pursuant to Article 4 of Annex II of UNCLOS and is in the process of carrying out a survey to collect the necessary scientific and technical data required to be submitted to the Commission for this purpose.
6. Malaysia is not a party to the Agreement on the Implementation of the provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Malaysia will not be able to become a party until domestic legislation is enacted to comply with the obligations under the Agreement. However, Malaysia is a Member of the Indian Ocean Tuna Commission (IOTC), a preliminary step towards acceding to the Agreement.

The IOTC is established under the Agreement for the Establishment of the Indian Ocean Tuna Commission. The IOTC is an intergovernmental organization established under Article XIV of the FAO Constitution to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. Members of the IOTC are bound to ensure that action taken under domestic legislation to implement conservation and management measures become binding on it.

7. Malaysia is a party to Agenda 21 and supports the implementation of, among others, the Programme of Action in Chapter 17. However, to date, Malaysia has not participated in the Consultative Process.
8. It is proposed that, depending on the views expressed by other AALCO Member States, Malaysia may consider supporting a further resolution that the Secretariat monitor the developments in the implementation of UNCLOS.

The meeting then took up for consideration the item "Human Rights in Islam".

10. The **Vice-President** requested the Secretary-General to make a few preliminary remarks on the inclusion of the item on AALCO's agenda.

11. The **Secretary-General** stated that since last year the Kingdom of Saudi Arabia was keen to have the item on "Human Rights in Islam" included on the work programme of the organization, however, due to certain procedural hurdles it was not possible to include it on the agenda of the 40th Session and it was agreed that it would be included on the draft agenda of the 41st Session. Due to the importance attached to the item its inclusion was supported by a number of Member States, thus it had been included on the agenda of the current session. He requested the Leader of Delegation of the Kingdom of Saudi Arabia to elaborate his views on the item and give the clear picture of Islam when handling the human rights.

12. The President **invited the Leader of Delegation of the Kingdom of Saudi Arabia to give his views on this important issue.**

13. The **Leader of the Delegation of the Kingdom of Saudi Arabia** whilst among this gathering of men and women of judiciary and law took the opportunity to place before them for consideration the topic Human Rights in Islam. This consideration would be different from discussions at other fora where human rights were discussed. His country represented a model in reflection, dealing and maintaining these human rights, based on a firm concept represented by the divine principle in manifesting and protecting such rights. The Kingdom of Saudi Arabia while applying Islamic Legal System, abided by an impeachable principle, settled religiously as a part of Islamic belief system and there was no doubt concerning its accuracy from the application of Islamic rules in their judiciary or other aspects.

He noted that most other international organizations either connected with UN or other committees or organizations did not understand the true dimensions of this case and could not comprehend this procedure. Because these laws were not man made or laws and rules legislated by states and imposed on their citizens.

He hoped that this meeting could come up with views which could address this issue and propose appropriate solutions to clarify the justification for others who could not comprehend this firm position from the Kingdom. He also hoped that the AALCO would include in its agenda the topic Human Rights in Islam for the next session.

As it was the first time that he had taken the floor, he conveyed condolences to the Government and People of Nigeria on the death of its former Attorney-General and Minister of Justice, Chief Bola Ige, his presence at the previous sessions was a source of inspiration to the deliberations. He joined the other speakers in thanking the Government of Nigeria for its kind gesture in the smooth running and hosting of this meeting.

14. The **Delegate of Pakistan** said as it was the first time during the session that he took the floor, he congratulated the President and Vice-President on their elections to the 41st Session and was confident that under their able guidance and exceptionally high level of legal acumen, the session would be concluded with memorable success. He also availed of the somber opportunity to share the grief of the bereaved family of late Chief Bola Ige and the nation of the Federal Republic of Nigeria, which lost its illustrious son. He acknowledged the hardwork and ever-forthcoming assistance of the Secretariat of AALCO and the warm hospitality of the Government of Nigeria.

His delegation thanked the Kingdom of Saudi Arabia for having requested the inclusion of the item "Human Rights in Islam". He felt that the present moment was opportune, when the whole world was irreversibly committed to the protection of human rights and determined to reduce their violations. He hoped that in the years to follow, a befitting discussion would entail from the present Saudi initiative.

He felt that due to lack of time an elaboration of the topic was not possible, however, he made some preliminary observations and was hopeful of contributions during later sessions. The delegate noted that Muslims are in general governed in their lives by the infinite wisdom of the Almighty Allah and there was no room for deviation from categorical dictates as enshrined in the Holy Quran.

He recalled that a great Western thinker had made a very pertinent and apt observation and quoted "in democracy nothing is imitable, everything is dilatable". This, however, is not the case in Islam. There are numerous immutable dictates that were beyond debate. He noted that in Western societies there were certain "human rights" which were simply abhorrent to the conscience of a Muslim.

He then quoted a verse from the Al-Quran, "Allah is pleased with them and they are pleased with him and this is the greatest success". The Muslims, he said, were guided by the infinite wisdom of this verse which meant that Muslims had fulfilled their duties, hence Allah was pleased with them, and for that

reason they had been ensured their rights, as a consequence of the fulfillment of their duties. The greatest success would be the establishment of an ideal society, where each one first performed his duties and then rewarded with the ensuring of his rights.

Furthermore, a Muslim was also guided by the wisdom of the sayings of Prophet of Islam, about the rights of neighbours. If every neighbour performed his duties towards his neighbour the resultant ideal society would emerge.

In conclusion, his delegation supported the Saudi proposal for the debate on the item at the next session

15. The **Delegate of Indonesia** informed the meeting that his country has the largest Muslim population in the world and was currently mainstreaming human rights dimensions in their democratization and transformation process to civil society and good governance.

He noted that the concept of human rights was not new to Indonesian people, the commitment of the Government to promote the protection of human rights formally began with the promulgation of the 1945 Constitution. Though not as comprehensive as the Universal Declaration of Human Rights 1948, the 1945 Constitution guaranteed the human rights of the citizens of Indonesia.

He stated that from the coherent spirit of the 1945 constitution, emerged the Penal Code, inspiration was taken from the Rome Statute on ICC and the Tribunals established for Rwanda and Yugoslavia. In the last two years, Indonesia had declared the Implementation of Human Rights Court Act No. 26/2000.

From this perspective, he said, Human Rights in Islam appeared very relevant to be adopted by other religions as well. He emphasized, that it would be fruitful if this exercise could address the root causes of social conflicts taking place in many parts of the world.

Quoting from the Report of the UN Secretary General he said, during the 1986-1997, there had been around 101 conflicts all over the world, only 6 took place between countries, the remaining 95 were internal, six areas of internal conflict had been identified (i) closed system of societies, (ii) unequal distribution of resources, (iii) authorization of bureaucracy, (iv) no justice, (v) weak accountability of government administration which corrupted systems, and (vi) democratization process.

The human right values are indeed the inherent values of Islam, which need to be promoted. Thus, human rights from any religious perspective appeared to be very relevant and the item needed to be comprehensively discussed at the next session.

16. The **Delegate of Kuwait** fully supported the inclusion of the important item Human Rights in Islam proposed by the Kingdom of Saudi Arabia. Human Rights had assumed international dimensions and attracted concern at internal as well as international levels. He stated that the concept of human rights was deeply rooted in Islam, which forbade people to have any sort of relations with people who did not respect Islam. The Holy Quran and Sunna, he said took into account all the elements of human rights. There is ample evidence that this topic was being considered more and more in the international arenas. He informed the meeting that a representative of Kuwait was on the committee of Sharia which had conducted a study of Human Rights in Islam. For these reasons, his delegation lent its full support to the inclusion of the new item on the agenda of the AALCO.

17. The **Delegate of United Arab Emirates** endorsed the statement made by the delegation of Saudi Arabia on the inclusion of the item Human Rights in Islam on the work programme of AALCO. He emphasized the need to scientifically and judicially implements God's rules and called upon all Member States to discuss the item in the coming sessions.

18. The **Delegate of Qatar** supported the proposal of Saudi Arabia to include the item in the coming session of the organization. He also thanked the Government of Nigeria for their hospitality and excellent arrangements made for the Session.

19. The **Delegate of the Islamic Republic of Iran** while supporting the inclusion of the item proposed by Saudi Arabia hoped that it would be substantively discussed at the next session. However, while not going into details of the topic, he gave a few preliminary points for consideration. He said that Human Rights issue was a diverse and extensive issue which covered a numerous rights including primarily, the right to life, right to freedom of thoughts and expression, right to education, right to practice any religion etc. These issues were important for all the countries including the Islamic countries and his country needed sufficient time to be able to deal with this topic. He suggested that AALCO could get considerable help from many seminars conducted on this topic between the OHCHR and the OIC in Jeddah and Geneva. Various aspects of human rights from the Islamic point of view needed to be discussed in detail at the next session.

20. The **Delegate of Oman** thanked the delegation of the Kingdom of Saudi Arabia for its proposal to include the item "Human Rights in Islam" on the agenda of AALCO. She noted with regret that Human Rights in Islam have always been misunderstood. On the contrary there are numerous human rights embodied in the Holy Quran and to give an example or two would not do justice to the divine rights which cover social, economic & political rights. Oman delegation fully supported the inclusion of the item for the next session and stressed the need for discussing it thoroughly.

21. The **Delegate of Sudan** associated himself with the delegation of Saudi Arabia for proposing to include the item of Human Rights in Islam for the next session of the organization. Discussion on this topic could go a long way in removing misunderstanding from the minds of non-Muslims in relation to Islam. It could also go a long way in religious harmonization. A study by the AALCO could find common grounds, which could help in surpassing all crises.

22. The **Secretary-General** while responding to the delegation of the Islamic Republic of Iran stated that the request of Saudi Arabia for including the item on Human Rights in Islam for the 41st Session had been agreed upon by Member States while adopting the agenda of the 41st Session. However, at this point of time the delegation of Saudi Arabia and all the other delegations had delivered their preliminary comments on the item. It did not mean that discussion on the item would end here, the item would again be placed for discussion at the 42nd Session.

23. The **President** emphasized that it required a lot of courage to speak on the subject Human Rights in Islam and courage should not fail us to dwell in detail on the subject. He quoted a verse from the famous Arab Philosopher Sayed Ali who said 'leave aside your rights and think about rights of others'. If this philosophy could be adhered to and if all the religions thought in terms of each others rights the world would be a much more peaceful place to stay in. He hoped the item would be discussed vigorously during the coming sessions of the organization.

The Meeting then took up for consideration the item **"The United Nations Conference on Environment and Development: Follow-up."**

24. **Mrs. Toshiko Shimizu, Deputy Secretary-General** introduced Document prepared by the Secretariat on this item. She recalled that subsequent to the conclusion of the Rio Summit in 1992 this item was placed on the agenda of AALCO, at the AALCO's 33rd session held in Kampala in 1993 After a very useful discussion at that session, the Secretariat was directed to monitor the progress in the implementation of Agenda 21 in general and three environment conventions namely, the United Nations Framework Convention on Climate Change, the Bio-diversity Convention and the Convention to Combat Desertification, in particular. Since then the item has been on the agenda of AALCO's successive sessions. The deliberations during these sessions kept pace with the developments in various fora in regard to these three conventions.

She said that the decision of the General Assembly at its fifty- fifth session to convene the World Summit on Environment and Sustainable Development in Johannesburg (South Africa) had brought to the fore environmental issues again at a heightened level. Considerable progress had been made in respect of implementation of the Bio-diversity Convention and the Convention to Combat Desertification. The possibility of entry into force of the Kyoto Protocol had raised the level of expectations to deal with the climate change issues in an effective manner.

As regards the progress in the preparatory phase concerning the Johannesburg summit, she said that the AALCO Secretariat had been following the negotiations at various stages and fora. While there was some concern about the outcome of the Fourth Meeting of the Preparatory Commission held in Bali in June, it was hoped that the remaining outstanding issues could be resolved and an agreed text at the Johannesburg Summit could be adopted. .

She informed the Meeting that subject to availability of funds, the Secretary-General intended to participate at the Johannesburg Summit and address the meeting. It would therefore be useful if the discussions during this session could, besides highlighting the main concern of AALCO Member States, focus on outstanding issues which needed to be taken up at the Johannesburg Summit.

She felt that the entry into force of the Kyoto Protocol would open the door to a lot more follow-up action in regard to the Climate Change Convention. AALCO Secretariat would follow these developments and participate at the Conference of Parties Meeting (COP-8) which would be held in New Delhi in October this year. A concrete follow-up programme would be prepared thereafter. The Secretariat would continue to follow the progress in the implementation of the Bio-diversity Convention subsequent to COP-6 held in The Hague in April 2000.

Lastly, she wished to make a proposal for consideration of the Member States. She said that the title of the item on the agenda of AALCO "The United Nations Conference on Environment and Development: Follow-up" would need to be changed taking in view the Johannesburg Summit. She proposed that it could be amended to read as "Environment and Sustainable Development" as a broad topic under which legal developments including the implementation of environmental conventions could be considered.

25. The **Secretary-General** welcomed Dr. Iwona Rummel-Bulska, Representative of the World Meteorological Organization (WMO) and invited her to make **a statement on** "The Role of the WMO in Development and Implementation of International Treaties*".

26. **Dr. Iwona Rummel-Bulska, Senior Legal Adviser** made a detailed statement elaborating the role of the World Meteorological Organization (WMO) in development and implementation of international treaties. She said that one of the main purposes of the World Meteorological Organization (WMO) is to encourage research in meteorology and hydrometeorology and in related fields and to assist in co-ordinating the international aspects of such research. The purposes of WMO also include to facilitate international co-operation in the establishment of networks of stations for making meteorological, hydrological and other observations; and to promote the rapid exchange of meteorological information, the standardization of meteorological observations and the uniform publication of observations and statistics. It also furthers the application of meteorology to aviation, shipping, water problems, agriculture and other human activities, promotes operational hydrology and encourages research and training in meteorology. WMO activities cover air pollution research, climate change related activities, ozone layer depletion studies and tropical storm forecasting. WMO co-ordinates global scientific activities to allow increasingly prompt and accurate weather information and other services for public, private and commercial use, including international airline and shipping industries. WMO's activities contribute to the safety of life and property, the socio-economic development of nations and the protection of the environment.

* The Statement had been circulated at the Meeting, and the full text of the presentation would be included in the final report.

WMO's major scientific and technical programmes include the World Weather Watch (WWW), which is the backbone of WMO's activities. It is through WMO that the complex agreements on standards, codes, measurements and communications are established internationally. If there were no WMO, the nations of the world would have to conclude individual agreements with one another to ensure the exchange and availability of data to meet their national requirements, such as provision of forecasts for the public and special services for various economic sectors like agriculture, utilities (gas, electric power production) and so on.

She informed that data obtained through global observational networks co-ordinated by WMO, together with other related information, are available to everyone, including the academic community, and are used in a wide range of application and services. These data and information formed the basis for the development and adoption of relevant legal instruments of significance to international environmental governance, including the UN Framework Convention on Climate Change (UNFCCC), the Vienna Convention for the Protection of Ozone Layer, the UN Convention to Combat Desertification (UNCCD) and several other global, regional and subregional agreements. They also underpinned the UN Convention on Biodiversity.

She said that WMO's World Climate Programme (WCP) comprises the following components: the World Climate Data and Monitoring Programme; the World Climate Applications and Services Programme; the World Climate Impact Assessment and Response Strategies Programme; and the World Climate Research Programme. The WCP supports the Global Climate Observing System (GCOS), encompassing all components of the climate system, atmosphere, biosphere, and oceans. In response to growing concerns about human influences on the climate system, the WMO and United Nations Environment Programme (UNEP) established in 1988 the Intergovernmental Panel on Climate Change (IPCC). WMO spearheaded the campaign to alert the world community to the potential effects of global warming, climate change and sea-level rise. IPCC works closely with WMO Commission on Climatology and with WMO Global Climate Observing System.

Speaking about WMO role in the development and implementation of the Convention on the Protection of the Ozone Layer and its Montreal Protocol, she said that the ozone related activities have been co-ordinated by WMO Atmospheric Research and Environment Programme (AREP). The landmark international Convention for the Protection of the Ozone Layer (1985) and the Montreal Protocol on Substances that Deplete the Ozone Layer (signed in 1987) owes much to WMO, which has worked on the problem of ozone layer depletion for decades. These agreements are seeking to phase out the production and consumption of all ozone depleting substances (i.e. halons and CFCs). WMO Global Ozone Observing System is continuously providing Contracting Parties to the Ozone Convention with assessment and outcome of scientific observations in this field.

As regards WMO's contribution to international agreements on air pollution, she stated that the work of one of the WMO subsidiary bodies, namely the Commission for Atmospheric Sciences made an invaluable contribution to the development of regional agreements related to air pollution and also contributed to the evidence of atmospheric concentration of greenhouse gases. WMO played an important role in the development and implementation of air-pollution related Conventions, first of all in relation to the Convention on Long-Range Transboundary Air Pollution (1979) and its various Protocols, seeking to assess the efficacy of controls of emissions of harmful gases and pollutants (notably sulphur dioxide) from countries within Europe. In addition, WMO has been instrumental in the development of the ASEAN Transboundary Haze Pollution Agreement, managing the episodic smoke/haze events in the South-East Asian region. As well as in organizing and maintaining the Acid Deposition Monitoring Network in East Asia, providing for monitoring of both wet and dry acid deposition onto soils, vegetation, the built environment and water.

WMO has been also involved in the negotiations leading to an international Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa. The Convention was opened for signature in October 1994 and entered into force in December 1996. Several articles and topics mentioned in the United Nations Convention to Combat Drought and Desertification, in particular Articles 16 to 19 are directed to WMO and the National Meteorological and

Hydrological Services. These topics, which are within the mandate of WMO include: - The promotion of systematic observation, collection, analysis and exchange of meteorological, climatological and hydrological data and information; - Drought planning, preparedness and management; - Research into causes and effects of Drought and climate variation as well as into the possibility of long-term climate prediction with a view to providing early warning of drought; - capacity building in the relevant fields of drought and climate, including transfer of knowledge and technology.

As regards WMO's role in the water related international agreements, she said that WMO has contributed to: Strengthening the institutional capacity of countries required to assess their water resources; Providing accurate and efficient flood and drought forecasting services; Reinforcing co-operation between the various agencies responsible for hydrological activities (enhanced data collection and management systems and improved dissemination of information) especially in the management of transboundary rivers.

Speaking about WMO's co-operation in implementation of the Comprehensive Test Ban Treaty Organization (CTBTO), she said that in 1998 the Executive Council of WMO decided to invite the CTBTO to cooperate with WMO. The Provisional Technical Secretariat of CTBTO proposed conclusion of a formal agreement of collaboration in relevant areas with WMO. Accordingly the Agreement between the Preparatory Commission for the Comprehensive Nuclear – Test-Ban Treaty Organization and the WMO entered into force in June 2001. The WMO and CTBTO agreed to act in close co-operation and to consult each other regularly in regard to matters of common interest.

Lastly WMO plays an important role in implementation of international agreements through its Technical Co-operation Programme. WMO works with major international partners such as the United Nations Development Programme. It contributes to regional co-operation activities of regional intergovernmental bodies as well as to the new high-priority activities such as those relating to climate change, sustainable development and protection of the environment resulting from UNCED, the UN Framework Convention on Climate Change and the UN Convention to Combat Desertification.

27. The **Delegate of India** thanked Deputy Secretary-General Madame Shimizu and the Secretariat of the Asian African Legal Consultative Organization for preparation of excellent background material on United Nations Conference on Environment and Development: Follow-Up. She also thanked Dr. Bulska for her presentation signifying the importance of interface between scientific research and legal jurisprudence which had been enumerated in the area of environment and development.

She recalled that it was a decade since the Rio Conference was held in 1992, which enunciated principles and Agenda 21 to achieve sustainable development. The Special Session of the General Assembly undertook a quinquennial review in 1997, on the implementation of the Agenda 21 and the progress made at the national level towards implementation of the Agenda 21. In Johannesburg this year, the World Summit on Sustainable Development, also called Rio+10 would meet to reassess the progress in implementing the Rio principles. She said the World Summit would be an important event to address issues relating to the full implementation of Agenda 21. The principle of common but differentiated responsibility, was, and should remain the guiding principle for implementing Agenda 21. The delegate hoped that the Johannesburg Summit would reach an agreement with regard to time-bound commitments towards implementation of international obligations, particularly the transfer of environmentally sound and benign technologies and financial resources to developing countries.

As regards climate change, the delegate stated that, while the main burden of phasing out these gases rests with the Annex-1 (industrialized countries), India was making its own efforts towards ratification of the Kyoto Protocol. It was also a matter of pride that India would be hosting the Eighth Session of the Conference of Parties to the UNFCCC in November this year.

As regards biological diversity, the delegate said that developing countries had one of the largest reserves of bio-diversity. Owing to lack of financial resources and technical know-how, commercial exploitation of these resources was often being undertaken by countries from developed world. India, bearing in mind the importance of the topic, had undertaken efforts to enact a comprehensive legislation

on biological diversity. In 2001, India signed the Cartagena Protocol on Biosafety and more recently the International Convention relating to Plant Genetic Resources.

The Delegate said that the problem of desertification had become an ever-increasing phenomenon due to unsustainable patterns of life styles. It was, however, not enough to have the United Nations Convention on Combating Desertification (CCD) in place, the delegate pointed out, without strengthening of the global mechanism envisaged, to implement the regional annexes.

28. The **Delegate of the Republic of Korea** was of the view that the international community had achieved much progress in the implementation of Agenda 21, and had addressed many problems arising from globalization, poverty, population increase, desertification, the loss of biological diversity and global warming. However, much remained to be done. This year had special significance as the World Summit on Sustainable Development, to be held in August in South Africa, was planning to evaluate the past ten years and adopt the Plan of Implementation, which he believed would greatly contribute toward further implementation of Agenda 21.

He said that the Climate Change Convention, the Bio-Diversity Convention, the Convention to Combat Desertification were among the most important and tangible results during the last ten years since UN Conference on the Environment and Development. Although the will of States to implement the Agenda 21, global awareness of environmental issues and close cooperation between countries were essential for achieving the goal of sustainable development, the role of international law was also crucial for formulating legally binding agreements and securing their implementation. In this regard, he noted with satisfaction that the Kyoto Protocol to the United Nations Framework Convention on Climate Change was expected to enter into force this year, and believed that this would be a milestone in the development of international environmental law. His Government had long recognized the importance of the Kyoto Protocol and was planning to ratify it by the date of the Summit.

In concluding he said that his government had strong conviction about the role of international law in solving environmental problems, and it would continue to make a contribution in international environmental issues at both global and regional levels.

29. The **Delegate of the People's Republic of China** stated that climate change issues had become complex, transcending the range of ordinary environmental issues thus assuming political, legal and economic dimensions.

It was his delegation's view that the solution to climate change issue lied in the sincere co-operation between the developed and the developing countries and the rise of the economic, scientific and technological level in the developing countries. Effective financial assistance and technology transfer were prerequisites for improving the developing countries' capacity to address climate change. It was hoped that the developed countries should treat climate change issue in a sense of responsibility for the generations to come, and take practical actions to implement their obligations under the convention.

Despite the fact that poverty eradication and economic development were still China's foremost task, government at all levels in China had, in recent years, made efforts in addressing climate change, and had achieved considerable accomplishments, which have been widely recognized by the international community. The Chinese Government had made environmental protection and sustainable development as its basic national policy. Ecology preservation, environmental protection and sustainable development were an important priority in the country's Tenth Five-year National Economic and Social Development Plan and the great western region development planning.

Expressing strong support for the UN Framework Convention on Climate Change and the Kyoto Protocol, the delegate informed that the Chinese Government had initiated the domestic legal procedures for the approval of the Protocol.

On bio-diversity, the delegate said that the Asian and African countries had vast stretches of land and comprehensive types of eco-systems, and were thus rich in biological diversity. The Convention on

Biodiversity fully respected and protected these genetic resources and the rights of the countries of origin of the traditional knowledge, which rendered great support to the protection of biodiversity in the Asian and African countries. But due to the backwardness and technological paucity, the developing countries were generally weak in their implementation capacity. This, together with their large population, lead to contradiction between conservation and development, which pose a grave threat to the biological diversity in the developing world. Against this backdrop, the delegate urged that international community should make joint efforts to improve the implementation capacity of the developing countries. In particular, the developed countries should provide the developing countries with new and additional financial resources, transfer environmentally sound technologies to the developing countries under most favourable terms and render practical help to them in biodiversity protection and its sustainable utilization.

The Cartagena Protocol on Biosafety, in the view of the delegate provided principled regulations for the transboundary movement of genetically modified organisms and their products. He said that the Chinese Government actively participated in the negotiations of the Protocol and signed it in August 2000 and was now actively studying the issue of the ratification of it.

On desertification, the delegate said that since the entry into force of the Convention to Combat Desertification, developing countries and especially the Asian and African countries had done their utmost to fulfill their obligations under the Convention, but the international organizations concerned and developed countries had not paid enough attention to the implementation of the Convention. The issue of desertification was closely related to global climate change, biological diversity and other environmental issues. No country could rid itself from the effect of desertification. Therefore, the delegate said, joint efforts and actions by the international community were necessary for combating desertification.

30. The **Delegate of Indonesia** informed the Meeting that the Preparatory Commission for the UN Conference on Sustainable Development at its Fourth Session in Bali, Indonesia (27 May-7 June 2002) had prepared a Draft Plan of Implementation for the World Summit on Sustainable Development. Indonesia, he said, supported the UN Framework on Climate Change and the Convention on Biodiversity; and had signed the Kyoto Protocol.

The Delegate also spoke on the importance of combating illegal logging. Thousands of cubic meters of logs and timber from Indonesia were smuggled to Malaysia, and three vessels with illegal timber cargoes were recently arrested.
