

**RESOLUTIONS OF SPECIAL
MEETING**

**RES/45/SP 1
8 April 2006**

**RESOLUTION ON THE HALF DAY
SPECIAL MEETING ON "LEGAL
IDENTITY AND STATELESSNESS"**

*The Asian African Legal Consultative
Organization at its Forty-Fifth Session,*

Noting the appreciation of the views expressed by the Secretary General of AALCO, the UNHCR Chief of Mission, New Delhi, the Chairperson, Panelists, as well as the deliberations reflecting the views of Member States on the need for the international community to collectively work towards identification of Stateless persons and amelioration of their conditions,

Acknowledging the role assigned to the United Nations High Commissioner for Refugees to provide technical and advisory services to States concerning the avoidance and reduction of statelessness, and the importance of UNHCR's efforts to disseminate information and to promote cooperation,

Recognizing the sovereign right of States to establish laws governing the acquisition, renunciation or loss of nationality,

Also recognizing the right of everyone to a nationality and the right not to be arbitrarily deprived of one's nationality,

Affirming the fact that the legal bond of nationality of an individual is inseparable from the legal identity of a person in any society,

Deeply concerned about the need to address the precarious situation of stateless persons, which include the deprivation of

the enjoyment of their fundamental human rights,

Being fully conscious of the fact that loss of nationality entails harsh legal consequences for persons in general and women and children in particular,

Desiring to promote the progressive development of legal principles concerning nationality and of finding appropriate solutions to avoid as far as possible cases of statelessness,

Stressing in this regard that the prevention and reduction of statelessness and the protection of stateless persons are important in the prevention of potential refugee situations,

Being deeply concerned about the increasing number of stateless persons, and their vulnerable position in the country in which they reside,

Reiterating the importance of the international legal instruments, namely the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness which seek to give protection to stateless persons by conferring minimum rights and to identify and reduce the conditions which create statelessness, respectively,

1. **Commends** the Secretariat of AALCO and the UNHCR for their earnest efforts in organizing this half day Special Meeting on Legal Identity and Statelessness; as well as the upcoming release of the Special Study on "Statelessness: An Overview from the Asian, African and Middle East Perspective";

2. **Thanks** the Panelists who have given valuable insight on the different aspects of the topic as well as on the 'Regional Approaches and Comparative Analysis of the problem of statelessness' during this meeting;

3. **Encourages** the Member States to review nationality legislation with a view to reducing and avoiding statelessness, consistent with fundamental principles of international law;

4. **Also Encourages** the Member States to raise awareness about the problem of statelessness and to actively cooperate in the identification of problems of statelessness paying particular regard to establishing identity and acquiring relevant documentation for women, children and families in instances of displacement, migration or trafficking;

5. **Urges** Member States in general to take the necessary legal and institutional measures to ameliorate the precarious situation of stateless persons;

6. **Invites** Member States to consider the possibility of acceding to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to address the plight of stateless persons in an effective way;

7. **Requests** the Secretary- General of AALCO and UNHCR to seek the possibility of organizing a follow- up meeting in relation with future activities on the subject in AALCO's Centre for Research and Training (CRT) with a view to enhancing the legal regime and legal expertise of Member States in this area; and

8. **Decides** to remain seized of the issue as part of on going deliberations concerning the "Status and Treatment of Refugees" and decides to place the item on the agenda of the Forty-Sixth Session.

RES/45/SP 2
8 APRIL 2006

RESOLUTION OF THE SPECIAL MEETING ON "UNIVERSAL JURISDICTION AND ITS ROLE IN THE ENFORCEMENT OF INTERNATIONAL HUMANITARIAN LAW"

The Asian-African Legal Consultative Organization at its forty-fifth session,

Noting with appreciation the views expressed by delegations, panelists and other related statements on the importance of universal jurisdiction during the Special Meeting on "Universal Jurisdiction and its Role in the Enforcement of International Humanitarian Law", organized jointly with International Committee of the Red Cross (ICRC), on 5 April 2006 during the Forty-Fifth session of AALCO held in New Delhi,

Mindful that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Recognizing that the objective of international humanitarian law is to minimize the impact of armed conflicts upon human life, safety and dignity, and therefore deeming it to be imperative to strike a proper balance between military necessity and these humanitarian objectives,

Expressing grave concern that civilian populations account for the vast majority of casualties in armed conflicts, and taking note of the need for better protection of civilian populations during armed conflicts by ensuring respect for international humanitarian law by all parties to the conflict,

Reaffirming the significance of effective implementation and enforcement of international humanitarian law in armed conflicts in protecting the integrity and dignity of all those affected by armed conflicts,

Emphasizing that improved compliance with international humanitarian law would greatly facilitate the promotion of international peace, security and well-being,

Recalling the "Seoul Resolution on the Relevance of International Humanitarian Law in Today's Armed Conflicts", that was adopted by AALCO at its forty-second session held in Seoul;

1. **Commends** the AALCO Secretariat and the International Committee of the Red Cross (ICRC) for their initiatives in organizing the Special Meeting;

2. **Calls upon** all Member States, that have not done so, to ratify the Geneva Conventions of 1949 and their Additional Protocols of 1977 as well as other legal instruments relating to international humanitarian law;

3. **Calls upon** all Member States to take, all necessary measures in order to ensure that the rules of international humanitarian law are fully respected, in particular through the adaptation of domestic laws and regulatory measures, including military manuals and the dissemination and teaching of international humanitarian law;

4. **Recommends** that Member States consider establishing National Committees on international humanitarian law in order to facilitate the adoption, at the national level, of the implementation measures required by this law and to promote its dissemination to various sectors, such as government authorities, the military and civil society;

5. **Encourages** all Member States to continue to fulfill their responsibilities to bring to justice perpetrators of serious violations of international humanitarian law and, in particular, to ensure that their domestic laws will permit the effective investigation and prosecution of violations of international humanitarian law, including the ability of domestic courts to exercise jurisdiction over offenders in all circumstances;

6. **Invites** Member States that are not yet party to the Rome Statute of the International Criminal Court to consider ratifying this instrument or acceding to it as soon as possible;

7. **Reaffirms** the importance of continuing to discuss, study and disseminate the current status on the development of international humanitarian law through mutual participation in conferences, meetings and seminars, as appropriate and feasible, as referred in the Co-operation Agreement signed between AALCO and the ICRC on 17 December 2002.

RES/45/SP 3
8 April 2006

RESOLUTION OF THE SPECIAL MEETING ON "INTERNATIONAL MIGRATION LAW"

The Asian-African Legal Consultative Organization at its Forty-Fifth Session,

Having considered Secretariat Document No. AALCO/45/HEAD-QUARTERS SESSION (NEW DELHI)/2006/SD/S 5;

Noting with appreciation the views expressed by delegations, panelists and other related statements on various aspects of international migration law during the Special Meeting, jointly organized in cooperation with International Organization

for Migration (IOM), on “International Migration law” on 6 April 2006 during the Forty- Fifth Session of AALCO held in New Delhi,

Recalling the directive given to the Secretariat at its Fortieth Session by its Resolution 40/SP.1, to consider the drafting of a Model Agreement for Co-operation among Member States on issues related to Migrant Workers;

Appreciating the efforts of the Secretariat in the preparation of the Revised Draft Model Regional Co-operation Agreement between States of Origin and States of Destination/Employment within AALCO Member States in collaboration with the International Organization for Migration (IOM);

Stressing the importance of efforts of the UN General-Assembly towards adopting a comprehensive resolution for the protection of female Migrant Workers;

Being aware of the problems faced by sending, transitory and receiving States concerning migrant workers in particular and migration in general;

Taking note, with appreciation, of the comments included in the Report of the Secretary-General;

1. **Welcomes** the Secretary-General's initiative to prepare and negotiate the convening of an expert group meeting in collaboration with the IOM for in-depth consideration of the Revised Draft Model Regional Co-operation Agreement;

2. **Encourages** Member States to adopt a suitable legal and regulatory framework for the protection of the legal rights of migrant workers and review concrete programmes and also to consider becoming Parties to the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their families;

3. **Also Urges** Member States to provide the Secretariat with their comments and suggestions on the Revised Draft Model Regional Co-operation Agreement and to participate actively in the expert group meeting; and

4. **Decides** to place the item on the provisional agenda of its Forty-Sixth Session.