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I. Asian-African Legal Consultative Committee

(i) Introduction

The Asian African Legal Consultative Committee was established in 1956 following the historic Bandung Conference and has since then intensified its role in promoting the dissemination of International Law, assisting the Member states in the process of codification and progressive development of international Law. The AALCC has emerged as a full-fledged inter-governmental organisation which continues to play a positive role of providing a forum for consultations on international legal issues of common interest so as to strengthen understanding and coordination among states, and promote common awareness of the merits of peaceful resolution of disputes as well as development of consensus on regional and global issues among its Member States. In the light of the Committee's involvement with the work of the United Nations in the field of international law, the Committee has been accorded the Permanent Observer status at the United Nations.

The Thirty-sixth annual Session of the AALCC was held at Tehran, the Islamic Republic of Iran, from 3 to 7 May 1997. The Session was attended by delegations of Member States, Non-Member States, Observers, representatives of the United Nations, UNHCR, regional and international organizations. The agenda of the Session was as follows:

Thirty Sixth Session

Agenda

I Organizational Matters

1. Consideration and adoption of the Agenda
2. Election of the President and the Vice-President
3. Admission of Observers
4. Appointment of the Secretary General
5. Report of the Secretary General on Organizational, Administrative and Financial Matters
6. Report on Matters concerning the Headquarters Issue
7. Report on the Regional Centres for Arbitration
8. Report on the Arabic Division
9. Venue and Date of Thirty-seventh Session.

II. Matters Under Article 4(a) of the Statutes: Matters Relating to the International Law Commission

1. Report on the Work of the International Law Commission at its forty-eighth Session.

III. Matters under Article 4(c) of the Statutes: Matters referred to the Committee by Member States

1. Status and Treatment of Refugees (a) Report on the Seminar to Commemorate the 30th Anniversary of the Bangkok Principles, Manila, Philippines, 11-13 December 1996.
(b) Deportation of Palestinians in Violation of International Law particularly the Fourth Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in occupied Territories.
2. The Legal Protection of Migrant Workers

3. The Law of the Sea.
4. International Rivers
5. Extra-territorial Application of National Legislation Sanctions imposed Against Third Parties.

IV. Matters under Article 4(d) of the Statutes: Matters of Common Concern having Legal Implications

1. The United Nations Decade of International Law
2. The Establishment of an International Criminal Court
3. The United Nations Conference on Environment and Development: Follow up
4. Mutual Assistance in Judicial Co-operation: Extradition of Fugitive Offenders.

V. Trade Law Matters

1. Progress Report concerning the Legislative Activities of the United Nations and other International Organizations in the Field of International Trade Law.
2. WTO as a Framework Agreement and Code of Conduct for the World Trade.

VI. Special Meeting on the Inter-Related Aspects between the International Criminal Court and International Humanitarian Law, 5 May 1997

(ii) Cooperation Between the AALCC and the United Nations

An item entitled "Co-operation between the AALCC and the United Nations" was on the agenda of 51st Session of the General

Assembly which commenced on the 17th September 1996. Pursuant to the mandate of the General Assembly at its 49th Session the office of the Secretary General of the United Nations had in consultation with the AALCC Secretariat prepared a report on the cooperation between the two organizations and presented the same to the 51st Session of the General Assembly.

When the item was considered by the General Assembly on November 4, 1996, a draft resolution was introduced by the then Solicitor-General of Philippines Mr. Raul I. Goco, acting on behalf of the President of the AALCC. Statements were also made by the representatives of several Member States viz. China, Egypt; India, Indonesia; Islamic Republic of Iran; Kenya and Lanka. The General Assembly adopted a resolution which *inter alia* called for further strengthening cooperation between the two bodies and for placing the item on the agenda of its 53rd Session.

While it is customary for the AALCC Secretary General to address the General Assembly on behalf of the AALCC, at the recently concluded 51st Session of the General Assembly his statement had been read on his behalf by Mr. Bhagwat Singh the Permanent Observer, of the AALCC in New York. The Secretariat prepared a report on the Cooperation Between the United Nations and the Asian African Legal Consultative Committee.

(iii) Work of the AALCC supportive of the United Nations

A number of items which are of substantive nature in the work Programme of the Committee have assumed a supportive role to the work of the United Nations. At the same time some specific studies undertaken by the AALCC's Secretariat in keeping with its role as a Permanent Observer to the United Nations are intended to assist Member Governments. One such Programme is the Preparation of briefs on the agenda items likely to be allocated to the Sixth Committee of the General Assembly which has been undertaken every year since 1982.

It is intended to continue this practice as many Member States have expressed their appreciation for the brief of documents prepared by the Secretariat.

The Secretariat continues to prepare briefs of documents on the work of the International Law Commission. The Secretariat will monitor, accordingly, the work of the ILC at its Forty-ninth Session. The provisional agenda of the Forthcoming session includes four substantive items namely (i) State Responsibility; (ii) International Liability for injurious Consequences Arising out of Acts not Prohibited by International Law; (iii) The Law and Practice relating to Reservation to Treaties; and (iv) State Succession and its impact on the Nationality of Natural and Legal Persons.

(iv) Meetings organized Under the Auspices of the AALCC

(a) Preparatory Meeting for the Seminar to Commemorate the 30th Anniversary of the AALCC's Bangkok Principles on the Status and Treatment of Refugees held at New Delhi 19 - 20 September 1996.

Pursuant to the decision of the Committee, at its 35th Session, to commemorate the 30th Anniversary of the Bangkok Principles the Joint AALCC - UNHCR Secretariat convened a two day Preparatory Meeting in New Delhi in September 1996. Representatives of 27 Member States had participated in the meeting. The discussion at that meeting had revolved around three fundamental issues viz. (i) the Definition of Refugees; (ii) Asylum and Standards of Treatment and (iii) Reparation and Durable Solutions. The question of burden sharing had, also been raised and debated. The discussions had paved the way for in depth discussion of the four key issues at the Seminar in Manila in December 1996. The Secretariat was represented by the Secretary General, the Deputy Secretary General Mr. Tohru Kumada and Assistant Secretary General Mr. Asghar Dastmalchi.

(b) Seminar to Commemorate the 30th Anniversary of the Bangkok Principles, 11-13 December 1996.

Pursuant to the mandate of the 35th Session of the AALCC a three day seminar to commemorate the 30th Anniversary of the Bangkok Principles was convened with the technical and financial assistance of the UNHCR in Manila, Philippines during 11th to 13th December 1996. The Seminar was inaugurated by Mr. Teofisto Guingona Jr., Secretary of Justice of the Government of Philippines and the then President of the AALCC. Representatives of 26 Member States 2 Observer States and officials of the UNHCR participated in the Seminar. The Secretary General, the Deputy Secretary General Mr. Tohru Kumada, and the Acting Director Mr. K.J.S.R. Kapoor represented the Secretariat of the AALCC.

(v) Meeting organized in cooperation with the AALCC

International Seminar on Petroleum Industry in India: Legal, Financial and Environmental Issues, New Delhi, March 7 - 8, 1997

The AALCC Secretariat supported an International Seminar on "The Petroleum Industry In India: Legal, Financial and Environment Issues" organized by the India International Law Foundation (HLF) in New Delhi in March 1997. The Secretariat's collaboration in the Seminar facilitated the participation of representatives of 17 Member States without payment of registration fees. The AALCC Secretariat was represented by the Secretary General, the Deputy Secretary General, Mr. Tohru Kumada and the two Assistant Secretaries General, Mr. Ashgar Dastmalchi and Dr. Ahmed J.H. Al Ga'atri.

A number of Experts including Dr. Chakib Khelil, Petroleum Adviser, World Bank; Dr. Avinash Chandra, Director General (Hydrocarbons) Ministry of Petroleum and Natural Gas, Government of India; Dr. P.S. Rao, Legal Adviser, Ministry of External Affairs, Government of India; Professor R.W. Bentham, former Director of the Institute of Petroleum and Mining Law, University of Dundee; and Mr. G.G. Malhotra, General Manager (Law) of Oil and Natural Gas

Commission, India spoke at the two day Seminar in which nearly 200 persons including Judges, Senior Government Officials, Diplomats, Technocrats, Lawyers, etc. participated.

(vi) Preparation of Studies on Matters before the United Nations and other International Organizations

In pursuance of the Committee's programme for rendering assistance to Member Governments for their active participation in the work of the Sixth Committee, the Secretariat prepared Notes and comments on selected items on the agenda of the 51st Session of the General Assembly.

These studies were submitted for consideration at the AALCC's Legal Advisers' Meeting held in New York on the 9th October 1996.

Notes and Comments were also made on the report on the work of the International Law Commission during its 48th Session held in May-July 1996. Document No.AALCC\UNGAL\1\96\2 submitted to that Meeting contained notes and comments on substantive items considered by the International Law Commission at its 48th Session. These were: State Responsibility; Draft Code of Crimes Against the Peace and Security of Mankind; The Law and Practice Relating to Reservations to Treaties, International Liability for Injurious Consequences Arising out of Acts not Prohibited by International Law; and State Succession and its Impact on the Nationality of Natural and Legal Persons. Other items on which Notes and Comments were prepared included: United Nations Decade of International Law; Protection of Global Climate for present and future Generations; and the Law of the Sea. The Secretariat had also prepared notes and comments on the Work of the United Nations Commission on International Trade Law (UNCITRAL) at its 29th Session.

The Secretariat briefs were widely circulated among both the AALCC's Member and Non-Member Delegations attending the AALCC's Legal Advisers Meeting in New York.

(vii) Publications

The AALCC publication 'Quarterly Bulletin' has been re-named as the AALCC Bulletin with a new format from this year i.e. 1997. It contains information on AALCC's activities, articles by eminent International Lawyers, Professors, Researchers and brief notes on current developments in the field of international law and economic relations, and the status of the multilateral conventions and agreements deposited with the U.N and its Specialized Agencies.

During this period the Secretariat has also published the Report and Selected Documents of the Thirty-fifth Session of the AALCC held in Manila in 1996. The report contains exhaustive studies on the topics under the agenda of the AALCC.

The Secretariat has also published a Commemorative volume entitled 'Essays on International Law'. The Essays have been contributed by such eminent persons including International Lawyers as the Legal Counsel of the United Nations, Mr. Hans Corell; the United Nations High Commissioner for Refugees Ms. Sadako Ogata; Executive Director of UNEP; Ms. Elizabeth Dowdeswell; Ambassador Villagran Kramer Former Member ILC, Dr. P.S. Rao Joint Secretary and Legal Adviser MEA India, Mr. B. Sen Former Secretary General of AALCC, Qizhi He Legal Adviser, Min. of Foreign Affairs, China, Dr. V.S. Mani Professor JNU, H.P. Rajan Adviser, Department of Ocean Development, India, Hugh Thirlway, Graduate Institute of International Studies Geneva, Prof. Djamchid Montaz University of Tehran, Prof. Hans Kochler Univ. of Innsbruck, Ms. Lim (AALCC Kuala Lumpur Arbitration Centre) and Dr. Enein (AALCC Cairo Arbitration Centre).

(viii) Inter-Sessional Meetings and Seminars proposed to be organized during 1997

With regard to Inter-sessional Meetings and Seminars proposed to be organized during the year 1997, consideration is to be given to holding an Inter-sessional Meeting or convening two or three Seminars on the following issues of topical significance and interest to the member

States may be organized: Law of the Sea, Environmental Law, Law of Treaties, Intellectual Property Rights, Impact of Investments, etc.

(ix) Representation at International Conferences

It is proposed that the representation at International Conferences during the year 1997, include the 52nd Session of the General Assembly, 49th Session of the ILC, one meeting of UNCITRAL, one meeting of the PREPCOM on the Establishment of the ICC, one meeting on environmental law matters and one meeting on the Law of the Sea. Since the establishment of the Office of the Permanent Observers in Vienna and New York, most of the meetings and conferences under the auspices of the United Nations are attended by the two Permanent Observers. Nevertheless, the Secretary General or other Officers of the Secretariat may attend one or two meetings depending upon the availability of funds.

(x) Meeting of the Legal Advisers of Member States of the AALCC

It may be recalled that the Committee at its 35th Session held in Manila in March 1996 *Inter alia* directed the Secretariat to convene a meeting of the Legal Advisers of Member States at the United Nations Headquarters in New York. Pursuant to that mandate a meeting of the Legal Advisers of Member States of the AALCC was convened at the UN Office in New York in October 1996. This meeting was chaired by H.E. Mr. Raul I. Goco, the Solicitor General of Philippines on behalf of the President of the AALCC. Representatives of 42 Member States of the United Nations participated in that meeting which was addressed by H.E. Mr. Razali Ismail the President of the General Assembly, Judge Shahbudeen, Judge of the International Court of Justice and the Under Secretary General and Legal Counsel of the United Nations H.E. Mr. Hans Corell.

Addressing the meeting of the Legal Advisers of Member States on behalf of the President of the AALCC the Solicitor General of Philippines, Mr. Raul I. Goco, said that the institution of the meeting of

the Legal Advisers of Member States performs a dual function. It affords a good and fair opportunity to share views and to discuss some of the many issues of importance to the Member States. The other function that such a meeting performs is that of an inter-sessional meeting, i.e. a meeting of Legal Experts and Advisers in the period between two sessions of the AALCC.

It may be stated that the discussions at the meeting of the Legal Advisers were based on a Background Note prepared by the Secretariat wherein three items had been identified. For the Secretariat had identified three topics for an informal exchange of views among the Legal Advisers of Member States. The topics identified were:

- (i) The Establishment of an International Criminal Court;
- (ii) International Humanitarian Law; and
- (iii) AALCC's contribution to the Special Session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21.

In his address to the Legal Advisers of the Member States the Secretary General said that the Secretariat did not expect the Legal Advisers to give detailed comments on the above mentioned subjects but merely sought their opinion and policy guidance as to which of these items the Legal advisers would desire the Secretariat to take up as matters of priority.

In this regard it may be mentioned that speaking at a panel discussion on the UN Decade of International Law: Progress and Promises organized by The American Society of International Law reference was made to

“the very useful practice of such regional organizations as the Asian African Legal Consultative Committee (AALCC) to hold meetings of their respective countries representatives in New York, at the same time as the ILC debate in the Sixth Committee. These meetings are often addressed by personalities visiting New York at the same time, such as the President and other members

of the International Court of Justice. This practice, in addition to the annual sessions of the AALCC and other regional organizations, such as the European Committee on Legal Cooperation and the Inter-American Juridical Committee, certainly contributes positively to the objectives of the Decade.

(xi) Fortieth Anniversary of the AALCC

The AALCC, was constituted in November 1956 and completed 40 years in the service of its member States in November 1996. The AALCC has established itself as a major forum for international cooperation and its work programme has accordingly been attuned to meet the needs of an expanding membership. In the words of former Secretary-General of the Committee “from a small beginning composed of a membership of not more than seven Governments emerging as an outcome of the historic Bandung Conference, the Committee had gradually established itself, over the years, as a major forum for international cooperation. Its work programme has also been suitably oriented to meet the needs of an expanding membership which now includes “44” States embracing the two continents of Asia and Africa”.

The Committee at its 5th session had approved of the Secretariat proposal to commemorate the 40th Anniversary of the constitution of the AALCC by (organizing a seminar relevant to the objectives of the UN Decade of International Law. In addition the Secretariat proposed to commemorate the 40th Anniversary of its constitution by) bringing forth a special publication, to that end it requested eminent and distinguished scholars, officials of the Member states of the AALCC as well as international organizations to contribute articles for collection of essays on International Law. The volume of Essays on International Law was brought out and released for circulation during the Tehran Session and is expected to contribute to the promotion of one of the objectives of the UN Decade of International Law.