

**ASIAN AFRICAN
LEGAL CONSULTATIVE
COMMITTEE**

REPORT
AND
SELECTED DOCUMENTS
OF THE
THIRTY-SEVENTH SESSION
NEW DELHI, INDIA
(13 April-18 April, 1998)



THE AALCC SECRETARIAT

ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

REPORT
AND
SELECTED DOCUMENTS
OF THE
THIRTY-SEVENTH SESSION
NEW DELHI, INDIA
(13 April-18 April, 1998)



Prepared & Published by
The AALCC Secretariat
27, Ring Road, Lajpat Nagar-IV, New Delhi-110024
(1998)

ASIAN-AFRICAN LEGAL
CONSULTATIVE
COMMITTEE

REPORT
AND
SELECTED DOCUMENTS
OF THE
THIRTY-SEVENTH SESSION
NEW DELHI, INDIA
(13 April-18 April, 1998)



Printed in India by:
Sachdeva Print Arts Pvt. Ltd.
44, Rajasthani Udyog Nagar, G.T.K. Road,
Delhi-110 033. Ph.: 7221294, 7462839-40.

Preface

The Asian African Legal Consultative Committee has proven its utility as a forum for consultation and cooperation on some of the major issues before the United Nations and has expanded, over a period of time, its activities to include economic cooperation and international trade law.

Notwithstanding the small membership of the Organisation during the initial period, it gathered momentum in the work of formulation of legal principles and rendering of advisory opinions to its Member States which almost immediately attracted the attention of the international community. The Committee's activities primarily as envisaged in its statutes, were directed towards progressive development of international law, consideration of legal problems referred to it by the Member States, follow-up of the work of the International Law Commission and the United Nations.

In spite of a being regional Organisation committed to the service of its Member States, it has never followed a policy of regionalism in isolation. This has been a unique feature in the character of this organisation. Observers from Non-member States are welcomed at its annual sessions from all over the world including International Organisations. The participation of the other regions in the deliberations of the sessions has proved to be beneficial not only in drawing upon their expertise and experience but also in projecting the interest of the Asian-African region within the broad framework of the international community as a whole.

The Thirty-seventh Session of the AALCC was held in New Delhi, India from 13th to 18th April, 1998. The Session was widely attended with 39 Member states, 15 Non-Members 11 Organisations including the UN, and its Specialized Agencies. A Special Meeting on the Reservation to Treaties was organised during this session and experts were invited to participate and make presentations.

The present volume "Report and Selected Documents of the Thirty-seventh Session (New Delhi, 1998)" is another contribution of the Asian African Legal Consultative Committee towards achieving the aims and objectives of the United Nations Decade of International Law.

Almost all the reserch papers prepared by the Secretariat for the New Delhi Session along with the background information and the decisions adopted have been exhaustively given in this publication.

To attain the objectives of encouraging study, dissemination and wider appreciation of International Law, the Committee continues to print its research oriented reports of its annual sessions. The emphasis in the work programme of the UN Decade of International Law has encouraged the AALCC to reproduce its papers on various subjects and issues which have a direct bearing on current topics of International Law.

I would like to express my appreciation for the expertise shown by my colleague Mr. Mohammad Reza DABIRI, the Deputy Secretary General who was entrusted with this immense task. He has successfully executed it with the poise which stems from dedication and directorial skills. With the technical assistance and meticulous handling of compiling and proof-checking jobs by Mrs. Neelam V. Mathur, the publication has been brought out in record time.

Tang Chengyuan
Secretary General

New Delhi
1 March, 1999

CONTENTS

I	<i>Asian African Legal Consultative Committee</i>	
	(i) Introduction	1
	(ii) Representation at the United Nations	4
	(iii) Meetings/Seminar Organised under the auspices of the AALCC	5
	(iv) Regional Centres for Arbitration	9
	(v) Publications	12
II	<i>Law of the Sea</i>	
	(i) Introduction	15
	(ii) Decision	22
	(iii) Secretariat Study	24
III	<i>United Nations Decade of International Law</i>	
	(i) Introduction	53
	(ii) Decision	60
	(iii) Secretariat Study	62
IV	<i>Establishment of International Criminal Court</i>	
	(i) Introduction	93
	(ii) Decision	105
	(iii) Secretariat Study	107
V	<i>Report of the International Law Commission on the work of its Forty-ninth Session</i>	
	(i) Introduction	129

	(ii) Decision	139
	(iii) Secretariat Study	140
VI	<i>Law of International Rivers</i>	
	(i) Introduction	197
	(ii) Decision	207
	(iii) Secretariat Study	208
VII	<i>Reservation to Treaties</i>	
	(i) Introduction	221
	(ii) Decision	237
	(iii) Secretariat Study	238
VIII	<i>Status and Treatment of Refugees</i>	
	(i) Introduction	289
	(ii) Decision	295
	(iii) Secretariat Study	297
IX	<i>Deportation of Palestinians in violation of International Law particularly the Forth Geneva Convention of 1949 and Massive Immigration and Settlement of Jews in the Occupied Territories</i>	
	(i) Introduction	315
	(ii) Decision	330
	(iii) Secretariat Study	332

X	<i>Extra-Territorial Application of the National Legislation : Sanctions Imposed Against Third Parties</i>	
	(i) Introduction	345
	(ii) Decision	366
	(iii) Secretariat Study	367
XI	<i>United Nations Conference at Environment and Development</i>	
	(i) Introduction	401
	(ii) Decision	404
	(iii) Secretariat Study	406
XII	<i>Legal Protection of Migrant Workers</i>	
	(i) Introduction	425
	(ii) Decision	430
	(iii) Secretariat Study	431
XIII	<i>International Trade Law</i>	
	A. Legislative Activities of the United Nations and Other Organisations concerned with International Trade Law	
	B. World Trade Organisation	
	(i) Introduction	439
	(ii) Decision	449
	(iii) Secretariat Study	
	A. Legislative Activities	452
	B. WTO	497

I. ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

COMMITTEE

(i) Introduction

The Asian African Legal Consultative Committee was brought into being in November 1956 by only seven Member States, i.e. Burma, Japan, India, Indonesia, Iraq, Sri Lanka and the United Arab Republic. With its competence in the field of international law it has blossomed into a major international organisation composed of the following membership of 44 States: Bahrain, Bangladesh, China Cyprus, Egypt, Gambia, Ghana, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Democratic People's Republic of Korea Republic of Korea, Kuwait, Libya, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Oman, Pakistan, Palestine, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syria, Tanzania, Thailand, Turkey, Uganda, United Arab Emirates and Yemen. Botswana is an associate Member. Its activities have equally been expanded to serve as an effective forum for Asian African co-operation on some of the major issues before the United Nations as also in the field of economic relations. The impetus provided by its annual sessions helped to strengthen the organisation even further, as a uniting force between the countries of the two continents of Asia and Africa. It is imperative that such solidarity and co-operation would be further strengthened in order to solidify further the role of the AALCC in promoting the interests of developing countries in general and the Asian and African countries in particular, through active participation in the process of international legislation.

The Thirty-seventh regular Session of the AALCC was held in New Delhi, India from 13 to 18 April 1998. The Session was attended by the delegations of Member States, Non-member States, Observers, Representatives of the United Nations, its subsidiary bodies and the Specialised Agencies such as the International Law Commission, the UNEP, UNHCR and UNESCO, other International and Regional Organisations such as the Commonwealth Secretariat, UNIDROIT, OIC, Arab Fund for Economic and Social Development, Saudi Fund for Development, World Wide Fund for Nature, Asian Committee for Peace, Solidarity and Human Rights.