

MATTERS RELATING TO THE WORK OF THE INTERNATIONAL LAW COMMISSION

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

Having taken note with appreciation of the Report of the Secretariat on Matters Relating to the Work of the International Law Commission (ILC) at its fifty-third session as set out in Document No. AALCO/XLI/ABUJA/2002/S.1,

Having heard with appreciation the statement of the Deputy Secretary- General,

1. **Expresses** its appreciation on the comprehensive statement made by the Representative of the ILC on its work;
2. **Extends** its felicitations to the newly elected Members of the Commission;
3. **Affirms** the significance of the contribution of the ILC to the progressive development of international law and its codification;
4. **Welcomes** the conclusion of the work of the ILC on “Responsibility of States for Internationally Wrongful Acts” and its adoption of the draft articles and a detailed commentary on the topic;
5. **Expresses** its appreciation to the Commission for the valuable work done on the issue of prevention on the topic of “International Liability for Injurious Consequences Arising out of Acts not Prohibited by International Law (prevention of transboundary harm from hazardous activities);
6. **Urges** Member States to communicate their comments and observations regarding issues identified by the ILC on the topics of “Reservations to Treaties” and “Diplomatic Protection”;
7. **Requests** the Secretary-General to bring to the attention of the ILC at its fifty-fourth session the views expressed on the items on its agenda during the forty-first session of the AALCO; and
8. **Decides** to place an item entitled “The Report on Matters relating to the Work of the International Law Commission” on the agenda of its forty- second session.

LAW OF THE SEA

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

Taking note of the Secretariat Document No. AALCO/XLI/ABUJA/2002/S.2 entitled " Law of the Sea",

Recognizing the universal character of the United Nations Convention on the Law of the Sea 1982, and its legal framework governing the activities of the oceans,

Taking note of the deliberations at the United Nations Open-ended Informal Consultative Process established by the General Assembly to facilitate the annual review of the developments in ocean affairs,

Welcoming 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,

Having heard with appreciation the statement of the Deputy Secretary -General,

1. **Expresses** its gratitude to the President of the International Tribunal for the Law of the Sea for his comprehensive statement;
2. **Reaffirms** that in accordance with Part XI of the UN Convention on the Law of the Sea, 1982, the Area is the common heritage of mankind and should be used for the benefit of the mankind as a whole;
3. **Urges** the full and effective participation of Member States in the work of the International Seabed Authority and other related bodies established by the United Nations Convention on the Law of the Sea, 1982, as well as in the Review of the United Nations Informal Consultative Process so as to ensure and safeguard the legitimate interests of developing and less developed States;
4. **Urges also** full and effective participation of Member States in the UN General Assembly's Special Meeting to commemorate the twentieth anniversary of the United Nations Convention on the Law of the Sea, 1982; and
5. **Decides** to place this item on the agenda of its forty-second session.

THE STATUS AND TREATMENT OF REFUGEES

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

Having considered the Secretariat Document No. AALCO/XLI/ ABUJA /2002/S.3 on Status and Treatment of Refugees,

Having heard with appreciation the statements of the Deputy Secretary-General and the Representative of the UNHCR,

Reconfirming the declaratory and non-binding character of the Revised Bangkok Principles and its objective to guide and inform Member States on relevant principles and general practices relating to the status and treatment of refugees in the Asian and African regions,

1. **Expresses** great satisfaction over the completion of the work on the revision of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees and the adoption of its Revised Text at its Fortieth Session in New Delhi on 24 June 2001;
2. **Welcomes** the signing of the Memorandum of Understanding between the Asian African Legal Consultative Organization and the Office of the United Nations High Commissioner for Refugees on 23 May, 2002, which formalized the long established relationship of the two Organizations;
3. **Urges** the Secretariat to prepare studies and researches on this item with the assistance of UNHCR;
4. **Directs** the Secretariat to explore the possibility of convening a workshop in co-operation with UNHCR for in-depth consideration of related issues;
5. **Decides** to place the item "Status and Treatment of Refugees" on the agenda of its forty-second session.

19 July 2002

THE DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS IN ALL OCCUPIED TERRITORIES IN VIOLATION OF INTERNATIONAL LAW PARTICULARLY THE FOURTH GENEVA CONVENTION OF 1949*

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

Having considered Document No. AALCO/XLI/ABUJA/2002/S.4; on this item,

Having heard with appreciation the statements of the Deputy Secretary-General and the Representative of the State of Palestine as well as other delegations,

Mindful of the serious obstacles created by the occupying power which hinder the achievement of peace in the region,

Condemning Israel's continued acts of violence, use of force against Palestinians, resulting in injury, loss of life and destruction, coercive migration and deportation in violation of Human Rights and the Fourth Geneva Convention of 1949,

* This resolution should be read along with the observations made by Tanzania (as reflected in the Summary Records of the Seventh General Meeting, at page 156). However, written comments of the Islamic Republic of Iran are awaited so as to finalize this resolution.

Stressing the need for compliance with existing Israeli – Palestinian agreements concluded in order to reach a final settlement,

Concerned about the continuing dangerous deterioration of the situation in the occupied Palestinian Territory, including Jerusalem, and about the severe consequences of continuous illegal Israeli settlements activities as well as the harsh economic conditions and other consequences for the Palestinians, resulting from the frequent closures and isolation of the occupied Palestinian territories and about war crimes and crimes against humanity committed in these territories and call for the implementation of resolution 1405(2002) on the dire humanitarian situation of the Palestinian population and the fact finding team,

Expressing the hope for the success of the peace efforts exerted by the international community for the achievement of a just and comprehensive solution of the question of Palestine on the basis of Security Council resolutions 194 (1949), 242 (1967), 338 (1973) 425 (1978) and 1397(2002) on the

formula of “land for peace” and the legitimate rights of the Palestinian people, and expressing solidarity with the Palestinian people and their elected leadership,

Welcoming the proposal of the Secretary-General of the United Nations on the establishment of a robust and credible multinational force and calls on the members of the Security Council to quickly consider the proposal of the Secretary-General and to take the necessary measures in this regard,

1. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in time of war, of 12 August 1949, in order to protect the rights of Palestinians;

2. **Also reiterates the demand** for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction of property and calls for the immediate and full withdrawal of Israeli (occupying) forces from Palestinian cities in implementation of Security Council Resolution 1402 (2002) and 1403 (2002) as a first step for ending the Israeli occupation of Palestinian land occupied since 1967;

3. **Calls upon** Israel to facilitate the return of refugees and displaced Palestinians to their homes and restoration to them of their properties, in compliance with the relevant UN resolutions;

4. **Affirms** that a comprehensive, just and durable solution can be achieved through the implementation of the existing agreements between the Parties; the relevant United Nations resolutions which will allow all the countries of the region to live in peace, security and harmony;

5. **Directs** the Secretariat to closely monitor the developments in the occupied territories from the viewpoint of relevant legal aspects; and

6. **Decides** to place this item on the agenda of its forty-second session.

LEGAL PROTECTION OF MIGRANT WORKERS

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

Having considered the Secretariat Document No. AALCO/XLI/Abuja/2002/S.5 which also contains the Rapporteur's Report on the Special Meeting on Some Legal Aspects of Migration held during the AALCO's 40th Session in New Delhi in June 2001,

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

Appreciating the efforts of the Secretariat in the preparation of the 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),

Aware of the problems faced by sending and receiving States concerning migrant workers in particular and migration in general,

1. **Urges** Member States to adopt suitable legal and regulatory framework for the protection of legal rights of migrant workers and also consider ratifying the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their families;
2. **Requests** Member States to provide the Secretariat with their comments and suggestions on the Draft Model Regional Co-operation Agreement;
3. **Also requests** the Secretary-General to explore the possibility of convening a meeting in collaboration with the IOM for in-depth consideration of the Draft Model Regional Co-operation Agreement, in light of views expressed at the forty-first session as well as the comments and suggestions received from the Member States;
4. **Decides** to place the item "Legal Protection of Migrant Workers" on the agenda of its forty-second session.

THE EXTRA-TERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES

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

Having considered the item on the Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties as set out in the Secretariat Document No. AALCO/XLI/ABUJA/2002/S.6;

Recognizing the significance, complexity and the implications of the above topic,

Expressing its concern that the imposition of unilateral sanctions on third parties is not in conformity with the Charter of the United Nations and the general principles of international law,

Aware that extra-territorial application of national legislation in an increasingly interdependent world retards the progress of the sanctioned State and impedes the establishment of an equitable, multilateral, non-discriminatory rule-based trading regime,

Reaffirming the importance of adherence to rules of international law in international relations,

Having heard with appreciation the statement of the Deputy Secretary-General,

1. **Directs** the Secretariat to continue to study legal implications related to the Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties and the executive orders imposing sanctions against target States;
2. **Urges** Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this topic; and
3. **Decides** to place this item on the agenda of its forty-second session.

JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

The Asian-African Legal Consultative Organization at its forty-first session,
Having considered the item “Jurisdictional Immunities of States and Their Property” as set out in Doc.No.AALCO/XLI/ABUJA/2002/S.7,

Having taken note of the Report of the Meeting of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property held at the UN Headquarters in February 2002,

Having heard with appreciation the statement of the Assistant Secretary-General,

1. **Commends** the Ad Hoc Committee on Jurisdictional Immunities of States and their Property for the progress achieved in narrowing down differences on the outstanding substantive issues;
2. **Urges** its Member States to participate actively in the work of the Sixth Committee of the UN General Assembly on this subject;
3. **Reiterates** the mandate of the Secretariat to compile national legislation, jurisprudence and practices of Member States on this item and renews its request to those Member States who have not done so, to transmit to the Secretariat any relevant materials in this regard;
4. **Directs** the Secretariat to continue monitoring the developments, on this item and report to the next session;
5. **Decides** to place this item on the agenda of its forty-second session.

INTERNATIONAL TERRORISM

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

Having considered the Secretariat Document No. AALCO/XLI /ABUJA/2002/S.8 on International Terrorism,

Recalling the relevant resolutions of the United Nation's General Assembly relating to measures to eliminate international terrorism,

Taking note of the efforts to prevent, combat and eliminate terrorism through the elaboration of and adherence to international and regional conventions,

Also taking note of the ongoing negotiations in the Ad Hoc Committee established by the General Assembly of the United Nations by its resolution 51/210 of 17 December 1996 to draft a comprehensive international convention to combat terrorism, and the work of the Counter-terrorism-Committee established by the Security Council resolution 1373 of 28 September 2001,

Expressing grave concern about the worldwide increase in the acts of terrorism, which threatens the life and security of innocent people and impedes the economic development of the targeted states,

Also expressing the hope for early conclusion of a comprehensive international convention to combat terrorism,

Having heard with appreciation the statement by the Assistant Secretary-General,

1. **Directs** the Secretariat to monitor and report on the progress in the negotiations related to the drafting of a comprehensive international convention to combat terrorism as well as on the work of the Counter-Terrorism-Committee;
2. **Requests** the Secretary-General to study the need to convene an inter-sessional meeting for in-depth study of this important item in all its aspects;
3. **Also requests** the Secretary-General to include in its web-site, national legislation enacted by Member States to combat terrorism, to facilitate exchange of information among Member State;
4. **Decides** to place the item on the agenda of its forty-second Session.

ESTABLISHING CO-OPERATION AGAINST TRAFFICKING IN WOMEN AND CHILDREN

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

Having considered the Secretariat Document No. AALCO/XLI/ABUJA/2002/S.9,

Mindful of the increasing number of women and children from developing countries who are being exploited by traffickers,

Convinced of the need to eliminate all forms of sexual violence and human trafficking, which are violations of the rights of women and children and are incompatible with the dignity and worth of the human person,

Conscious of the urgent need to adopt national, regional and international effective measures to protect women and children from this menace,

Having heard with appreciation the statement of the Deputy Secretary-General,

1. **Urges** Member States to consider becoming parties to the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children;
2. **Acknowledges and appreciates** that several Member States have transmitted to the AALCO Secretariat their national legislations and other relevant information related to the topic and urges others to do so;
3. **Requests** the Secretary-General to explore the possibility of organizing a seminar to facilitate in-depth study on the subject especially the necessity and feasibility of drafting of any model legislation; and
4. **Decides** to place this item on the agenda of the forty-second session.

FOLLOW-UP OF THE WORK OF THE PREPARATORY COMMISSION CONCERNING SOME ASPECTS OF ROME STATUTE (JULY 1998) ESTABLISHING THE INTERNATIONAL CRIMINAL COURT

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

Having considered the Secretariat Document No. AALCO/XLI /ABUJA/ 2002/ S.10,

Welcoming the entry into force of the Statute establishing the International Criminal Court on 1 July 2002,

Expressing its regret that the mandated task by the Resolution F, namely the definition of the crime of aggression, and the conditions under which the ICC can exercise its jurisdiction upon that crime has not been fulfilled,

Aware of the importance of the universal acceptance of the Statute of the International Criminal Court,

Having heard with appreciation the statement of the Deputy Secretary-General,

1. **Encourages** Member States to consider ratifying /acceding to the Rome Statute;
2. **Urges** Member States having ratified the Rome Statute to actively participate in the work of the Assembly of the States Parties which has the mandate to finalize the texts and documents prepared by the Preparatory Commission, with a view to coming into operation of the Court;
3. **Requests** the Secretariat to monitor the deliberations of the first Assembly of the States Parties and in the subsequent meetings and present a substantive report on the developments at its forty-second session;
4. **Decides** to place the item on the agenda of its forty-second session.

**THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT: FOLLOW-UP
The Asian-African Legal Consultative Organization at its forty-first session,**

Taking note of the Secretariat Document No. AALCO/XLI/ABUJA/2002/S.11,

Reaffirming that environmental protection constitutes an integral part of sustainable development,

Welcomes the convening of the World Summit on Environment and Sustainable Development in Johannesburg from 26 August to 4 September 2002 and hopes that the Plan of Implementation slated for adoption at that summit will further build on the achievements made since Rio and expedite further implementation of Agenda 21, the goals of the United Nations Millennium Declaration and the outcomes of the major United Nations conferences and international agreements since 1992,

Acknowledging that climate change and its adverse effects are a common concern of mankind,

Recognising the importance of the early entry into force of Kyoto Protocol and effective implementation of the United Nations Framework Convention on Climate Change,

Having taken note with appreciation the statement of the Representative of World Meteorological Organization,

Having heard with appreciation the statement of the Deputy Secretary-General,

1. **Requests** the Secretariat to be represented at the Johannesburg Summit;
2. **Directs** the Secretariat to continue to monitor the progress in the implementation of the outcome of the Johannesburg Summit as well as relating to the United Nations Conventions on the Climate Change, Biological Diversity and Combating Desertification; and
3. **Decides** to place this item on the agenda of its forty-second session.

AN EFFECTIVE INTERNATIONAL LEGAL INSTRUMENT AGAINST CORRUPTION

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

Taking Note of the Secretariat Document No. AALCO/XLI/ABUJA/2002/S.12,

Recognizing the need to promote and strengthen measures to prevent and combat corruption effectively,

Welcoming multilateral initiatives to develop international legal instruments to combat corruption,

1. **Appreciates** the initiative of the Secretary-General to place the item on the agenda of AALCO's Forty-first Session;
2. **Urges** Member States to actively participate in the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption;
3. **Directs the Secretariat** to monitor the developments within the Ad Hoc Committee and report to its next session;
4. **Decides** to place the item on the agenda of its forty-second session.

THE PROGRESS REPORT CONCERNING THE LEGISLATIVE ACTIVITIES OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS CONCERNED WITH INTERNATIONAL TRADE LAW

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

Having taken note of the Secretariat Report concerning the Legislative Activities of the United Nations and other International Organizations concerned with International Trade Law contained in Document No. AALCO/XLI/ABUJA/2002/S.13,

Also having taken note of the adoption of the UN Convention on the Assignment of Receivables in International Trade by the General Assembly (Res.56/81);

Having heard with appreciation the statement of the Deputy Secretary-General,

1. **Expresses its appreciation** to the UNCITRAL for the completion and adoption of the draft Convention on the Assignment of Receivables in International Trade; and of the UNCITRAL Model Law on Electronic Signatures;
2. **Recommends** to the AALCO Member States to consider becoming party to the UN Convention on the Assignment of Receivables in International Trade;
3. **Also recommends** that AALCO Member States give favourable consideration to the UNCITRAL Model Law on Electronic Signatures, when they enact or revise their laws, in view of the need for uniformity of the law applicable to alternatives to paper-based forms of communication, storage and authentication of information;
4. **Expresses its appreciation** to the International Institute for the Unification of Private Law (UNIDROIT) for its completion and adoption of the Convention on International Interests in Mobile Equipment;
5. **Expresses** satisfaction for the continued co-operation with the various international organisations competent in the field of international trade law and hopes that this co-operation will be further intensified in future;
6. **Urges** Member States to consider adopting, ratifying or acceding to the instruments prepared by the United Nations Commission on International Trade Law (UNCITRAL); and
7. **Decides** to place this item on the agenda of its forty-second session.

WTO AS A FRAMEWORK AGREEMENT AND CODE OF CONDUCT FOR WORLD TRADE

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

Having taken note of the Secretariat Report contained in Document No. AALCO/XLI/ABUJA/2002/S.14,

Recognizing the importance and complexities of issues involved in the agenda set forth by the Fourth WTO Ministerial Declaration,

Having heard with appreciation the statement of the Assistant Secretary-General,

1. **Urges** Member States to actively participate in the negotiations arising out of the Fourth Ministerial Declaration;
2. **Emphasizes** the urgency of addressing the special concerns of developing countries and least-developed countries;
3. **Requests** the Secretary-General in consultation with Member States, subject to the availability of necessary resources, to organize a seminar or workshop with a view to facilitate Member States to exchange views and identify possible common position on issues currently under negotiation within the WTO;
4. **Directs** the Secretariat to continue to monitor and report on the outcome of the review process concerning the WTO Dispute Settlement Understanding; and
5. **Decides** to place this item on the agenda of its forty-second session.

HUMAN RIGHTS IN ISLAM

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

Having taken note of the reference by the Kingdom of Saudi Arabia and its proposal to include the item "Human Rights in Islam" on the agenda of AALCO's Work-programme,

Having heard the statement of the Delegate of the Kingdom of Saudi Arabia and other delegations on this subject,

Recognizing the importance of this subject,

1. **Decides** to include the item entitled "Human Rights in Islam" on the agenda of AALCO's work-programme; and
2. **Requests** Member States to forward to the Secretariat their views and observations on the topic, so as to facilitate the preparation of an in-depth study on this item;
3. **Decides** to place the item on the agenda of its forty-second Session.