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**RESOLUTIONS ADOPTED BY THE
FORTY-NINTH ANNUAL SESSION OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE
ORGANIZATION**

AT

**DAR ES SALAAM, UNITED REPUBLIC OF TANZANIA
(5-8 AUGUST 2010)**

ORGANIZATIONAL RESOLUTIONS

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,
ADMINISTRATIVE AND FINANCIAL MATTERS**

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

Recalling the functions and purposes of the Organization as stipulated in Article 1 of the Statutes of AALCO;

Considering the Report of the Secretary-General on Organizational, Administrative and Financial Matters pursuant to Rule 20 (7) of Statutory Rules as contained in Document No. AALCO/49/DAR ES SALAAM/2010/ORG 1;

Noting with appreciation the introductory statement of the Secretary-General on the Report of the Secretary-General on Organizational, Administrative and Financial Matters;

Further noting with keen interest and appreciation the statements of the Heads of Delegations of AALCO Member States on the Report of the Secretary-General;

Appreciating the efforts of the Secretary-General to enhance the activities of the Organization and to implement its work programme as approved at its Forty-Eighth Session held in Putrajaya, Malaysia, from 17 to 20 August 2009;

Further appreciating the continued practice towards the rationalization of its work programme, including consideration of the agenda items during its annual sessions;

Taking note of the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization; and the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1 adopted by the Extraordinary Session of AALCO Member States held on 1 December 2008, in New Delhi (Headquarters), India;

Commending the efforts by the Secretary-General for Revitalizing and Strengthening the AALCO;

Recalling the Resolution RES/43/ORG 10 dated 25 June 2004, on the Revision of AALCO's Gratuity Scheme for the Locally Recruited Staff adopted at the Forty-Third Session of AALCO, held in Bali, Indonesia from 21-25 June 2004;

Noting with satisfaction the increased co-operation between the Organization and the United Nations and its Specialized Agencies, other international organizations and academic institutions:

1. **Approves** the work programme of the Organization as set out in the Report of the Secretary-General.

2. **Urges** Member States to fulfil their statutory and financial obligations, and extend their full support to the implementation of that programme.
3. **Supports** the Secretary-General in establishing an AALCO Eminent Persons Group to assist AALCO Member States in addressing key issues of concern.
4. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in particular, to increase the representation from the African States and Central Asian States.
5. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work programme of the Organization.
6. **Requests** the Secretary-General to study and to report, on the possible measures that AALCO can take to further rationalize its work programme, including consideration of the agenda items during its annual sessions.
7. **Endorses** the signing of the Memorandum of Understanding between the AALCO and the Xiamen Academy of International Law and the Wuhan Institute of International Law of the Wuhan University, the People's Republic of China.
8. **Mandates** the Secretary-General of AALCO to sign on behalf of AALCO the Memorandum of Understanding with the International Council of Environmental Law.
9. **Requests** the Secretary-General to follow the relevant legal provisions of the Host Government, i.e. the Government of India, for payment of gratuity to the locally recruited staff of the Organization.
10. **Further requests** the Secretary-General to report on the activities of the Organization at the Fiftieth Annual Session.

AALCO's BUDGET FOR THE YEAR 2011

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

Noting with appreciation the introductory statement of the Secretary-General on the Financial Situation of AALCO and the Proposed Budget for the Year 2011 as contained in Document No. AALCO/49/DAR ES SALAAM/2010/ORG 2;

Further noting the comments of the Member States and the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization adopted at the Forty-Eighth Annual Session of AALCO held in Putrajaya, Malaysia;

Noting further that the Proposed Budget for the Year 2011 was placed for the consideration at the Meeting of Liaison Officers of Member States of AALCO at the 304th and 305th Meetings held on 16 December 2009 and 3 March 2010 in New Delhi, India; and was adopted at the 306th Meeting of the Liaison Officers held on 16 July 2010 and submitted to the Forty-Ninth Annual Session for final approval;

Expressing deep concern over the financial crisis faced by AALCO and the need to take appropriate remedial measures like mid-term and long term financial improvement programmes to overcome the immediate crisis including the collection of arrears and for ensuring the future financial stability of the Organization;

Acknowledging that there is an immediate need to replenish the Reserve Fund of the Organization, with the objective of ensuring that it always has a six-month operational fund for the functioning of the Organization;

Considering all reasons for the financial crisis:

1. **Approves** the Budget for the Year 2011 as proposed.
2. **Requests** Member States who have not paid their annual contribution for the year 2010 in full, to do so at the earliest in order to ensure the effective functioning of the Organization.
3. **Further requests** Member States to make payment of their annual contribution for the year 2011 at the earliest in accordance with their financial year.
4. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO.
5. **Further encourages** Member States to voluntarily contribute to replenish the Reserve Fund so as to ensure it has always a six-month operational fund.

6. **Strongly urges** Member States who are in arrears to fulfill their financial obligations and to expeditiously clear the same in accordance with the Statutes and Statutory Rules of AALCO for the effective functioning of the Organization.
7. **Mandates** Secretary-General to explore ways and means of raising additional resources in accordance with the Statutes and Statutory Rules of AALCO and report the same to the next Session for consideration.
8. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION

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

Considering the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/49/DAR ES SALAAM/2010/ORG 3;

Noting with appreciation the introductory remarks of the Deputy Secretary-General and the report of the Directors of the Regional Arbitration Centres;

Reaffirming the commitment by the Governments of Member States towards enhancing the role of the Regional Arbitration Centres;

Recalling decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978;

Expressing satisfaction over the increasing use of the facilities and the opportunities offered for both domestic and international arbitrations under the auspices of its Regional Arbitration Centres;

Appreciating the efforts and contributions of the Governments of the Malaysia, Arab Republic of Egypt, Federal Republic of Nigeria, the Islamic Republic of Iran, and Republic of Kenya for hosting the respective Regional Arbitration Centres;

Further appreciating the promotional activities undertaken by the Directors of the Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions;

Reiterating the earlier decision of the AALCO on the necessity for the Governments of Member States to promote and support the use of the Regional Arbitration Centres;

Further reiterating its proposal that after consultation with the Directors of the respective Regional Arbitration Centres, for the holding of International Arbitration Conference biennially, by rotation in each of the Centres, with the support of Member States:

1. **Requests** that, based on the above mentioned commitments for promoting and supporting the use of Regional Arbitration Centres, the Member States to urge their esteemed Governments and private sector to use the AALCO's Regional Arbitration Centres for their disputes and in particular to consider in their contracts, the inclusion of the Arbitration Clause of AALCO's Regional Arbitration Centres.
2. **Consider** the formation of a common system both administratively and financially between the Centres and common standard for the qualification of arbitrators.

3. **Directs** the Arbitration Centres to meet at every AALCO Annual Sessions to enable an exchange of ideas and to report the outcome to the Organization.
4. **Requests** the Secretary-General to take initiative to promote the Arbitration Centres among Member States and to work toward establishing another Arbitration Centre in the South Asian region.
5. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

**REPORT ON THE CENTRE FOR RESEARCH AND TRAINING
OF THE AALCO**

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

Considering the Secretariat Report on the Centre for Research and Training (CRT) of the AALCO, contained in Document No. AALCO/49/DAR ES SALAAM/2010/ORG 4;

Noting with appreciation the introductory remarks of the Deputy Secretary-General;

Recognizing the need and importance of the exchange of information among AALCO Member States, the United Nations and its Specialized Agencies, and other International Organizations for improving capacity-building and enhancing of legal expertise in areas of international law;

Bearing in mind the effective role of research and training in promoting the objectives of the Organization;

Further bearing in mind a more proactive role the CRT could play in furthering the mandate of the Organization in making the best use of the Headquarters which is equipped with modern technology and infrastructure facilities;

Appreciating the efforts of the Secretariat in preparing special studies on matters of common concern and its plan to hold training programmes in cooperation with International Organizations and to ensure financial support to these programmes;

Further appreciating the efforts of the CRT for organizing the Training Programme on “Basic Course on the World Trade Organization (WTO)” at the AALCO Headquarters in New Delhi:

1. **Requests** the Secretariat to maintain, update and improve the technical efficiency of the website for facilitating dissemination of information to the Member States, the United Nations and its Specialized Agencies, and other international organizations.
2. **Further requests** the Secretary-General to foster capacity-building of the Centre to carry out research projects on international law and to organize training programmes for the benefit of the officials of Member States handling international law issues.
3. **Urges** Member States to furnish information and other relevant materials, including the name and address of the focal point with e-mail and the website of the Ministry concerned and officials in charge of AALCO, in order to enhance the activities of the Centre for Research and Training (CRT).

4. **Encourages** Member States to make voluntary contributions to the “Research and Training Fund” established vide RES/45/ORG 4 to promote and strengthen Research and Training under the CRT, and to provide a sustainable financial base to the Centre to undertake its mandated activities.
5. **Directs** the Secretariat to take necessary measures to promote the awareness about the Centre so that the services available in the Centre could be used by the public and private sectors in the Member States.
6. **Further directs** the Secretariat to work towards the realization of its proposal for the training of officials of AALCO Member States.
7. **Requests** the Member States to provide the Secretariat with specific topics for conducting in-depth research studies.
8. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

VENUE OF THE FIFTIETH ANNUAL SESSION

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

Taking note with great appreciation, of the invitation received from the Government of Democratic Socialist Republic of Sri Lanka to host Fiftieth Annual Session of AALCO in 2011:

1. **Decides** to accept the invitation from the Government of Democratic Socialist Republic of Sri Lanka.
2. **Requests** the Secretary-General to hold consultations with the Government of Democratic Socialist Republic of Sri Lanka to prepare administrative arrangements of the Session, including the dates of the Session and inform the Member States accordingly.

SUBSTANTIVE RESOLUTIONS

RESOLUTION ON THE THEMATIC DEBATE ON “MAKING AALCO’S PARTICIPATION IN THE WORK OF THE INTERNATIONAL LAW COMMISSION MORE EFFECTIVE AND MEANINGFUL”

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

Appreciating the efforts of the Secretary-General in convening the Thematic Debate on “Making AALCO’s Participation in the Work of International Law Commission (ILC) more Effective and Meaningful”;

Noting with appreciation the views expressed by the President, the Secretary-General and the Panelists and the statements of Member States of AALCO during the Thematic Debate on “Making AALCO’s Participation in the Work of International Law Commission (ILC) more Effective and Meaningful” held on 6 August 2010 during the Forty-Ninth Annual Session of AALCO held in Dar es Salaam, the United Republic of Tanzania;

Also Appreciating the convening of the Commemorative Seminar on the 60th Anniversary of the International Law Commission on 2 December 2008, at the AALCO Headquarters in New Delhi, India;

Recognizing the significant contribution of the ILC to the codification and progressive development of international law;

Commending the initiative of the Secretary-General in convening the joint AALCO - ILC meeting in conjunction with AALCO Legal Advisers’ meeting held in New York on 28 October 2009, and the fruitful exchange of views on the items deliberated during that meeting:

1. **Requests** the Secretary-General to follow-up on the suggestions and recommendations, subject to availability of resources, made by the Panelists and the Member States of AALCO in the Thematic Debate on “Making AALCO’s Participation in the Work of International Law Commission (ILC) more Effective and Meaningful”.
2. **Recommends** Member States to contribute in the work of ILC, in particular by communicating their comments and observations regarding issues identified by the ILC on various topics currently on its agenda to the Commission.
3. **Requests** the Secretary-General to continue convening AALCO-ILC meetings in future.
4. **Also requests** the Secretary-General to bring to the attention of the ILC the views expressed by Member States during the annual sessions on the items on its agenda during the Forty-Ninth Annual Session of the AALCO.
5. **Decides** to place the item on the provisional agenda of the Fiftieth Annual Session.

THE LAW OF THE SEA
(Non-Deliberated)

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 2;

Recognizing the universal character of the United Nations Convention on the Law of the Sea 1982 (UNCLOS), and its legal framework governing the issues relating to the management of the oceans;

Mindful of the historical contribution made by the Asian-African Legal Consultative Organization in the elaboration of the UNCLOS;

Conscious that the AALCO has been regularly following the implementation of the UNCLOS and its implementing agreements;

Hopeful that in view of the importance of the law of the sea issues, AALCO would maintain its consideration on the agenda item and continue to perform its historical role on the law of the sea matters;

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

Welcoming the active role being played by the International Tribunal for the Law of the Sea (ITLOS) in the peaceful settlement of disputes with regard to ocean related matters:

1. **Reaffirms** that in accordance with the UNCLOS, the “Area” and its resources are the common heritage of mankind.
2. **Urges** the full and effective participation of its 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, as well as in the United Nations Informal Consultative Process and also through effective contribution to the work of the Commission on the Limits of Continental Shelf, so as to ensure and safeguard their legitimate interests.
3. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

THE STATUS AND TREATMENT OF REFUGEES
(Non-Deliberated)

Part 1 on Internally Displaced Persons

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 3;

Recognizing the Guiding Principles on Internal Displacement of 1998 as the key international framework for the protection of internally displaced persons;

Welcoming the adoption of “The African Convention on the Protection and Assistance of Internally Displaced Persons” (the Kampala Convention) at Kampala, Uganda in October 2009;

Underlines the urgent need for unimpeded access for humanitarian assistance to all internally displaced peoples;

1. **Expresses grave concern** about the plight of internally displaced persons in all regions of the world, particularly in Africa.
2. **Further expresses its appreciation** to those Governments and inter-governmental and non-governmental Organizations which have provided assistance and protection to internally displaced persons.
3. **Decides** to place this agenda item on the provisional agenda of the Fiftieth Annual Session.

Part 2 on Refugees

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 3;

Reaffirming the importance of the 1951 Convention relating to the Status of Refugees together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969, as the cornerstone of the international system for the protection of refugees;

Stressing the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees:

1. **Calls upon** all States that have not yet done so to consider ratify/accede to and to implement fully the 1951 Convention relating to the Status of

Refugees and the 1967 Protocol thereto and other relevant regional instruments as applicable.

2. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

**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
(Deliberated)**

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 4;

Noting with appreciation the introductory remarks of the Deputy Secretary-General;

Having followed with great interest the deliberations on the item reflecting the views of Member States;

Being concerned with the serious obstacles created by the occupying power, which hinder the achievement of a just and lasting peace in the region;

Recognizing that the massive Israeli military operation in the Occupied Palestinian Territories, particularly in the occupied Gaza strip, has caused grave violations of the human rights of the Palestinian civilians therein and international humanitarian law, and exacerbated the severe humanitarian crisis in the Occupied Palestinian Territories;

Also recognizing that the Israeli siege imposed on the occupied Gaza strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences;

Welcoming the international and regional initiatives for peace in the Middle East;

Condemning Israel's acts of violence and 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;

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

Being concerned about the continuing dangerous deterioration of the situation in the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, the continuous deportation of Palestinians from their homeland, and the continuing serious and systematic violation of human rights of the Palestinian people by Israel, the occupying power, including that arising from the excessive use of force, the use of collective punishment, the occupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall in the occupied Palestinian Territories, the destruction of property and infrastructure, use of prohibited weapons and all

other actions designed to change the legal status, geographic composition of the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, and about war crimes and crimes against humanity committed in these territories, and calling for the implementation of the relevant United Nations resolutions on the humanitarian situation of the Palestinian people;

Recalling the Advisory Opinion rendered by the International Court of Justice in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and related General Assembly Resolution (A/RES/ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006), as well as the United Nations initiative of establishment of a Register of Damage arising from the construction of the separation wall;

Being deeply concerned about the tenacity of Israel in proceeding with the construction of wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, which is contrary to international law;

Acknowledging with deep concern that the Security Council is still unable to adopt a resolution stipulating the illegality of the Israeli expansionist wall;

Expressing its support to the Arab Peace Initiative for resolving the issue of Palestine and the Middle East, adopted by the 14th Arab Summit held in Beirut (Lebanon) on 28 March 2002 and reaffirmed in the 19th Summit Conference of the League of Arab States, Riyadh, 28-29 March 2007 as well as other peace initiatives, including the Quartet Road Map;

Taking note of conclusions and outcomes of all events held at both regional and international levels aiming at the achievement of a just, durable and comprehensive solution of the question of Palestine;

Affirming that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the Charter of the United Nations, existing agreement between the parties and the relevant Security Council and General Assembly resolutions, which will allow all the countries of the region to live in peace, security and harmony:

1. **Urges** its Member States to take part in the peace process/efforts exerted by the international community for the achievement of a just and comprehensive solution of the question of Palestine on the basis of relevant Security Council resolutions, including 242 (1967), 338 (1973), 425 (1978), 1397 (2002) and 1860 (2009); and relevant General Assembly Resolutions, including 194 (1949) 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.
2. **Takes note** of the United Nations Secretary General’s Board of Enquiry as transmitted on 4 May 2009 to the Security Council as well as the findings of the recent report of the Special Rapporteur of the Human Rights Council and other regional organizations.

3. **Also takes note** of the report of the Independent Fact Finding Committee on Gaza presented to the League of Arab States on 30 April 2009.
4. **Strongly condemns** the shocking developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the deportation of Palestinians from their homeland, the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality against Palestinian civilians, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people.
5. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth 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.
6. **Also demands** that Israel positively respond to the 2009 Report of Mr. Richard Falk the Special Rapporteur for the Palestinian Territories Occupied Since 1967 and 2010 Report and Recommendations of Justice Goldstone, United Nations Fact Finding Mission on the Gaza Conflict in order to protect the rights of Palestinians.
7. **Further Demands** that Israel comply with its legal obligations as mentioned in the Advisory Opinion rendered by the International Court of Justice in the case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and related General Assembly Resolution (A/RES/ES-10/15 of 20th July 2004).
8. **Strongly demands** that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory.
9. **Strongly deplores** the Israeli blockade of the Gaza strip and its consequent human rights and humanitarian law violation and the Israeli attack against the humanitarian aid Flotilla.
10. **Further demands** 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 Palestinians territories in implementation of Security Council Resolutions, including 1402 (2002), 1403 (2002), 1515 (2003), and 1544 (2004) as a first step for ending the Israeli occupation of Palestinian territories occupied since 1967.
11. **Calls upon** Israel to ensure the return of refugees and displaced Palestinians to their homes and the restoration to them of their properties, in compliance with the relevant UN resolutions.

12. **Directs** the Secretariat to closely follow the developments in occupied territories from the view point of relevant legal aspects.
13. **Decides** to place the item on the provisional agenda of the Fiftieth Annual Session.

LEGAL PROTECTION OF MIGRANT WORKERS
(Non-Deliberated)

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 5;

Recognizing that international migration requires a holistic and coherent approach based on co-responsibility;

Acknowledging that international migration has brought great benefits to migrants and their families, as well as to receiving countries:

1. **Requests** Member States, in conformity with their respective constitutional systems, to effectively promote and protect the human rights of all migrants, in conformity with the international legal instruments to which they are party.
2. **Urges** Member States to draw up and implement campaigns to combat the increasing instances of xenophobic acts and violence against migrants in the wake of the recent global financial crisis.
3. **Encourages** Member States that have not yet done so to consider ratifying/acceding to the relevant international legal instruments on the situation of migrant workers, particularly the ICMW 1990.
4. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

**EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION:
SANCTIONS IMPOSED AGAINST THIRD PARTIES
(Non-Deliberated)**

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 6;

Recalling its Resolutions RES/36/6 of 7 May 1997, RES/37/5 of 18 April 1998, RES/38/6 of 23 April 1999, RES/39/5 of 23 February 2000, RES/40/5 of 24 June 2001, RES/41/6 of 19 July 2002, RES/42/6 of 20 June 2003, RES/43/6 of 25 June 2004, RES/44/6 of 1 July 2005, RES/45/S 6 of 8 April 2006, RES/46/S 7 of 6 July 2007, RES/47/S 6 of 4 July 2008, RES/48/S 6 of 20 August 2009 on the subject;

Recognizing the significance and implications of the above subject;

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, particularly non-interference in internal affairs, sovereign equality, freedom of trade, peaceful settlement of disputes and right to development;

Declaring condemnation as regards the imposition against the AALCO Member States with additional and new series of sanctions against Union of Myanmar, Syrian Arab Republic and Islamic Republic of Iran by the Government of the United States of America;

Being aware that extraterritorial 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 the rules of international law in international relations:

1. **Directs** the Secretariat to continue to study the legal implications related to the Extraterritorial 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 subject.
3. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

INTERNATIONAL TERRORISM
(Non-deliberated)

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 7;

Recalling the relevant international instruments, where applicable, and resolutions of the United Nations General Assembly and the Security Council relating to measures to eliminate international terrorism and the efforts to prevent, combat and eliminate terrorism;

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 elaborate a Comprehensive Convention on International Terrorism;

Expressing grave concern about the worldwide increase in acts of terrorism, which threaten the life and security of innocent people and impede the economic development of the concerned States;

Recognizing the need for the international community to collectively combat terrorism in all its forms and manifestations and address the root causes of terrorism;

Reaffirming that international effort to eliminate terrorism must be strengthened in accordance with the Charter of the United Nations and in particular, taking into account international human rights law, international humanitarian law, and refugee law;

Calling for an early conclusion and the adoption of a comprehensive convention on international terrorism by expediting the elaboration of a universally acceptable definition of terrorism:

1. **Encourages** Member States to consider ratifying/acceding to the relevant conventions on terrorism.
2. **Urges** Member States to participate in the work of the above mentioned Ad Hoc Committee on International Terrorism.
3. **Directs** the Secretariat to follow and report on the progress of work in the Ad Hoc Committee on International Terrorism.
4. **Further directs** the Secretariat to collect national legislation on combating terrorism to facilitate exchange of information among Member States.
5. **Requests** the Secretary-General to hold seminars and joint activities in cooperation with other international organizations, especially UNODC, on dealing with the legal aspects of combating terrorism.
6. **Decides** to place the item on the provisional agenda of the Fiftieth Annual Session.

**ESTABLISHING COOPERATION AGAINST TRAFFICKING IN
WOMEN AND CHILDREN
(Non-Deliberated)**

The Asian-African Legal Consultative Organization at its Forty-Ninth session,

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 8;

Mindful of the increasing number of individuals being exploited through trafficking in persons and smuggling of migrants, including from the Asian-African region;

Convinced of the need to eliminate all forms of trafficking in persons and smuggling of migrants and bearing in mind the overlapping nature between trafficking in persons and smugglings of migrants, which are flagrant violations of human rights;

Noting the continuing efforts of Member States in combating trafficking in persons and smuggling of migrants, and encouraging them to inform and update the AALCO Secretariat of pertinent developments in their respective States, in order to share experience amongst Member States;

Being aware of the on-going work on a model legislation as mandated by the Forty-Third Annual Session of AALCO held in Bali, Republic of Indonesia in 2004 by the AALCO Secretariat;

Acknowledging with appreciation that some Member States have submitted to the AALCO Secretariat their national legislations and other relevant information related to the topic, and urges other Member States to do the same:

1. **Encourages** the Member States which are not yet party to consider ratifying/acceding to the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in 2000.
2. **Directs** the Secretariat to follow and report on the developments in this regard, including the work undertaken by other fora.
3. **Mandates** the Secretary-General to constitute an open-ended Committee of Experts to conduct study on ways and means to enhance mutual legal assistance in criminal matters among Member States for their further consideration.
4. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

**CHALLENGES IN COMBATING CORRUPTION: THE ROLE OF THE
UNITED NATIONS CONVENTION AGAINST CORRUPTION
(Deliberated)**

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

Considering the Secretariat document contained in No. AALCO/49/DAR ES SALAAM/2010/S 11;

Noting with appreciation the introductory statement of the Deputy Secretary-General;

Having followed with great interest the deliberations on the item reflecting the views of the Member States;

Recalling resolution AALCO/RES/48/S 11, adopted at the Forty-Eighth Annual Session held at Putrajaya, Malaysia in 2009, which *inter alia* requested the Secretariat to come up with an updated title for the agenda item;

Concerned about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy and ethical values, justice;

Convinced that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies;

Further convinced that the availability of technical assistance can play an important role in enhancing the ability of States by building and strengthening capacity and institution-building;

Welcoming the adoption of a new review mechanism for the implementation of the United Nations Convention against Corruption [UNCAC] at the Third Conference of State Parties meeting in November 2009 at Doha:

1. **Condemns** corruption in all its forms, including bribery, money-laundering and the transfer of assets of illicit origin.
2. **Reaffirms** the commitment to make the fight against corruption a priority at all levels and welcomes all actions taken in this regard at the national and international levels, including the adoption of policies that emphasize accountability and transparency in public expenditure and financial management.
3. **Requests** the international community to support the efforts of all countries to strengthen institutional capacity building and regulatory frameworks for preventing corruption including bribery, money-laundering and illegal

transfer of assets of illegal origin, as well as for the returning of those assets to the countries of origin.

4. **Encourages** all Member States that have not yet done so to ratify/accede to the United Nations Convention against Corruption as a matter of priority in an effort to deal with this issue of corruption effectively.
5. **Approves** the updated title “*Challenges in Combating Corruption: The Role of the United Nations Convention against Corruption*”.
6. **Decides** to continue to consider this agenda item and place it on the provisional agenda of the Fiftieth Annual Session.

**REPORT ON THE WORK OF UNCITRAL AND OTHER
INTERNATIONAL ORGANIZATIONS IN THE FIELD OF
INTERNATIONAL TRADE LAW
(Non-deliberated)**

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 12;

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

Being aware of the completion and the adoption of the Practice Guide on Cross-Border Insolvency Cooperation by the United Nations Commission on International Trade Law at its forty-second session:

1. **Encourages** Member States to give due consideration to the Practice Guide on Cross-Border Insolvency Cooperation in cross-border insolvency proceedings.
2. **Expresses** satisfaction for AALCO's continued cooperation with the various international organizations competent in the field of international trade law and hopes that this cooperation will be further enhanced in the future.
3. **Urges** Member States to consider adopting, ratifying or acceding to the instruments prepared by the UNCITRAL.
4. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

**WTO AS A FRAMEWORK AGREEMENT AND
CODE OF CONDUCT FOR WORLD TRADE
(Deliberated)**

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 13;

Noting with appreciation the introductory statement of the Deputy Secretary-General;

Recognizing the importance and complexities of issues involved in the WTO Doha Development Agenda;

Hoping that the Doha Round of Negotiations would conclude successfully/expeditiously in the near future:

1. **Encourages** Member States to successfully complete negotiations mandated under the Doha Development Agenda, taking fully into consideration the special concerns of developing and least-developed country Members of WTO.
2. **Directs** the Secretariat to continue to monitor and report on the Doha Round of Negotiations, particularly the outcome of the review process concerning the WTO Dispute Settlement Understanding.
3. **Appreciates** the effort of the Centre for Research and Training (CRT) of AALCO in successfully organizing a Basic Course on the World Trade Organization from 1 to 5 February 2010, at AALCO Headquarters, New Delhi.
4. **Requests** the Secretary-General in consultation with Member States, subject to the availability of necessary resources, to organize seminars or workshops to facilitate the exchange of views by Member States on issues currently under negotiation within the WTO and capacity building programs.
5. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

EXPRESSIONS OF FOLKLORE AND ITS INTERNATIONAL PROTECTION
(Deliberated)

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 14;

Noting with appreciation the introductory statement of the Deputy Secretary-General;

Recognizing the importance of protection of the 'Expressions of Folklore' for the Asian-African countries;

Welcoming the World Intellectual Property Organization (WIPO) General Assembly initiative in establishing an Intergovernmental Committee (IGC) with the objective of reaching agreement on a text of an international legal instrument (or instruments) which will ensure the effective protection of Expressions of Folklore (EoF);

Also welcoming the renewal of the mandate of the IGC by WIPO General Assembly in October 2009:

1. **Expresses** the hope that the WIPO IGC would be able to reach agreement on a text of an international legal instrument (or instruments) which will ensure the effective protection of Expressions of Folklore (EoF).
2. **Requests** the Secretary-General to organize an Expert Meeting in cooperation with WIPO or with any other Member State (s), to facilitate the exchange of views by Member States on the issues relevant to the protection of Expressions of Folklore.
3. **Encourages** Member States to actively participate in the future work of the agenda item at all the WIPO meetings.
4. **Directs** the Secretariat to follow up the developments within the WIPO IGC on 'Expressions of Folklore', and to present the views of the AALCO Member States to the IGC.
5. **Decides** to place the item on the provisional agenda of the Fiftieth Annual Session.

MANAGING GLOBAL FINANCIAL CRISIS: SHARING OF EXPERIENCES
(Non-Deliberated)

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 16;

Recognizing the significance of the topic, especially the legal aspects, for the Asian-African countries in the context of the ongoing global financial crisis and its impact on development;

Being aware of the adverse consequences of the global financial crisis on the economic growth and development of Member States of AALCO, and their efforts to resolve it;

Noting the efforts of the international community to address the global financial crisis, particularly, convening of the *UN Conference on the World Financial and Economic Crisis and its Impact on Development* by the United Nations from 24th to 30th June 2009 in New York to assess the global financial crisis;

Taking note of the Resolution (A/RES/63/303) adopted by the United Nations General Assembly on 9th July 2009 on the *Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development*:

1. **Emphasizes** the need for strengthening the foundation for a fair, inclusive and sustainable global financial system.
2. **Calls upon Member States** to forward to the Secretariat their views and suggestions on this item, so as to guide the Secretariat on the future course of action.
3. **Invites** Member States of AALCO to forward their national regulatory framework/legal framework to the AALCO Secretariat latest by 15 November 2010 so as to enable the Secretariat to bring out a compilation of the national regulatory framework of its Member States.
4. **Decides** to place this item on the provisional agenda of the annual sessions, as and when required.

**RESOLUTION ON THE SPECIAL MEETING ON
“INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS”**

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 9;

Noting with appreciation the views expressed by the President, the Secretary-General and the Panelists and the statements of Member States during the Special Meeting on “International Criminal Court: Recent Developments”, jointly organized by the Government of United Republic of Tanzania, the International Committee of the Red Cross (ICRC) and the AALCO Secretariat on 7 August 2010 at Dar Es Salaam, the United Republic of Tanzania;

Having followed with great interest the deliberations on the item reflecting the views of Member States;

Taking note of the deliberations and decisions of the Review Conference of the Rome Statute of the International Criminal Court, and noting the progress in cases before the International Criminal Court (ICC);

Being aware of the importance of the universal acceptance of the Rome Statute of the International Criminal Court and in particular, the principle of complementarity;

Appreciating the efforts taken by the Secretariat in convening the “Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court”, held at Putrajaya, Malaysia from 30 to 31 March 2010;

Thanking the Governments of Japan and Malaysia for their financial, logistical and technical support provided for successfully holding the Round Table Meeting of Legal Experts at Putrajaya, Malaysia;

Welcoming the Secretariat’s effort in bringing out the Report of the above mentioned Round Table Meeting to facilitate the Member States for a greater understanding of issues for those who attended the Review Conference of the Rome Statute of the International Criminal Court at Kampala, Uganda;

Appreciating the efforts taken by the AALCO Member State, Uganda, for convening the Review Conference of the Rome Statute of the International Criminal Court at Kampala, Uganda from 31 May to 11 June 2010;

Welcoming the General Statement made by the Secretary-General of AALCO at the Review Conference of the Rome Statute of the International Criminal Court on 1 June 2010;

Taking note of the outcome of the Review Conference of the Rome Statute of the International Criminal Court held at Kampala, Uganda:

1. **Commends** the Government of the United Republic of Tanzania, the International Committee of the Red Cross (ICRC) and the AALCO Secretariat for earnest efforts in organizing the Special Meeting on “International Criminal Court: Recent Developments”.
2. **Expresses gratitude** to the Panelists who have given valuable insight on the important aspects of the topic on the issues of “Principle of Complementarity” and on the “Crime of Aggression”.
3. **Encourages** Member States which are not yet party to consider ratifying/acceding to the Rome Statute and on ratification/accession consider adopting necessary implementing legislation.
4. **Further encourages** Member States that have ratified the Rome Statute to consider becoming party to the Agreement on the Privileges and Immunities of the International Criminal Court.
5. **Directs** the Secretariat to follow up the deliberations in the forthcoming Ninth Session of the Assembly of States Parties and its meetings, and follow the developments regarding cases taken up by the International Criminal Court, and present a report at the Fiftieth Annual Session.
6. **Requests** the Secretary-General to establish a working group of experts in particular on implementing principles of complementarity at the national level and also conduct a study on the issues relating to the International Criminal Court.
7. **Further requests** the Secretary-General to consider the possibility of convening of a Workshop in collaboration with the International Criminal Court in Kuala Lumpur specifically for the non-State Parties to the Rome Statute of the International Criminal Court.
8. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.

**RESOLUTION ON THE SPECIAL MEETING ON
“ENVIRONMENT AND SUSTAINABLE DEVELOPMENT”**

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

Considering the Secretariat Document No. AALCO/49/DAR ES SALAAM/2010/S 10;

Noting with appreciation the views expressed by the President, the Deputy Secretary-General and the Panelists and the statements of Member States during the Special Meeting on “Environment and Sustainable Development” jointly organized by the Government of Tanzania, the International Council of Environmental Law and the AALCO Secretariat on 7 August 2010 at Dar es Salaam, the United Republic of Tanzania;

Deeply concerned with the deteriorating state of the global environment through various human activities, and unforeseen natural disasters;

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

Welcoming the adoption of the Johannesburg Declaration on Sustainable Development and the Plan of Implementation at the World Summit on Sustainable Development, held at Johannesburg in 2002;

Further welcoming the World Summit 2005 Outcome document adopted by the high level Plenary of the Sixtieth Session of the United Nations General Assembly;

Recalling the Nairobi Resolution on Environmental Law and Sustainable Development adopted by the Forty-Fourth Session of AALCO in 2005;

Underlying that climate change is one of the greatest challenges of our time;

Emphasizing that strong political will to combat climate change in accordance with the principles of the United Nations Framework Convention on Climate Change, especially the principle of common but differentiated responsibilities and respective capabilities is essential;

Recognizing the importance of the on-going Bali Road-Map negotiations for stronger international cooperation on climate change for the period beyond 2012;

Considering the Copenhagen Accord of which the United Nations Climate Change Conference held at Copenhagen, Denmark from 7 to 9 December 2009, took note;

Hoping that the United Nations Climate Change Conference, scheduled to take place at Cancun, Mexico from 29 November to 10 December 2010 would be able to achieve positive outcome for the Bali Road-Map negotiations;

Taking note of the legal instruments within the framework of the African Union, including the Revised version of the African Convention on Nature and Natural Resources adopted by the Assembly of the African Union on 11 July 2003 for the protection of environment and sustainable development;

Appreciating the efforts made by the International Council of Environmental Law in preparing the draft of the International Covenant on Environment and Development;

Conscious of the importance of the conservation of biological diversity for evolution and maintaining life-sustaining systems of the biosphere;

Affirming the importance of the United Nations Convention to Combat Desertification:

1. **Commends** the Government of the United Republic of Tanzania, the International Council of Environmental Law and the AALCO Secretariat for earnest efforts in organizing the Special Meeting on “Environment and Sustainable Development”.
2. **Expresses gratitude** to the Panelists who have given valuable insight on the important aspects of the topic on the issues of “Climate Change”, the revised version of the African Convention on Nature and Natural Resources and the draft of the International Covenant on Environment and Development.
3. **Urges** Member States to actively participate in the on-going Bali Road-Map negotiations.
4. **Welcomes** the draft of the International Covenant on Environment and Development.
5. **Requests** the Secretary-General of AALCO in consultation with ICEL to develop a programme of work in the field of Environmental Law and Sustainable Development within the framework of the Memorandum of Understanding signed between the AALCO and the International Council of Environmental Law.
6. **Directs** the Secretariat to follow the on-going Bali Road-Map negotiations for stronger international cooperation on climate change for the period beyond 2012.
7. **Further directs** the Secretariat to continue to follow up the progress in the implementation of the outcome of the Johannesburg Summit as well as follow up the progress in the implementation of the United Nations Framework Convention on Climate Change, Convention on Biological Diversity, and the United Nations Convention to Combat Desertification.
8. **Decides** to place this item on the provisional agenda of the Fiftieth Annual Session.