



ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION (AALCO)

EXPLANATORY MEMORANDUM

**SIXTY-THIRD ANNUAL SESSION,
KAMPALA, REPUBLIC OF UGANDA**

**VENUE: SPEKE RESORT & CONFERENCE CENTRE
PLOT 94, 411, 412 WAVAMUNNO ROAD
SALAMA PARISH, MULLUNGU VILLAGE, MUNYONYO, KAMPALA, UGANDA**

DATE: 8 SEPTEMBER TO 12 SEPTEMBER 2025

I. INTRODUCTION

1. The Provisional Agenda has been prepared following Rule 10 (1) of the Statutory Rules. It may be recalled that until the Forty-First Annual Session of AALCO, held in Abuja, Nigeria (2002), all the substantive items on the Organization's agenda were deliberated in the Annual Sessions and the Secretariat prepared reports on all the agenda items. However, before the Forty-Second Annual Session held in Seoul, the Republic of Korea (2003), the Host Government of that Session proposed to the Secretary-General to divide all the items on the agenda into deliberated and non-deliberated items with a view to allocating more time for the exchange of views and experiences and intensive discussion on the deliberated items apart from discussion on organizational items. This approach was implemented for the first time during the Forty-Second Annual Session, held in Seoul (2003) and is being continuously followed since then.
2. Further, since the Forty-Ninth Annual Session held in Dar es Salaam, the United Republic of Tanzania (2010), the non-deliberated agenda items were being published in a single report and the same was also placed for consideration of the Member States. During the past several years, the Member States have recommended austerity measures to be adopted by the Organization, including cutting down costs on its publications. In compliance with this observation, since the Fifty-Third Annual Session held in Tehran, the Islamic Republic of Iran (2014), the Secretariat has not published the report on the non-deliberated agenda items.
3. Furthermore, since the Fifty-Fourth Annual Session held in Beijing, the People's Republic of China (2015), sub-themes for topics categorised as substantive matters have been introduced in an effort to have focused discussions among the Member States.

4. Furthermore, at the Sixty-First Annual Session, held in Bali, Republic of Indonesia (2023), the practice of constituting a Drafting Committee was revised. The Drafting Committee was an open-ended committee and any Member Government desirous of participating in its work could become a part of it. It was chaired by a representative of the Host Government. The composition of this open-ended Drafting Committee would include representatives of the Host Government, the AALCO Secretariat and representatives of all interested AALCO Member States. The work mandate of the Drafting Committee included the preparation of the Summary Report of the meetings, Draft Resolutions, and other documents, including a message of Thanks to the Host Government, among others. The Open-ended Drafting Committee would meet either before or after the General Meetings or during the lunch breaks or post dinner. The work of the Drafting Committee was reported by the Chairperson to the plenary. This would facilitate the adoption of the Summary Report and the Resolutions by the Plenary Meeting, on the concluding day.
5. At the forthcoming Sixty-Third Annual Session, to be held in **Kampala, Republic of Uganda from 8 to 12 September 2025** apart from the consideration of items on Organizational matters, it is suggested that the deliberations focus on some of the important substantive items on AALCO's current agenda. These include: (i) Matters related to the Work of the International Law Commission (ILC) at its Seventy-Sixth Session (ii) The Law of the Sea (iii) Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues relating to the Question of Palestine; (iv) Environment and Sustainable Development (v) International Trade and Investment Law; (vi) Legal Issues in Outer Space (vii) Asset Recovery Forum

Under the head Any Other Matter, the Seventh Meeting of the AALCO Open-ended Working Group (OEWG) on International Law in Cyberspace will be held.

6. The registration for the Session will begin on Sunday, 7 September 2025 from 10.00 AM to 6.00 PM (East Africa Time) to be continued on Monday, 8 September 2025 from 8.00 AM to 10.00 AM (East Africa Time), before the Inaugural Session.
7. Resolutions will be adopted on organizational and financial matters.
8. During the session, the following AALCO publications will be launched: (i) Yearbook of AALCO Volume XXI (Year 2024) (ii) AALCO Journal of International Law Volume 13, 2025 (iii) Report of the AALCO Webinar on Space Law for Emerging Space Actors (iv) Report of the AALCO Webinar on Immunity of State Officials from Foreign Criminal Jurisdiction (v) AALCO Special Study on Palestine (vi) AALCO Special Study on Cybercrime

II. PROCEDURAL MATTERS

Chairing of the Session

9. Rule 3(1) of AALCO's Statutory Rules provides that the President of the previous Session shall preside until the Member States elect a new President for the current Session. Accordingly, **the President of the Sixty-Second Annual Session (Kingdom of Thailand)**, shall preside over the Inaugural Session and the First Meeting of the Delegations of AALCO Member States during the Sixty-Third Annual Session.

Composition of Delegations and Credentials

10. Rule 11 (1) provides that at the Annual Session of the Organization, the Delegation of each Member State shall be composed of the Head of Delegation (Member), Alternate Members and Advisers.
11. Rule 11 (2) provides that the official communication addressed to the Secretary-General shall serve the purpose of credentials for the delegations and observers. The communication shall be authenticated by a competent authority in the Ministry of Foreign Affairs or by the Diplomatic Mission of the concerned Member State. For the same purpose, an official communication from the relevant Organization addressed to the Secretary-General would serve as credentials for the Organizations in the UN system, inter-governmental organizations and other international institutions.

Adoption of Agenda

12. Rule 10 (3) provides that the provisional agenda shall be placed before the Meeting of the Heads of Delegations of the Member States for consideration. The Meeting may, at its discretion, delete any item included in the provisional agenda. A new item may be included at the proposal of one or more delegations, if the Meeting is of the opinion that the matter is one of urgency and there are sufficient reasons on account of which the item could not have been included in the provisional agenda. All decisions in this regard shall be taken by consensus. In the event that consensus cannot be reached after all efforts have been exhausted, a decision may be taken by two-thirds majority of those present and voting in secret ballot.
13. Rule 10 (4) provides that the provisional agenda upon its approval by the Heads of Delegations of the Member States shall be adopted as the agenda of the Session.

Admission of New Members

14. Rule 4 provides that the Organization may by a decision supported by a two-thirds majority of the Member States admit the participation of an Asian or African State, if such a State by written communication addressed to the Secretary-General of the Organization

intimates its desire to participate in the Organization and its acceptance of the Statutes and the Rules framed thereunder. Such decision may be taken by means of a resolution adopted in any of its sessions or by circulation if the period between the date of such application for admission and the next Session exceeds two months. In the latter case, the responses of the Member States should be given within six weeks. If no response is received from any Member State within the stipulated period, it shall be assumed that the concerned Member State has no objection to the admission of the Applicant State. The result will be communicated by the Secretary-General both to the Member States and to the Applicant State.

The Republic of Djibouti was admitted as a Member State on 7 November 2024 in accordance with the provisions of Statutes and Statutory Rules. At the Sixty-Third Session, the Republic of Djibouti will be formally welcomed as the Forty-Ninth Member State of AALCO.

Admission of Observers

15. The admission of Observers is governed by Rule 17, and will be taken up by the Meeting of the Heads of Delegations of the Member States. According to the Organization's present practice, there are three categories of observers, namely: (i) observers representing non-member Asian-African States; (ii) observers representing States other than those in the Asian-African region; and (iii) observers representing the United Nations, its organs and specialized agencies, other inter-governmental organizations and other international institutions.
16. In addition to these three categories, in accordance with the decision taken at AALCO's Twenty-Second Annual Session held in Colombo (Democratic Socialist Republic of Sri Lanka, 1981), Australia and New Zealand enjoy Permanent Observer Status.
17. Observer delegations have the right to attend all meetings, except those which are declared closed meetings and attended exclusively by Delegations of the Member States, and do not have the right to vote.

Election of the President

18. Rule 3(1) provides that at each Annual Session, the Organization shall elect a President. It has been the practice that the President of the Organization is elected from among the dignitaries of the Member State hosting the Session.

Election of the Vice-President

19. Rule 3(3) concerning the election of the Vice-President provides that in the election of the President and Vice-President, regional representation will be taken into consideration to the extent possible. In accordance with the established practice, if the President is from the Asian region, the Vice-President may be elected, preferably from a Member State in the African region and vice versa.

III. ORGANIZATIONAL MATTERS

Report of the Secretary-General on the Work of the Asian-African Legal Consultative Organization at the Sixty-Third Annual Session of AALCO in 2025

20. Following Rule 19 (7) of the Statutory Rules, the Secretary-General shall present an annual report to the Member States on the work of the Organization. The Report for the Sixty-Third Annual Session covers the activities of the Organization since its Sixty-Second Annual Session, including the substantive, organizational, financial, and administrative matters.

Document: AALCO/63/KAMPALA/2025/ORG 1

Financial Report and Proposed Budget for the Year 2026

21. In accordance with Rule 23 (4) of the Statutory Rules, the budgetary papers setting out the estimated expenditures likely to be incurred under appropriate budget heads and sub-heads for the year 2026 was presented during the 367th Meeting of the Liaison Officers held on 5 December 2024. Further, the draft budget was discussed at the 368th Meeting of the Liaison Officers Meeting held on 12 February 2025 and adopted. The budgetary proposals are now being submitted to the Member States at the Sixty-Third Annual Session of AALCO for final approval.

Document: AALCO/63/KAMPALA/2025/ORG 2

Report on the AALCO's Regional Centres for Arbitration

22. A report on the activities of the AALCO's Regional Arbitration Centres located in Kuala Lumpur, Cairo, Lagos, Tehran, Nairobi and Hong Kong (SAR) respectively is to be submitted for consideration at the Sixty-Third Annual Session.

Document: AALCO/63/KAMPALA/2025/ORG 3

Report of the Sub-Committee on Review of Scale of Assessed Contributions

23. Report of the Sub-Committee on Review of Scale of Assessed Contributions is to be submitted for consideration at the Sixty-Third Annual Session.

Document: AALCO/63/KAMAPALA/2025/ORG 4

Re-appointment of the Secretary-General

24. The present Secretary-General Dr. Kamalinne Pinitpuvadol shall complete his first four year term on 31st December 2025. In accordance with Rule 19 (1) he shall be eligible for reappointment for another term of four years.

IV. GENERAL DEBATE

25. At this Sixty-Third Annual Session, the Second General Meeting is meant for the General Statements to be delivered by the Hon'ble Ministers and Heads of the Delegations of the Member States and Observers. ***Heads of Delegations are requested to kindly consider limiting their speech to 10 minutes due to paucity of time, so that the general statements could finish within the stipulated time.*** However, if they wish to give a longer statement, the same could be handed over to the Secretariat for reproduction in the Verbatim Record of the Session.

Submission of Statements

26. ***The Delegations wishing to make statements (General statements, and statements on organizational and substantive matters) are kindly requested to read the statement at a reasonable speed and to hand over three copies of their statement well in advance to the Secretariat.*** This would enable the interpreters (Arabic and English) to provide quality interpretation and ensure that the impact of the statements of the delegations is equally clear in all languages. ***It would be highly appreciated if soft copies of the statements could also be made available to the Secretariat.***
27. For the accurate and speedy preparation of the Verbatim Record of the Annual Session, it would be highly appreciated if the Arab Member States could provide an English version of their statements during the Annual Session.

Venue of the Sixty-Fourth Annual Session

28. According to sub-rule (1) of Rule 9 of the Statutory Rules, the regular Annual Session of the Organization shall, in accordance with Article 4 of the Statutes of AALCO, be held once in a year and such meetings shall, to the extent possible, be held in one of the Member States by geographical rotation. Those Member States interested in hosting the next Annual Session are encouraged to inform the Secretariat at the earliest.

- V. **SUBSTANTIVE MATTERS:** The following topics will be discussed during the Sixty-Third Annual Session, namely:

Report on the Work of the International Law Commission at its Seventy-Sixth Session

29. AALCO is statutorily mandated to examine subject-matters that are under consideration of the United Nations International Law Commission (ILC) and forward the views of the Organization to the ILC. To fulfill this statutory mandate over the years, AALCO has forged and nurtured a close working relationship with the ILC. It has also become customary for AALCO and the ILC to be represented during each other's sessions. AALCO has, therefore, facilitated and continues to facilitate contribution of the Asian and African Member States to the work of the ILC, and has proven the worth of Asian-African views in ILC's work, so that the Commission may be able to fulfill its stature as a globally representative organization.
30. The Asian-African States continue to play a significant role in the work of the Sixth Committee of the UN General Assembly, which is central to ILC's work. The countries in the two regions are playing an active role in ensuring that the development of international law reflects their major concerns and legitimate interests. AALCO's document on the International Law Commission (ILC) for a given Annual Session summarizes the deliberations held on the topic during the previous AALCO Annual Session, incorporates the comments and observations of the AALCO Secretariat, and provides an overview of the ILC's work on the substantive topics included in the agenda of its corresponding session.
31. The document **AALCO/63/KAMPALA/2025/SD/S1 reports the work of the Commission on the following substantive topics that were placed on the agenda of its Seventy-Sixth Session (2025):**
 - Immunity of State officials from foreign criminal jurisdiction
 - Succession of States in respect of State responsibility
 - General principles of law
 - Sea-level rise in relation to international law
 - Settlement of disputes to which international organizations are parties
 - Prevention and repression of piracy and armed robbery at sea
 - Subsidiary means for the determination of rules of international law
 - Non-legally binding international agreements

Document: AALCO/63/KAMPALA/2025/SD/S1

The Law of the Sea

32. The Asian-African Legal Consultative Organization (AALCO) has long recognized the pivotal importance of the Law of the Sea in shaping the legal, environmental, and security frameworks governing the world's oceans. After inclusion to AALCO's agenda in 1970 at the initiative of the Government of the Republic of Indonesia, this topic has become a cornerstone of AALCO's Annual Sessions, reflecting its enduring relevance to Member States, many of which are coastal, archipelagic, or landlocked nations dependent on marine resources for economic and environmental stability.

33. AALCO has played a formative role in the development and dissemination of legal concepts such as the Exclusive Economic Zone (EEZ), the status of Archipelagic States, and the Rights of Landlocked States. These principles were the subject of intense deliberations within AALCO's Sessions and were later codified in the United Nations Convention on the Law of the Sea (UNCLOS). The engagement of AALCO with the subject of the Law of the Sea in recent years has been largely focused on the topic of Marine Biodiversity of Areas beyond National Jurisdiction (BBNJ).
34. At the Sixty-Third Annual Session in Kampala, AALCO seeks to focus on three interrelated sub-themes of marine environment protection, maritime security and safety, and capacity building for developing States, with a view to contribute meaningfully to global ocean governance while strengthening Asian-African voices.

Document: AALCO/63/KAMPALA/2025/SD/S2

Violations of International Law in Palestine and other Occupied Territories by Israel and other International Legal Issues Related to the Question of Palestine

35. The item "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" was taken up on the initiative of the Government of the Islamic Republic of Iran, at AALCO's Twenty-Seventh Session, held in Singapore (1988).
36. At the Fifty-Fourth Annual Session in Beijing, the People's Republic of China (2015), AALCO/RES/54/S4 was adopted changing the title of the agenda item to "Violations of International Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine."
37. At the Sixty-Second Annual Session of AALCO held in Bangkok, the Kingdom of Thailand the agenda item "Violations of International Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine" was discussed. The delegations predominantly focused their deliberations on the military operations in Gaza and condemned the grave violations of international law. In their statements they urged for a permanent ceasefire and adherence to the resolutions of the UN bodies such as the UN Security Council, Human Rights Council, General Assembly and the advisory opinion of the International Court of Justice.
38. This year's report identifies issues for deliberations based on the key developments in the occupied territories of Palestine as presented by UN appointed experts that can be broadly classified as violations of the Genocide Convention of 1948, international humanitarian law and human rights law.

Document: AALCO/63/KAMPALA/2025/SD/S4

Environment and Sustainable Development

39. The proposal to consider the topic of development of international law relating to human environment was placed on the Organization's agenda by the Government of the Republic of India at the Fifteenth Annual Session, which took place in 1974 in Tokyo, Japan. Since then it has been deliberated under heads such as Environmental Law, Transboundary Movement of Hazardous Wastes, Preparation for the United Nations Conference on Environment and Development (UNCED), UNCED: Follow-up and Environment and Sustainable Development (2003 onwards). The topic has been last deliberated upon at the Sixty-Second Annual Session of AALCO held in Bangkok, Kingdom of Thailand in 2024.
40. The Secretariat Report on "Environment and Sustainable Development" is divided into three parts. The first part deals with the negotiation process of the international legally binding instrument on plastic pollution. The second part focusses upon the recent developments in the climate change regime. The third part of the report addresses specific issues related to a few of the United Nations Sustainable Development Goals (SDGs).

Document: AALCO/63/KAMPALA/2025/SD/S10

International Trade and Investment Law

41. The legal regimes on WTO Law and International Investment Law were unified as one agenda item entitled "International Trade and Investment Law" in 2018. This is reflective of the synergy between the two topics.
42. The topic "WTO as a Framework Agreement and Code of Conduct for World Trade" had been successively on the agenda since the Thirty-Fourth Annual Session of AALCO held in 1995. Developments relating to the WTO and its agreements particularly the legal aspects of the dispute settlement mechanism have been monitored and reported by the AALCO Secretariat. Further deliberations have also focused on agreements that are under negotiation under the auspices of the WTO, as well as efforts towards effecting reform in the WTOs dispute resolution procedures and improving its accessibility to all members.
43. With respect to International Investment Law, the issues were first brought forward for deliberation under the wider topic of Economic and Trade Law Matters. International Investment Law and Agreements were first examined under the ambit of Regional Cooperation in the Context of the New International Economic Order. At the Twenty-First Annual Session (1980) held in Jakarta, the Republic of Indonesia a report on matters pertaining to bilateral investment treaties, investment guarantees, and petroleum export was placed before the Trade Law Sub-Committee. At that Session, preparations were made

for the Ministerial Meeting which was held later that year as a result of which the Secretariat was directed to prepare Model Investment Agreements based on the study of the provisions in existing Bilateral Investment Treaties. After examination by an Expert Group of the divergent agreements and State practice in the area the agreements which had three options were finally adopted and transmitted to the Member States at the Twenty-Fourth Annual Session held in 1985 at Kathmandu, Nepal.

44. Renewed interest was visible in the topic when reform of the Investor-State Dispute Settlement was entrusted to the UN Commission on International Trade Law (UNCITRAL) whose work featured prominently on AALCO's work program under agenda item "Report on the Work of UNCITRAL and other International Organizations in the field of International Trade Law." While discussion on issues relating to the reform of the Investor-State Arbitration were underway at the UNCITRAL Working Group III, reform proposal addressing key concerns such as transparency in arbitration, rising costs and duration of arbitration, lack of expertise and shrinking policy of host nations have been at the forefront of discussions since the Fifty-Fourth Annual Session of AALCO held in Beijing, the People's Republic of China in 2015.
45. More recently at the Sixty-Second Annual Session held in Bangkok, the Kingdom of Thailand issues relating to the establishment of the International Advisory Centre for International Investment Disputes and legislative instrument adopted by the UNCITRAL on warehouse receipts and carbon credits were deliberated.
46. Further the present report continues to identify and place in context the issues for deliberation on the latest developments under the unified agenda item and covers the World Investment Report, 2025 to be released by the United Nations Conference on Trade and Development (UNCTAD) as well as provides a brief overview of recent developments in the work of International Institute for the Unification of Private International Law (UNIDROIT) and the Hague Conference on Private International Law (HCCH).

Document: AALCO/63/KAMPALA/2025/SD/S13

Asset Recovery Expert Forum

47. The agenda item titled "Asset Recovery Expert Forum" was introduced by the Republic of Indonesia through an Explanatory Memorandum dated 15 September 2023 (No.AHU.UM.01.01733), and was included in the provisional agenda of the Sixty-First Annual Session of AALCO, held in Bali, Indonesia, from 16 to 20 October 2023.
48. Following deliberations at the session, Member States requested the AALCO Secretariat to elaborate on the modalities of the proposed Asset Recovery Expert Forum and to recommend a way forward. In pursuance of the mandate, the Government of the Republic of Indonesia, in collaboration with the AALCO Secretariat, convened an Inter-Sessional Meeting titled "Best Practices of Recovering Stolen Assets from Asian and African

Countries” on 21 June 2024. The meeting aimed to consult with Member States on the establishment of the Forum and to prepare for further discussions at the Sixty-Second Annual Session.

49. The topic was again taken up at the Sixty-Second Annual Session of AALCO held in Bangkok, Thailand, where Member States expressed their support for the formation of the Forum and discussed its possible composition and operational modalities. Subsequently, through a Note Verbale dated 17 March 2025, the Government of the Republic of Indonesia sought to compile a contact list of national authorities from the AALCO Member States responsible for asset recovery, with the support of the AALCO Secretariat. The Secretariat via a Note Verbale dated 8 April 2025, circulated a template requesting the details of respective national authorities responsible for asset recovery. This contact list is intended to serve as a practical reference to enhance cooperation among Member States in the field of asset recovery.
50. The document AALCO/63/KAMPALA/2025/SD/S19 outlines the key developments related to the topic of asset recovery, including updates on international legal frameworks and existing asset recovery mechanisms, to facilitate informed and constructive discussions.

Document: AALCO/63/KAMPALA/2025/SD/S19

Legal Issues in Outer Space

51. The agenda item, "Legal Issues in Outer Space," was initiated by the Government of the Republic of India at AALCO's Sixty-First Annual Session, held in Bali, Republic of Indonesia, in 2023. The present Secretariat Report, identified as AALCO/63/KAMPALA/2025/SD/S20, provides an overview of key developments pertaining to legal issues in outer space, with a particular focus on the international legal dimensions of orbital debris. Foundational international treaties, including the Outer Space Treaty (1967) and the Convention on International Liability for Damage Caused by Space Objects (1972) have been discussed.
52. Furthermore, relevant voluntary international frameworks, such as the UNCOPUOS Space Debris Mitigation Guidelines and the Inter-Agency Space Debris Coordination Committee (IADC) Mitigation Guidelines, are also examined within the broader context of space debris mitigation. Additionally, contemporary deliberations occurring within the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS), encompassing its Legal Subcommittee (LSC) and Scientific and Technical Subcommittee (STSC), are also covered.

Document: AALCO/63/KAMPALA/2025/SD/S20

Any Other Matter

Seventh Meeting of the AALCO Open-ended Working Group (OEWG) on International Law in Cyberspace

53. The AALCO Secretariat proposes to hold the Seventh AALCO Open-Ended Working Group on International Law in Cyberspace on the sidelines of the Sixty-Third Annual Session of AALCO in Kampala, Republic of Uganda. The Final Report of the Special Rapporteur, finalized pursuant to comments received from Member States after the Sixth OEWG will be presented at the Seventh OEWG. The Final Report may be noted by the OEWG under the leadership of the Chair. With the presentation of the Final Report of the Special Rapporteur, the AALCO OEWG process may be formally culminated under the leadership of the Chair.
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