



ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION (AALCO)

EXPLANATORY MEMORANDUM

**SIXTY-FOURTH ANNUAL SESSION,
HEADQUARTERS, NEW DELHI, REPUBLIC OF INDIA**

**VENUE: KAMAL MAHAL HALL, ITC MAURYA HOTEL,
SARDAR PATEL MARG, DIPLOMATIC ENCLAVE,
CHANAKYAPURI, NEW DELHI-110021**

DATE: 15 DECEMBER TO 19 DECEMBER 2026

I. INTRODUCTION

1. Article 4 of the AALCO Statutes provides that, to the extent possible, Annual Sessions shall be hosted by Member States on the basis of geographical rotation. Rule 9, Sub-Rule 2 of the AALCO Statutory Rules, 2024 further provides that, where unforeseen circumstances make it difficult to convene a Session in a Member State, the Secretariat shall arrange for the Session to be held in the country in which the Headquarters of the Organization is located. Accordingly, pursuant to these provisions, the Sixty-Fourth Annual Session will be convened by the Secretariat at the Permanent Headquarters of AALCO in New Delhi, Republic of India.
2. 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.
3. 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.

4. 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.
5. Furthermore, at the Sixty-First Annual Session, held in Bali, Republic of Indonesia (2023), the practice of constituting a Drafting Committee was revived. 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 on organizational matters, draft declaration (if any) and 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 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, Resolutions and any Declaration by the Plenary Meeting, on the concluding day.
6. At the forthcoming Sixty-Fourth (Headquarters) Annual Session, to be held in **New Delhi, Republic of India, from 15 to 19 December 2026** 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-Seventh 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) Prohibition of Aggression and Use of Force in International Law (vii) Violations of International law by the Rapid Support Forces in the Sudan.

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

7. An online registration system will be operational from 1 October 2026 at <https://www.aalco.int/form/registration-form-for-the-64thas>. It will remain open until 4 December 2026. All registrations are required to be submitted by that date. Registration upon arrival will be open at the Conference venue on Monday, 14th December 2026 from 10.00 AM to 4.00 PM (Indian Standard Time IST) to be continued on Tuesday, 15 December 2026 from 9.00 AM to 10.00 AM (IST), before the Inaugural Session.

8. Resolutions will be adopted on organizational and financial matters.
9. During the session, the following AALCO publications will be launched: (i) Yearbook of AALCO, Vol. XXII (Year 2025); AALCO Journal of International Law, Volume 14, 2026; (iii) Essays in International Law: A Commemorative Volume of the Seventieth Anniversary of the Asian-Africa Legal Consultative Organization-AALCO @70: From Seven Decades of Legacy to the Future of International Law; (iv) AALCO @70: Reminiscences, Reflections and Prospects – Seven Decades of Advancing International Law; (v) Report on the Webinars and Seminars conducted in 2026; and (vi) Special Study on “The Prohibition of Armed Attacks against Nuclear Facilities in International Law”.

II. PROCEDURAL MATTERS

Chairing of the Session

10. 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-Third Annual Session (Republic of Uganda)**, shall preside over the Inaugural Session and the First Meeting of the Delegations of AALCO Member States during the Sixty-Fourth Annual Session.

Composition of Delegations and Credentials

11. 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.
12. 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

13. 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.

14. 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

15. Rule 4 provides that the Organization may by a decision supported by a two-thirds majority of the Member States admit the membership 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 become a Member State of 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.

Admission of Observers

16. 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.
17. 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.
18. 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

19. 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. Traditionally, the Headquarters Session is presided over by a representative of the host Government of the Permanent Headquarters -the Republic of India.

Election of the Vice-President

20. 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-Fourth Annual Session in 2026

21. 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-Fourth Annual Session covers the activities of the Organization since its Sixty-Third Annual Session, including the substantive, organizational, financial, and administrative matters.

Document: AALCO/64/NEW DELHI (HQ)/2026/ORG 1

Financial Report and Proposed Budget for the Year 2027

22. 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 2027 was presented during the 373rd Meeting of the Liaison Officers held on 4 December 2025. Further, the draft budget was discussed at the 374th Meeting of the Liaison Officers Meeting held on 11 February 2026 and adopted. The budgetary proposals are now being submitted to the Member States at the Sixty-Fourth (HQ) Annual Session of AALCO for final approval.

Document: AALCO/64/NEW DELHI (HQ)/2026/ORG 2

Report on the AALCO's Regional Centres for Arbitration

23. A report on the activities of the AALCO's Regional Arbitration Centres: the Asian International Arbitration Centre (AIAC) located in Kuala Lumpur, the Cairo Regional Centre for International Commercial Arbitration (CRCICA) in Cairo, the Tehran Regional Arbitration Centre (TRAC) in Tehran, the Regional Centre for International Commercial Arbitration Lagos (RCICAL) in Lagos, Nairobi Centre for International Arbitration (NCIA) in Nairobi and the Hong Kong Regional Arbitration Centre (HKRAC) in Hong Kong (SAR) respectively is to be submitted for consideration at the Sixty-Fourth Annual Session.

Document: AALCO/64/NEW DELHI (HQ)/2026/ORG 3

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

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

Document: AALCO/64/NEW DELHI (HQ)/2026/ORG 4

Report of the Advisory Panel on Streamlining of Administrative Financial and Staff Regulations

25. In pursuance of mandate received from the Sixty-Third Annual Session the Secretary-General had constituted an Advisory Panel of Liaison Officers to Streamline the Administrative, Financial and Staff Regulations. The Report contains an overview of the work of the Advisory Panel.

Document: AALCO/64/NEW DELHI (HQ)/2026/ORG 5

IV. GENERAL DEBATE

26. At the Sixty-Fourth Annual Session, the Second General Meeting will be devoted to General Statements by Ministers, Heads of Delegations of Member States, and Observers. In view of the time available, speakers are kindly requested to limit their statements to 10 minutes to enable all delegations to participate within the scheduled meeting time. Delegations wishing to make a longer statement may provide the full text to the Secretariat for inclusion in the Verbatim Record of the Session.

Submission of Statements

27. Delegations wishing to make statements, whether general statements or statements on organizational or substantive matters, are kindly requested to deliver their statements at a reasonable pace and to provide the Secretariat, sufficiently in advance, with three hard copies of the text as well as an electronic copy. This will assist the Arabic and English interpreters in providing accurate and effective interpretation and help ensure that the statements are clearly conveyed in both languages.
28. 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-Fifth Annual Session (2027)

29. In accordance with sub-rule (1) of Rule 9 of the Statutory Rules, read together with Article 4 of the Statutes of AALCO, the regular Annual Session of the Organization shall be held once a year and, to the extent possible, hosted by a Member State on the basis of geographical rotation.

In keeping with this long-standing practice and the spirit of cooperation among AALCO Member States, the Secretariat warmly invites Member States to consider hosting the Sixty-Fifth Annual Session (2027). It is sincerely hoped that a Member State will come

forward to host the next Annual Session and continue this important tradition of bringing AALCO closer to its Member States across the Asian-African region. Member States interested in hosting the Session are kindly encouraged to communicate their interest to the Secretariat at the earliest opportunity.

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

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

30. Pursuant to Article 1 of the Statutes, AALCO is mandated to examine subject-matters that are under consideration of the United Nations International Law Commission (Commission) and forward the views of the Organization to the Commission. To achieve this statutory mandate over the years, AALCO has developed a close working relationship with the Commission. It has also become customary for AALCO and the Commission to participate in each other's Annual Sessions and other informal inter-sessional activities. AALCO continues to work towards ensuring that the views of Asian and African Member States are taken into consideration by the Commission at various stages of the development of its work products. Over the years this function has ensured the Commission's work is universal in nature and is truly geographically representative.
31. The Secretariat's Brief on the Report on Matters relating to the work of the International Law Commission at its Seventy-Seventh Session presents the key points expressed by the Member States in their deliberations held on the topic during the previous AALCO Annual Session. Further the brief provides an overview of the Commission's work on the substantive topics on its agenda for the seventy-seventh session and incorporates the comments and observations of the AALCO Secretariat.
32. The present brief reports the work of the Commission on the following substantive topics that were placed on the agenda of its seventy-seventh Session (2026):
 - Immunity of State officials from foreign criminal jurisdiction
 - Succession of States in respect of State responsibility
 - General principles of 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
 - Compensation for the damage caused by internationally wrongful acts
 - Due diligence in international law.

Document: AALCO/64/NEW DELHI (HQ)/2026/SD/S1

The Law of the Sea

33. The Asian-African Legal Consultative Organization (AALCO) has long recognised the importance of the Law of the Sea and has provided a forum for Asian and African States to exchange views and develop common approaches on matters relating to the oceans. Although the topic was formally placed on AALCO's agenda in 1970 at the initiative of the Republic of Indonesia, the Organization's engagement with the subject dates back to its First Annual Session in 1957. AALCO subsequently played an important role in facilitating the participation of Asian and African States in the negotiations leading to the adoption of the United Nations Convention on the Law of the Sea (UNCLOS), including through deliberations on concepts such as the Exclusive Economic Zone (EEZ), the special regime applicable to Archipelagic States, and the rights of landlocked States.
34. In recent years, AALCO's engagement with the Law of the Sea has increasingly addressed contemporary developments concerning the conservation and sustainable use of marine resources, protection of the marine environment, and the effective participation of developing States in evolving ocean-related legal and institutional processes. Significant developments since the Sixty-Third Annual Session include the entry into force of the BBNJ Agreement on 17 January 2026 and preparations for its first Conference of the Parties, as well as developments within institutions established under UNCLOS, including the International Tribunal for the Law of the Sea (ITLOS), the International Seabed Authority (ISA), and the Commission on the Limits of the Continental Shelf (CLCS). The continuing negotiations within the ISA on the Draft regulations on exploitation of Mineral Resources in the Area also constitute an important ongoing development in the international legal framework governing activities in the Area.
35. At the Sixty-Fourth (HQ) Annual Session in New Delhi, AALCO seeks to consider these recent developments while focusing its deliberations on matters of particular relevance to Asian and African States. These include the implementation of the BBNJ Agreement, particularly its emerging institutional framework and preparations for the first Conference of the Parties; the legal and regulatory framework applicable to offshore renewable energy activities in the marine environment; and capacity-building and the transfer of marine technology for developing States. Particular attention is placed on strengthening scientific, technological and institutional capacities, marine environmental protection, and international, regional and South-South cooperation in support of the effective implementation of the Law of the Sea.

Document: AALCO/64/NEW DELHI (HQ)/2026/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

36. The agenda "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 placed for deliberation at the AALCO's Twenty-Seventh Session, held in Singapore (1988) at the request of the Islamic Republic of Iran. Over the years the subject matter of the topic has evolved to cover a range of legal issues arising from the occupation of the Palestinian territories. Under the current

title “Violations of International Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine” deliberations have been undertaken since the Fifty-Fourth Annual Session in Beijing, the People's Republic of China (2015).

37. At the previous Annual Session held in Kampala, the Republic of Uganda the deliberations focused on the grave violations of international law committed in the armed conflict in Gaza. Member States condemned the systematic commission of international crimes that have had a disproportionate effect on women and children and blatant disregard for international humanitarian law, and applicable human rights.
38. The present brief identifies issues for deliberations based on the key developments in the occupied territories of Palestine as presented by experts and expert bodies presenting their reports to the UN Human Rights Council in discharge of their particular mandates in the Occupied Palestinian Territories.

Document: AALCO/64/NEW DELHI (HQ)/2026/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-Third Annual Session of AALCO held in Kampala, Republic of Uganda in 2025.
40. The Secretariat Report on “Environment and Sustainable Development” is divided into four 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 deals with the International Court of Justice (ICJ) Advisory Opinion on Obligations of States in respect of climate change. The fourth part of the report addresses specific issues related to a few of the United Nations Sustainable Development Goals (SDGs).

Document: AALCO/64/NEW DELHI (HQ)/2026/SD/S10

International Trade and Investment Law

41. The agenda item “International Trade and Investment Law deals with two specific regimes of international law. They have traditionally been kept distinct due to their specific negotiating histories and the parallel conception but nonetheless share common synergies.

42. Historically different aspects of the topic were dealt with separately in the work program of AALCO, under the separate agenda items such “the World Trade Organization (WTO) as A Framework Agreement and Code of Conduct for the World Trade”, “the treatment of aliens”, “Regional Cooperation in the Context of the New International Economic Order” and the “the work of UNCITRAL and other international organizations in the field of international trade law.”
43. However, since the Fifty-Seventh Annual Session held in Tokyo, 2018 the topics were considered together under the agenda item “International Trade and Investment Law” and deliberations focused on topics on international trade law dealt with by the WTO and reforms relating to Investment agreement and dispute settlement currently undertaken by UN Trade and Development (UNCTAD) and the UN Commission on International Trade Law (UNCITRAL). Over the years it was acknowledged that the deliberations should also cover the work of other international organizations whose work has an important bearing on the facilitation of international trade and commerce around the world. Accordingly, the work of the International Institute for the Unification of Private Law (UNIDROIT) and the Hague Conference on Private International Law (HCCH) were also included for consideration under the same agenda item.
44. This year the document AALCO/64/NEW DELHI (HQ)/SD/S13 contains the brief prepared by the Secretariat on the agenda item “International Trade and Investment Law.” The document reports on the developments in the field of international trade and investment law over past one year and includes recent developments in international trade law, and reports on the work of the UNCITRAL, UNIDROIT and HCCH. Further, the document also provides an overview of the World Investment Report 2026 that presents key data and trends on international investment agreements and disputes.

Document: AALCO/64/NEW DELHI (HQ)/2026/SD/S13

Prohibition of Aggression and Use of Force in International Law

45. The topic “Prohibition of Aggression and use of Force in International Law, and Protection of Civilians during Armed Conflict” had been proposed by the Government of the Islamic Republic of Iran (AALCO NV No.159/2025/63AS/AALCO) for the consideration of Member States at the Sixty-Third Annual Session of AALCO held in Kampala, the Republic of Uganda. The proposal by the Islamic Republic of Iran was placed for the consideration of the Heads of Delegations on 7th September 2025 as per Rule 10(3) and Rule 10(4) of the Statutory Rules of AALCO. Pursuant to the deliberations held, the Heads of Delegations agreed on revising the topic to “Prohibition of Aggression and Use of Force of International law” and including the revised topic in the provisional agenda of the Sixty-Third Annual Session of AALCO and the work programme of AALCO. At the fifth general meeting of the Sixty-Third Annual Session the item was deliberated, with a number of Member States making interventions.
46. The document AALCO/64/NEW DELHI (HQ)/SD/S21 contains the brief prepared by the Secretariat on the topic and provides an overview of the position of international

law on the topic. The brief outlines the normative framework of Aggression and the prohibition of the use of force in international law and also highlights the work of the International Law Commission on the topic as well as the jurisprudence of the International Court of Justice (ICJ).

Document: AALCO/64/NEW DELHI (HQ)/2026/SD/S21

Violations of International Law by the Rapid Support Forces in Sudan

47. The topic of “Crimes and Violations Committed by Rapid Support Forces and their Supporters in the Ongoing War in Sudan” was introduced by the Republic of the Sudan through an Explanatory Memorandum dated 7th August 2025 as per Rule 10(2) of the Statutory Rules of AALCO. The proposal by the Republic of the Sudan was placed for the consideration of the Heads of Delegations on 7th September 2025 as per Rule 10(3) and Rule 10(4) of the Statutory Rules of AALCO. Pursuant to the deliberations held, the Heads of Delegations agreed on revising the topic to “Violations of International Law by the Rapid Support Forces in Sudan” and including the revised topic in the provisional agenda of the Sixty-Third Annual Session of AALCO and the work programme of AALCO. The topic was discussed for the first time during the Sixty-Third Annual Session held from 8-12 September 2026 in Kampala, the Republic of Uganda.
48. The Secretariat Report on “Violations of International Law by the Rapid Support Forces in Sudan” is divided into five parts. The first part examines the recent atrocities in Darfur, including the siege and capture of El Fasher. The second part discusses relevant developments before the United Nations Human Rights Council. The third part examines reports and findings of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The fourth part addresses deliberations and relevant developments in the United Nations Security Council. The fifth part reviews developments and responses within relevant regional organizations.

Document: AALCO/64/NEW DELHI (HQ)/2026/SD/S22

Any Other Matter

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

49. The AALCO Secretariat proposes to hold the Eighth Meeting of the AALCO Open-Ended Working Group on International Law in Cyberspace on the sidelines of the Sixty-Fourth Annual Session of AALCO in New Delhi, Republic of India. The Report of the Special Rapporteur, revised in light of the comments received from Member States following the Seventh Meeting of the OEWG, will be presented at the Eighth Meeting for final consideration, with a view to bringing the work of the OEWG on this matter to a conclusion.