

#### **IV. (i) SUMMARY RECORDS OF THE FIRST MEETING OF DELEGATIONS OF AALCO MEMBER STATES, HELD ON 16<sup>TH</sup> JUNE 2003**

**H. E. Amb. T. A. B. Shodipo (on behalf of Senator Kanu G. Agabi S.A.N., the President of the 41<sup>st</sup> Session) in the Chair.**

1. The **Secretary-General** of AALCO introduced the agenda item “**Admission of Brunei-Darussalam as a Member of AALCO**”. He informed that the High Commissioner of Brunei Darussalam, in New Delhi, met him on 27<sup>th</sup> May 2003 and handed over a *Note Verbale* from the Ministry of Foreign Affairs regarding the desire of Brunei Darussalam, to participate in the 42<sup>nd</sup> Session as a full member of the AALCO. The Secretary-General on the same day forwarded to all Member States a copy of the *Note Verbale* inviting their attention to Rule 4 of the AALCO’s Statutory Rules, which stipulates the procedure for the admission of participating States. In his letter, the Secretary-General urged the Member Governments to respond to this request at the earliest in order to give Brunei Darussalam, the possibility to attend the 42<sup>nd</sup> Session as a full participating State. In response to this, he informed that he had received written approvals from some Member States. Therefore, those countries which did not express their views by a written letter due to lack of time, he said, could be presumed to have implicitly consented to Brunei Darussalam’s admission. Against this backdrop, he urged, all Member States present to support the admission of Brunei Darussalam by acclamation.
2. A decision was taken unanimously by acclamation to admit ‘Brunei Darussalam’ as a Member of AALCO and thereafter the delegation of Brunei Darussalam took the seat.
3. The **Leader of the Delegation of Brunei Darussalam** stated that it was an honour for his country to be admitted as a Member of AALCO family. Recalling his country’s active participation in international law forums, he hoped, that its membership of AALCO, would pave the way for his country in promoting the activities of the Organization, in addition to the general obligations as part of the international community, as a whole. He thanked the Government of the Republic of Korea for inviting Brunei Darussalam to participate in the 42<sup>nd</sup> Session, which eventually facilitated its admission to the AALCO.
4. The **President** referred to the **Provisional Agenda** for the 42<sup>nd</sup> Session and sought the views of Member States on it. There being no comments from the delegations, the President declared the agenda adopted.
5. The next item for consideration was relating to the “**Admission of Observers.**” The Secretary-General drew attention to paragraph 18(1) of the AALCO Statutory Rules which states that:

“The Organization may at its discretion admit to its annual sessions Observers from non-participating States, regional, inter-regional and international organizations and specialized agencies and the national liberation movements recognized by the United Nations.”

There being no comments, the participation of observers was approved by the Meeting.

6. The Meeting then took up for consideration the agenda item **“Election of the President”**.

7. The **Leader of the Delegation of Ghana** proposed that H. E. Amb. Young-jin Choi, Chancellor of the Institute of Foreign Affairs and National Security, Republic of Korea, be elected as President of the 42<sup>nd</sup> Session of AALCO. Listing out the rich experience of Amb. Choi, the delegate expressed confidence that he would successfully steer the work of the Organization.

8. The **Leader of Delegation of Japan** seconded the proposal. He said that Amb. Choi was a renowned and accomplished foreign service officer of Republic of Korea and could provide an effective leadership to the Organization.

9. **The Meeting unanimously elected H. E. Amb. Young-jin Choi as President.**

10. As regards the item **“Election of the Vice-President”**, the **Leader of the Delegation of Malaysia** proposed the candidature of Hon’ble Janat B. Mukwaya, Minister of Justice and Constitutional Affairs of Uganda. The delegate recounted her wide experience in public administration and as a long time Member of the Parliament and the Cabinet of the Government of Uganda.

11. The **Leader of the Delegation of Kenya** seconded the proposal.

12. **The Meeting unanimously elected Hon’ble Janat B. Mukwaya as the Vice-President.**

[The President and the Vice-President assumed their seats on the dias]

**The President H. E. Amb. Young-jin Choi in the Chair**

13. **The President** thanked the Delegations for their support. He assured them that he would do his best for the success of the session.

14. **The Meeting then took up for consideration the agenda item “Re-appointment of the Secretary-General”**.

15. The President drew attention to the Secretariat document AALCO/XLII/SEOUL/2003/ORG 5 on this item. Referring to paragraph 20(1) of the AALCO’s Statutory Rules, the President said that in response to the letter of the Secretary-General expressing his willingness for re-appointment for a second term, a number of Member

States—exceeding two-thirds of the membership—have supported his re-appointment. Hence, he recommended to the Meeting the endorsement of the decision of re-appointment of Amb. Dr. Wafik Z. Kamil as the Secretary-General.

**16. The Meeting, by acclamation, unanimously approved the re-appointment of Amb. Dr. Wafik Z. Kamil as the Secretary-General of AALCO for a second term.**

17. The **Secretary-General**, Amb. Dr. Kamil said that he was overwhelmed by the trust and confidence reposed on him. Expressing his gratitude to all Member States for the speedy response of support expressed for his re-appointment, the Secretary-General assured the Meeting that he would continue to actively serve the Organization with the same sincerity and enthusiasm.

18. The Meeting then took up for consideration the agenda item **“The Secretary-General’s Report on the work of the Organization”**. The President invited the Secretary-General to present his Report.

19. The **Secretary-General**, at the outset, extended his warm congratulations to His Excellency Amb. Young-jin Choi on his election as the President of the 42<sup>nd</sup> Session and expressed his confidence that under Amb. Choi’s leadership and his great command over international law issues, 42<sup>nd</sup> Session would achieve its objectives and register historical success. On behalf of his colleagues in the Secretariat and on his own behalf, he assured Amb. Choi of full co-operation in all his endeavours to promote the work of the AALCO all along his Presidency.

20. He also congratulated Hon’ble Janat B. Mukwaya (Uganda) on her election as the Vice-President of 42<sup>nd</sup> session.

21. He expressed his deep gratitude to all the Member States for reposing their confidence in him and reappointing him as the Secretary-General. It was due to their kind support and co-operation that he could discharge his duties upto their satisfaction. He assured them that he would continue to work with similar zeal and sincerity during the next three years of his tenure.

22. Referring to his Report set out in the Document AALCO/XLII/SEOUL/2003/ORG.1, he said that since it had been circulated well in advance, he would be brief in highlighting its salient features.

23. He pointed out that the most important initiative for the Seoul Session had been the practical implementation of the suggestions for rationalization of the consideration of agenda items during the Session and the approval of the agenda by the Member States was an endorsement for the innovative approach for fruitful deliberations during the Session. It set the pace for similar initiatives for the future sessions. He stressed that by following a selective approach, there was no intention to belittle the importance of any particular agenda item referred to by the esteemed Member Governments. It was due to the time constraint and the current relevance that set the priority for picking up certain

agenda items for consideration during the Session. However, on the remaining items, the Secretariat had prepared relevant documents and developments in respect of those items have also been highlighted in his Report.

24. Taking up the item concerning the Law of the Sea, he said that AALCO's involvement in the Law of the Sea matters dates back to 1970, when the item was first placed on its agenda. Its contribution to the negotiations concerning the 1982 United Nations Convention on the Law of the Sea was very well known. After the entry into force of the Convention, the deliberations in AALCO annual sessions had focused on issues related to its implementation. The comprehensive document prepared by the Secretariat for the Seoul Session, on the Law of the Sea presented an overview of the work of the Institutions established within the framework of the Convention. The commemoration of the Twentieth Anniversary of the Law of the Sea Convention, organized during the 57<sup>th</sup> Session of the General Assembly, demonstrated the wide support and the success, which the Convention had achieved over the years. The Secretariat Document had also drawn attention to the consideration of issues related to Ocean and law of the Sea at the World Summit on Sustainable Development and deliberations in the United Nations Informal Consultative process. He drew attention to page 25 of his report where some suggestions had been made as to the future work of AALCO on this item and invited comments of the Member Governments in this regard.

25. On the item "Legal Protection of Migrant Workers," since its inclusion in the Agenda of AALCO, at its Manila Session, in 1995, substantive progress had been made in the discussions at the successive annual sessions and the Special Meeting was convened during the New Delhi (Headquarters) Session in 2001, in co-operation with the International Organization for Migration (IOM). As an outcome of these discussions, a Draft Model Regional Co-operation Agreement between States of Origin and States of Destination/Employment within AALCO Member States had been prepared, taking into consideration the views expressed by the Member States and that Draft was placed before the Abuja session. Now, it would be placed for consideration at an Expert Group Meeting, which he was planning to convene in the later part of this year in co-operation with IOM. He invited comments on his proposal and hoped that the Member States would send their experts at the proposed meeting.

26. The third item on this list was concerning "Status and Treatment of Refugees". This item had been on the agenda of AALCO for nearly four decades. The adoption of the 1966 Bangkok Principles on Status and Treatment of Refugees and its Revised Text at the 40<sup>th</sup> Session held at the Headquarters of AALCO in New Delhi, in June 2001, were the significant achievements. AALCO's long established co-operation with the United Nations High Commissioner for Refugees was consolidated with the signing of the Memorandum of Understanding, on 23 May 2002. The text of this MOU could be found in the Annex of the Document AALCO/XLII/SEOUL/2003/S.3.

27. The resolution adopted at the Abuja Session directed the Secretariat to prepare studies and researches on this item with the assistance of UNHCR and to explore the

possibility of convening a workshop in co-operation with the UNHCR for in-depth consideration of related issues.

28. He was pleased to inform the Meeting that after consultations with the UNHCR, this workshop has been finalized to be held on 17<sup>th</sup> and 18<sup>th</sup> September 2003, in New Delhi. As regards the main topic for consideration, it would be “Strengthening Refugee Protection in Migratory Movements”. The Sub-topics would include: (i) Migration and Refugee Protection in the Asian-African Context: Policy, Law & Practice; (ii) Strengthening Asylum Systems: Challenges and Legal Responses; (iii) Asylum and National Security Concerns in a refugee Context. These topics were very preliminary. Once the Draft Agenda was finalized, it would be communicated to Member States. UNHCR has agreed to meet all the expenses of the resource persons to be invited for the workshop. He hoped that the Member States would consider their participation at the September Workshop at a high-level. It would be important one for in-depth consideration of issues which were of current relevance and great interest to AALCO Member States. He was still negotiating with UNHCR the possibility of providing funds for Arabic interpretation which will help and attract many Arabic Member States to participate.

29. Issues concerning international terrorism were of great current relevance and had been placed on the agenda of AALCO since its New Delhi(Headquarters) session in 2001, upon a reference made by the Government of India. The topic remained, of course, significant as the menace of terrorism was increasing. The deliberations at the New Delhi and Abuja Sessions were focused on issues related to the elaboration of a comprehensive international convention to combat international terrorism, which was being discussed at the Ad Hoc Committee of the United Nations established by the General Assembly at its 51<sup>st</sup> Session in 1996 through its resolution A/RES/51/210. The deliberations in the Ad Hoc Committee were based on the text of the draft convention submitted by India during the 51<sup>st</sup> Session of the General Assembly in 1996. However, so far agreement could not be reached on certain issues in the Ad Hoc Committee despite the fact that appreciable progress has been made.

30. Since there was hardly any progress in the remaining outstanding substantive issues in the Ad Hoc Committee, in the Seventh Session held from 31<sup>st</sup> March to 2<sup>nd</sup> April 2003, the item on “International Terrorism” listed for substantive deliberations at AALCO’s 42<sup>nd</sup> Session had been replaced by the item “Jurisdictional Immunities of States and Their Property” as the Ad Hoc Committee on Jurisdictional Immunities of States and their Property established by the General Assembly, at its 57<sup>th</sup> Session, completed its work on 28 February 2003. Given the advanced stage of work on this topic, it was considered useful to discuss at AALCO’s 42<sup>nd</sup> Session the recommendations of the report of the Ad hoc Committee on the Jurisdictional immunities.

31. The fifth item in the non-deliberated category was “Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties”. This item had been on the agenda since the Tehran Session held in 1997. A Seminar was held in Tehran in

1998 for in-depth consideration of issues related to this item. The Secretariat had been reporting on the recent developments including the consideration of these issues in other forums. It has also been seeking information and relevant materials relating to national legislation on this topic. Unfortunately, response has not been very encouraging. He requested Member Governments once again to furnish the necessary information which would help the Secretariat in the preparation of a further in-depth study in this matter. He believed, Member Governments were concerned about these issues. It would be very useful to exchange views and their experiences.

32. Last topic in this list was concerning the Report on Legislative Activities of International Organizations and Bodies Engaged in the Development of International Trade Law. He referred to Document AALCO/XLII/SEOUL/2003/S.13 which contained the Reports on the activities of UNCITRAL, UNCTAD, UNIDROIT and the Hague Conference on Private International Law. AALCO maintains close relations with these organizations and with a view to highlight their work, it has been preparing reports on the progress of work in their respective areas with a view to keeping the Member States well informed of the progress in the international trade law matters which are equally crucial like other contemporary issues on international law.

33. Turning to the activities of AALCO, he pointed out that, apart from the AALCO's annual session, Legal Advisors Meeting in New York, Seminars and Expert Group Meetings organized during the inter-Sessional period may also provide opportunities for in-depth consideration of certain items. In fact the two items, Legal Protection of Migrant Workers and Status and Treatment of Refugees which were not included as debated topics on the agenda of this Session, would be taken up during the meetings to be organized subsequent to Seoul Session.

34. Further, he said that since he assumed the office of the Secretary-General, it had been his endeavour to initiate and formalize co-operative arrangements between AALCO and the United Nations, its Agencies and other Inter-Governmental Organizations. As many as 15 such Agreements and MOU's have been signed. These co-operative arrangements provided a legal basis for further co-operation with those Organizations. Because of the limited technical and financial resources, AALCO was not in a position to embark upon a comprehensive programme and keep abreast with the latest developments in areas, which were of great relevance to its work programme. The co-operation with other bodies help AALCO in bridging this gap. He gave some examples. The Agreement concluded with IOM had boosted AALCO's work on Legal Protection of Migrant Workers, especially, after the outcome of the Special Meeting, organized during New Delhi Session, in 2001 in co-operation with the IOM. A Special Meeting on Human Rights and Combating Terrorism, held during Abuja Session, in 2002 in co-operation with the Office of the High Commissioner for Human Rights focused attention on crucial issues in that field. During this Session, a Special Meeting on International Humanitarian Law has been organized in co-operation with the ICRC. For these Special Meetings, the respective international organizations arranged funding for the participation of resource persons as well as their officials. AALCO had to bear only a modest financial responsibility. All these meetings have proved to be great success.

He invited views of Member Governments on topics which could be taken up for consideration in such meetings in the future.

35. An aspect, which he considered important, was enhancing the Membership of the Organization. He took this opportunity to welcome Brunei Darussalam, which joined AALCO family at this session. With his endeavors, some countries from the Central Asian region, namely Uzbekistan and Tajikistan, from Northern and Southern Africa, namely, Morocco, South Africa, Namibia, Zambia and Zimbabwe and some French speaking countries from Asia and Africa have shown interests in joining AALCO. He was hopeful that some new members would join AALCO very soon. As regards encouraging membership of the French Speaking countries, introduction of French as a working language has been considered as an incentive. On an experimental basis, French interpretation has been arranged during this session. It was made possible, thanks to the financial assistance given by the Host Government. He would like to place on record his deep gratitude to the Government of the Republic of Korea for this thoughtful and kind assistance. He hoped that this precedent would be followed by other Member Governments hosting the future sessions of AALCO. Moreover, he referred to a few suggestions in this regard which could be found on pages 34 and 35 of his Report.

36. Another aspect, which he considered crucial, was the strengthening of legal activities of the Organization. In this context, he had taken certain initiatives in the last two years. Among them include: appointment of three Legal Officers in the Secretariat to enhance research activities; preparation of a roster of legal experts available in the Member Governments; expanding the activities of the Center for Research and Training; and Publication of special studies on topics of current relevance. With respect to the Centre for Research and Training, he was confident that the Center would provide better services to the Member States, including the organization of training programmes regularly when the Secretariat moves to its Headquarters building.

37. Turning to the matters concerning the Budget and Financial situation of AALCO, he said that he would deal with them when the item was taken up for consideration.

38. Before concluding his statement, making a few general observations he said that during the last few months, there have been swift changes in the international scene. Many of AALCO Member States were deeply concerned with these developments. The Peace initiatives in the Middle East region, the role and authority of the United Nations in the reconstruction and bringing normalcy in Iraq, and the threat of peace and security in the Asian region and in other regions were among the matters which have assumed great importance. AALCO ought not to be a silent spectator. In his view, it should raise its concern and work with the United Nations and other sister international organizations, within its legal consultative mandate, if it has to remain active and follow the mainstream of events.

39. He said that it was encouraging to note that so many Hon'ble Ministers and distinguished delegates have assembled here. He wished to seek their guidance and suggestions to revitalize AALCO's role and activities so that it could be more vibrant and

provide useful services to its Member States. He had great faith in its potential role. On his part, he would do his best to achieve that objective.

40. **The President** invited comments from the floor on the Report of the Secretary-General. As there were no comments, he declared the acceptance of the Report by the Meeting.

**The next item for consideration was the AALCO's Budget for the year 2003.**

41. The **Secretary-General** drew attention to the document AALCO/XLII/SEOUL/2003/ORG.2 which set out AALCO's proposed budget for the year 2003. He recalled that in accordance with the Rule 24(3) of AALCO's Statutory Rules, a vote on account was taken at the Liaison Officers 279<sup>th</sup> Meeting, held on 19 December 2002. Further, following Rule 24(4) the draft budget was adopted by the Liaison Officers at their 280<sup>th</sup> Meeting held on 5<sup>th</sup> March 2003. Now the draft budget had been placed before this Meeting for approval.

42. He highlighted the main features of the budget. He said that it followed the same pattern of 2002. There was no increase in the annual contributions of Member States.

43. The budgetary figure remained the same as of last year. However, the allocations under some heads have been adjusted to meet the proposed increase in expenditures under certain heads and sub-heads. These included increase in the electricity and telephone charges and a little increase in the expected expenses related to the organization of meetings in New Delhi.

44. Expressing his concern over the trend in the payment of annual contributions, he said that among the 45 Member States only 21 had paid their annual contributions for the year 2002. In addition, 12 Member Governments paid their arrears in full or a portion of it. The total arrears of contributions exceeded one million US dollars. That amount was equivalent of AALCO's budget for 3 years. In spite of AALCO's modest budget, its annual target was not reached. The magnitude of the Organization's tight financial position could be explained by the fact that the Organization had to draw upon the Reserve Fund to meet unavoidable expenditures or forgo the implementation of some programmes and convening of meetings approved at the annual session. Secretary-General underlined that this was not a sound practice.

45. While expressing his gratitude to those Member States who pay their contributions regularly and in time and those who have cleared their arrears, he urged others to consider taking similar initiatives in this regard. Further, he urged the Member States to consider paying their annual contributions for the year 2003 as soon as possible, as the Secretariat had to meet regular expenses. In that context, he thanked the Governments of Islamic Republic of Iran, Republic of Korea, Jordan and UAE who have taken the initiative to pay their contributions for the year 2003.



46. He believed, serious attention was needed to place AALCO's financial position on a sound footing. Some suggestions have been made, which he fully shared, concerning the need to review AALCO's scale of contribution which had been followed since 1981. It was time that consideration should be given to find a more scientific way. He invited the views of Member Governments as to how best this objective could be achieved.

47. **The President** thanked the Secretary-General for his efforts towards prudent management of the Budget. He requested those Member States in arrears to clear them fully and in time. He felt that the existing scale of assessment for the annual contribution needed to be reconsidered.

48. As there were no further comments from the delegations, **the Meeting approved AALCO's budget for the year 2003.**

49. The **Leader of the Delegation of Japan** observed that AALCO's budget was modest one around US\$ 400,000. There were certain problems, which could be examined not at this session but afterwards. Speaking about the approval procedure of his Government, concerning the Budget of international organizations, he said that it takes several weeks. In the case of AALCO, the draft budget was first presented to the Liaison Officers and sent to the Member States at a later stage. For instance, the draft budget was considered by the Liaison Officers in March this year and was sent to Member States in May. He suggested that care be taken to send the budget earlier to the Member States. He also pointed out that the budget of AALCO was based on the financial year beginning January and for the past few years the Session was being convened in June and July and as the budget was to be finally adopted at the Session, it delayed the whole chain. He then stated that the arrears problem being faced by the Organization was a cause of concern, and that the current budgetary practice was in effect penalizing members who paid their contributions regularly. However, he felt the appropriate forum to discuss this whole structure was at the Liaison Officers Meeting in New Delhi.

50. **The President** summed up the points mentioned by the delegation of Japan and suggested that they should be examined carefully.

51. The **Leader of the Delegation of Malaysia** joined the delegation of Japan in echoing the concern of those Member Governments who have been paying their annual contributions regularly. He said that any restructuring of payment scheme must take into consideration this aspect.

52. **The President** requested the Secretary-General to pay attention to key points raised here and discuss them in the Liaison Officers Meeting in New Delhi. Any new proposal for consideration might be placed at the next Session.

The Meeting took up the agenda item **“Report on the progress on the construction of the AALCO's Headquarters Building”**.

53. **The Secretary-General** informed that photographs on the progress of work relating to construction of the AALCO's Headquarters were mounted for viewing outside the Meeting hall. He then invited the delegate of India to apprise the Meeting on the progress of the construction of the AALCO Secretariat's Headquarters at New Delhi.

54. The **Delegate of India** thanked the Secretary-General for the personal interest, he has evinced in expediting the work on the Headquarters. She said that the Government of India had allotted a plot of land measuring 2430 square metres in the diplomatic enclave of Chanakyapuri, New Delhi. The building plan contains three components: the Secretariat Office; the residence of the Secretary-General and the service area.

55. As the construction site was a rocky terrain and also in view of the ban by the Supreme Court of India prohibiting use of blasting devices within city-limits, the excavation and leveling work had to be done manually. With the aid of an overhead projector, the delegate explained the progress of the work relating to the construction of the Headquarters Building and the residence of the Secretary-General.

56. **The President** informed that the construction was entirely financed by the Government of India and he thanked India for its generosity.

**The Secretary-General then introduced the agenda item "Review of AALCO's Statutes and Statutory Rules"**

57. The Secretary-General said that the item concerning "Revision of AALCO's Statutes and Statutory Rules" was included, on the reference made by the Government of Ghana to the agenda of AALCO's 41<sup>st</sup> Session (2002). The resolution adopted at that session decided to set in motion the process of a comprehensive review of the AALCO's Statutes and Statutory Rules by mandating the Secretary-General to prepare, in consultation with the Liaison Officers, a draft review text for consideration by an Inter-sessional meeting of Member States.

58. With a view to preparing a preliminary assessment of this exercise, the Secretary-General informed that he has constituted a working group within the Secretariat consisting of Deputy Secretaries-General and the Legal Staff. As a part of the preliminary assessment, the Secretary-General said that the Secretariat has identified the following issues that need to be studied more rigorously:

- a. Enhancing the role and activities of the Organization;
- b. Effective measures to cope with the growing problem of arrears of contribution;
- c. Need to revise the scale of contribution, and if necessary what should be the criteria to assess the individual level of contribution;
- d. Introduction of French as a working language;
- e. Privileges and Immunities of the Organization;

- f. Formulation of provisions prescribing procedure for amendment of the Statute;
- g. Membership of Asian-African countries, Observers and International Organizations;
- h. Streamlining the structure of the Organization and the specific roles of its organs.

59. Simultaneously, the Secretary-General has also been carrying out informal consultations with some Member States on the proposed review of the Statutes so as to move forward with its work. Given the sensitivity and complexities on some of the issues, he felt that it would be necessary to continue the informal consultations before presenting a draft text for consideration by the Member States.

60. Accordingly, the Secretary-General suggested that the Organization consider authorizing him to continue his quest by moving forward preparing the draft text within the Secretariat and in parallel with continuing informal consultations. Once the Secretariat finalizes the draft text, in consultation with the Liaison Officers, and in close collaboration with the current Presidency of the AALCO, he could be mandated to convene an inter-sessional meeting to further refine the draft text and send it to Member States before the 43<sup>rd</sup> Session.

61. The **Leader of the Delegation of Ghana** stated that the proposal of Ghana on this matter was motivated by the necessity to avoiding piece-meal amendments to the Statutes and to ensure a comprehensive review of the Statutes and Statutory Rules. The delegate recognized the complexities involved in the process of review and urged the delegates to endorse the Secretary General's suggestion seeking more time to complete the exercise.

62. **The President** summed up the discussion on this agenda item and recommended that the session mandate the Secretary-General to continue his consultations.

**The Meeting then took up for consideration the Report on AALCO's Centre for Research and Training.**

63. **Dr. Li Zhenhua, Deputy Secretary-General** introduced the Secretariat document AALCO/XLII/SEOUL/2003/ORG.4 **which contained the Report on the Center for Research and Training of the AALCO**. He recalled that the name of the AALCO's Data Collection Unit had been changed to the Center for Research and Training (CRT), at the 40<sup>th</sup> Session of AALCO, held at New Delhi, from 20 to 24 June 2001 which marked a new chapter in AALCO's efforts towards undertaking research activities, as well as its plans to organize training programmes for officials of the Member States.

64. He referred to the Resolution 41/ORG 4 adopted at the 41<sup>st</sup> Session, held at Abuja in 2002, which, *inter alia*, requested the Secretary-General to continue to improve the technical efficiency of the Center and update its website for facilitating communication

between the Secretariat, the Member States, the United Nations, its Specialized Agencies, and other International Organizations; and foster capacity-building of the Center to carry out further research projects on international law. The resolution also urged Member States to furnish information and other relevant materials in order to enrich the CRT, as well as make voluntary contributions to allow the Center to undertake its activities.

65. He drew attention to the Secretariat's efforts since the 41<sup>st</sup> Session for enhancing the effective functions of the Center. In this regard, he said that an Advisory Panel meeting was convened at the Secretariat on 5<sup>th</sup> February 2003. Liaison Officers from the Arab Republic of Egypt, India, Japan, Oman and Uganda participated in the meeting. The Advisory Panel explored ways and means to make the Center financially strong so that it could effectively carry out its envisaged role. The Panel also appreciated the idea of organizing training programmes under CRT for capacity-building of officials handling international law matters from the AALCO Member States.

66. He reported to the Meeting that the website of the Organization has been continuously updated and modified and as of now was more user-friendly. All the documents related to 42<sup>nd</sup> Session, as well as previous ones upto the 39<sup>th</sup> Session were posted for wider dissemination on the website. Efforts are also underway to collect national legislations of Member States on International terrorism and anti-corruption and host them on the website. He said that as part of its organizational activities, the Center organized a one-day Seminar on "The Legal Protection of Children under International Law" jointly with the UNICEF on 21<sup>st</sup> January 2003 in New Delhi. The seminar drew participants from AALCO Member States and academicians and was marked by lively discussion on the subject. More meetings would be organized in the year 2003 by the Center as planned.

67. He pointed out that one of the key objectives of the Center was to impart training to officials from Member States engaged on international law issues. The Center has received a proposal from the Government of Sudan to train its officials. Plans are underway to draw wider participation of officials from other Member States for any such programme. It may be mentioned that the training related activities of the Center would get a boost with the coming up of the new Headquarters building, as it would have permanent facilities in terms of Seminar & Conference Rooms with modern presentation facilities and provision for suitable accommodation of trainees.

68. He stressed that one of the objective of the Centre was to undertake research and in-depth studies on issues of current relevance relating to the agenda items. In this regard, he drew attention to the fact that the Center has completed an in-depth study on "Special and Differential Treatment within the WTO Framework Treaties". Another study on "Legal Aspects of Combating International Terrorism" was also in progress. The Center also plans to conduct in-depth studies on other selected topics on AALCO's agenda.

69. In his concluding remarks, he urged upon the Member States to provide the Center with adequate funding so that it could effectively carry-out training programmes as well as conduct in-depth research activities. Member States may also provide

necessary directions for conducting training programmes as well as suggest specific topics for research.

70. Under the agenda item “**Any other matter**”, the President announced **the proposal of the Host Government to establish a Drafting Committee**.

71. The idea behind this proposal, the President explained, was to Streamline the preparation of documents and resolutions for adoption so that they reflect the summaries of the statements by the delegations correctly and the texts of the resolutions for adoption were available well in time for consideration of the delegations.

72. As regards the composition of the Drafting Committee, any Member Government desirous of participating in its work should give the names of their representatives to the Secretariat. In accordance with the usual practice, it would be chaired by a representative of the Host Government. Representatives from the Secretariat would also be part of the Drafting Committee.

73. The mandate of the Drafting Committee would be to prepare draft resolutions, Summary Report of the Meetings, report of the Special Meeting on Humanitarian Law and the message of thanks to the President of the Republic of Korea.

74. The Meeting was thereafter adjourned.

## **IV. (ii) WRITTEN COMMENTS SUBMITTED BY THE REPUBLIC OF KOREA ON THE REPORT OF THE SECRETARY-GENERAL**

### **a. The Law of the Sea**

My delegation would like to express my Government's commitment for the promotion of an orderly and stable regime of the oceans in the spirit of mutual understanding and cooperation, which form the very basis of the UN Convention on the Law of the Sea (UNCLOS). Last year was the twentieth anniversary of the opening for signature of the UNCLOS. My delegation is pleased to note that the UNCLOS is getting a universal application. Last year when the 41<sup>st</sup> session of AALCO is under way, the number of States Parties to the UNCLOS was 137 plus the European Community. This year the number has increased to 142. However, it is to be noted that out of 152 coastal States, 27 States, that is, roughly 18 percent, have yet to express their consent to be bound by the Convention. Twenty-five out of 42 landlocked States are not yet parties to the Convention. My delegation is of the view that member States of the AALCO should carry on to pursue the goal of achieving universal participation in the UNCLOS.

In addition to achieving the universal participation in the UNCLOS, however, our further efforts are required for the newly emerging issues of the seas. We should realize that everything was not settled with the adoption of the UNCLOS. The international community should work together to enhance the international oceans governance. The lack of effective governance is shown in the continuing depletion of the world fish stocks and the increasing degradation of the marine environment. Various actors such as states, non-governmental organizations, and international organizations should work together to enhance international oceans governance. There is no doubt that the UNCLOS regime should be the corner stone in building up the comprehensive ocean regime.

### **b. Refugees**

My delegation is very pleased to note that AALCO has made great contributions in the field of international refugee law. The revised Text of the Bangkok Principles on the Status and Treatment of Refugees adopted at the 40<sup>th</sup> Session is considered one of the great achievements of AALCO. I hope that the Revision can play an important role to complement the 1951 UN Refugee Convention and its Protocol.

With respect to the general trend on how to address this subject, my delegation recognizes with interest that the concept of "refugee" is being extended to seek the more thorough protection of refugees. My delegation hopes that the concepts of "refugee like situation" and "internally displaced persons" will also develop in the right direction, for the purpose of strengthening humanitarian protection of them.

My delegation agrees in general, that the 1951 UN Refugee Convention and its Protocol should be considered as the main tools for the resolution of this issue. Therefore, my Government urges all States who are not Parties to the Convention and its Protocol to accede to it, thus fully activating the institutionalized UN forum in the Convention. My

delegation welcomes the initiative of the Secretariat of AALCO to render technical assistance to those Member States who were not Parties to the 1951 Convention and its Protocol.

My delegation is of the view that close cooperation between AALCO and UNHCR is, and will be, significant for the future work programme of the Organization. In this regard, the MOU signed between the two organizations in May last year has really important implications for AALCO's future work on refugee issues. AALCO should effectively utilize this tool for the full protection of refugees and the humanitarian protection of refugee-like-persons.

### **c. Migrant Workers**

No time in history have there been so many migrant workers working in a country not their own. There are varied reasons why so many people go abroad in search of work. Whether the reason is poverty, politics, civil strife or persecution based on race, ethnicity, religion, or other grounds, the flow of migrant workers is intrinsically entwined with the accelerating pace of globalization. However, vast number of migrant workers are uninformed and ill-prepared to cope with life and work in a foreign country. Many migrant workers suffer from local prejudices, low incomes, dangerous working environment, unhealthy living conditions, and social isolation. To ensure that the rights of migrant workers are protected and respected, it is very important that, while respecting the migrant workers' cultural identity, member States take action to embrace migrant workers and their families into the social environment of the receiving States.

The Korean Government greatly appreciates the contributions of migrant workers to the Korea society, both culturally and economically, and is prepared to work with member States to take active measures to ensure that the human rights and dignity of migrant workers are fully protected and respected.

My Government is looking forward to having constructive discussions on the Draft Model Agreement prepared by the AALCO Secretariat and the IOM (International Organization for Migration). The Draft Agreement I, if finally adopted, will be an important step for the AALCO in making contributions to international law-making process. My Government hopes that the Agreement would become a crucial catalyst in protecting better the rights of migrant workers. It is especially important for member States to work toward the success of the Draft Agreement, considering, among others, that the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, although adopted in 1990 by the United Nations, has not received wide support and has yet to enter into force.

### **d. UNCITRAL**

My delegation welcomes the General Assembly's decision in its resolution 57/20, to expand membership of the United Nations Commission on International Trade Law to

sixty countries and distribute the seats in a more geographically representative manner, with five seats allocated to African countries and seven to Asian countries.

As an active participant in various UNCITRAL Working Groups on transport law, electronic commerce, insolvency law, security interests, and arbitration, my Government will apply for a full-fledged membership in the Commission in the 58<sup>th</sup> General Assembly Session later this year. We hope to continue to make contributions to the harmonization and unification of the international trade law at the UNCITRAL in the future.



#### **IV. (iii) SUMMARY RECORDS OF THE SECOND MEETING OF THE DELEGATIONS OF AALCO MEMBER STATES, HELD ON 20<sup>TH</sup> JUNE 2003**

**The President H. E. Amb. Mr. Young-jin Choi in the Chair.**

1. **The President** called the Second Meeting of the Delegations of Member States to order. He invited the Chairman of the Drafting Committee to present his report on the work of the Drafting Committee.

2. **Mr. Nam Gwan-Pyo, Chairman of the Drafting Committee** said that the Drafting Committee was established and mandated to draft the Resolutions, the Summary Report and the Message of Thanks to the President of the Republic of Korea. He reported that after six rounds of intense discussions, the Drafting Committee was able to successfully complete its work and had submitted documents for adoption.

He reported that the Committee's discussions were based upon drafts prepared by the Secretariat in close cooperation with the Host Government's Task Force. After each meeting, the drafts reflecting the outcome of discussions in the Committee were distributed to all delegates for their review and feedback. This enabled delegations who were not able to attend in person to follow up on the developments within the Committee. Several delegations submitted their views in written form, and these were duly considered during the Committee's discussions.

He said that the Summary Report was also a new element introduced during this Session. Unlike the Summary Records that are prepared by the AALCO Secretariat, it was a short document which briefly described what was discussed in the plenary in very general terms, without going into details and without providing reference to the comments of each delegation. Basically, the Summary Report corresponds to the Final Report adopted in various international forums, including the UN.

He said that the purpose of the Summary Report was to provide all delegations with a complete and final document to take home which gave an overview of the Session. He added that, for details of statements of each delegation, the Secretariat was preparing the Summary Records and the Verbatim Records. These would be sent to the delegations later for review and corrections. He hoped that this new attempt could be continued and developed in the future.

3. **The President** thanked the Chairman for the detailed report and expressed his special thanks to those delegations that had worked until 2 A.M. for their sincere efforts in bringing out a number of documents. As regards the document produced by the Drafting Committee, he said that there was a set of resolutions and Summary Report of the 42<sup>nd</sup> Session, which have to be adopted by the Member States. He also said that the Provisional Summary Record prepared by the Secretariat also needs brief review.

The Meeting then took up for consideration the resolutions on Organisational matters. The first resolution on “Report of the Secretary-General on Organizational, Administrative and Financial matters” (RES/42/ORG.1) was adopted with replacement of the word “reaffirming” by “conscious” in the preambular paragraph 1 as proposed by the delegation of Pakistan.

The following resolutions on organizational matters were adopted without any amendments or modifications.

RES/42/ORG. 2	AALCO’s Budget for the year 2002
RES/42/ORG. 3	Progress Report on Regional Centres For Arbitration
RES/42/ORG. 4	AALCO’s Centre for Research and Training
RES/42/ORG. 5	Reappointment of the Secretary-General
RES/42/ORG. 6	Establishment of the Permanent Headquarters of the Asian-African Legal Consultative Organization
RES/42/ORG. 7	Admission of Brunei Darussalam as a Member State of the Organization
RES/42/ORG. 8	Review of AALCO’s Statutes and Statutory Rules
RES/42/ORG. 9	Venue of the Forty-Third Session
RES/42/ORG. 10	AALCO’s Documentation Policy

4. Before adoption of the resolution on “Venue of the Forty-Third Session” (RES/42/ORG.9), the **Secretary-General** informed that he had received with honour the invitation from the Government of Indonesia for hosting the 43<sup>rd</sup> Session of AALCO in Bali, Indonesia, and the same had been communicated to all the Member States. He thanked, Hon’ble Prof. Dr. Mahandra, the Minister of Justice and Human Rights, on behalf of all Member States for the invitation to host the 43<sup>rd</sup> Session. He also informed the Member States that the Hon’ble Minister out of conviction had agreed to finance the French interpretation for the Bali Session.

5. While adopting the resolution on “AALCO’s Documentation Policy” (RES/42/ORG.10), the **Secretary-General** said that at the initiation of the Government of the Republic of Korea, the Secretariat had prepared a Documentation Policy for the

Organization, which would provide for an easy and effective management of the documents, as well as, easy reference of the Member States.

6. Thereafter the Meeting took up for consideration the **“Adoption of Resolutions on Substantive Matters”**.

7. **The President** said that there were 15 resolutions on substantive matters to be adopted and of this nine were deliberated items and the six non-deliberated were in resolution no. 2, 3, 5, 6, 8 and 13.

8. The resolution on **“Matters Relating to the Work of the International Law Commission” (RES/42/1)** was adopted without any modification.

9. The resolution on **“Law of the Sea” (RES/42/2)** was adopted with a change in the terminology used i.e., from “humankind” to “mankind” in operative paragraph 1, as proposed by the delegation of Islamic Republic of Iran.

10. The resolution on **“The Status and Treatment of Refugees” (RES/42/3)** was adopted without any modification.

11. As regards the resolution on **“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” (RES/42/4)**, the **Delegate of Singapore** sought clarification on the use of the term “condemning Israel’s acts of violence and use of force against Palestinians” in preambular paragraph 4, in the AALCO’s resolution, as this would amount to selective condemnation of the acts of one party when there were two parties involved in the conflict.

The **Secretary-General** clarified that it was the act of violence that was condemned and not the State of Israel, and as AALCO was a forum which speaks about international humanitarian law, any violation of the rule of law should be condemned by this forum which is specifically and exclusively a legal body. Further he recalled that this was the language used in the last years resolution without any change of words.

The **Delegate of Oman** said that AALCO as a legal body dealing with international humanitarian law could not ignore its violation and felt that the wordings should be retained.

The **Delegate of Singapore** said that as long as the wording was consistent with the last year’s resolution, they would go along with it.

Following this clarification, the resolution was adopted without any modification.

12. The resolution on **“Legal Protection of Migrant Workers” (RES/42/5)** was adopted with an insertion of the word “transitory” after the word “sending” in preambular

paragraph 4. The change was proposed by the Delegate of Indonesia as the transitory State was also involved and not only sending States.

13. The resolution on **“The Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties”** (RES/42/6) was adopted without any changes.

The **Delegate of Islamic Republic of Iran**, in his intervention said that unilateral sanctions and other extraterritorial actions were in violation of international law and direct interference in to the sovereignty. It violates the rules of international law *inter alia* non-interference in the internal affairs of a State, equality, freedom of trade and peaceful settlement of disputes and presents a serious threat to world peace and security. This has been reflected in various resolutions of the international organizations, especially of the UNGA and ECOSOC. He, thus, felt that the AALCO Secretariat should retain the item of exterritorial application in the agenda of the future session with a view to enriching the already conducted study on this issue.

14. The resolution on **“Jurisdictional Immunities of States and Their Property”** (RES/42/7) was adopted without any changes.

15. The resolution on **“International Terrorism”** (RES/42/8) was adopted without any changes.

16. The resolution on **“Establishing Co-operation Against Trafficking in Women and Children”** (RES/42/9) was adopted without any changes.

17. The resolution on **“The International Criminal Court: Recent Developments”** (RES/42/10) was adopted with minor modifications. The President after hearing from India, Korea, Peoples Republic of China and Pakistan decided to delete the words “having signed or ratified the Rome Statute” in operational paragraph 4 of the resolution. As a result the amended paragraph 4 reads as follows: “Urges Member States to actively participate in the work of the Second Meeting of the Assembly of the States Parties and in the on-going deliberations in the Working Group on the Crime of Aggression”.

18. The resolution on **“An Effective International Legal Instrument Against Corruption”** (RES/42/12) was adopted without any modification.

19. The resolutions on **“The Progress Report concerning the Legislative Activities of the United Nations and Other International Organizations concerned with International Trade Law”** (RES/42/13); and resolution on **“WTO as a Framework Agreement and Code of Conduct for World Trade”** (RES/42/14) were adopted without any amendments.

20. The resolution on **“Human Rights in Islam”** (RES/42/15) was adopted without any modifications.

21. Thereafter, the resolution on “**The Special Meeting on Relevance of International Humanitarian Law in Today’s Armed Conflicts**” (RES/42/SP.1) was taken up for adoption.

The **Delegate of Islamic Republic of Iran** proposed a change in the order of the words used in operative paragraph 3 of the resolution. The proposed combination was: “Calls upon all Member States to take as from the time of peace, all necessary measures in order to ensure that the rules of international humanitarian law are fully respected, in particular through the adaptation of domestic laws and regulatory measures, including military manuals and the dissemination and teaching of international humanitarian law”. This was approved.

The **Delegate of Republic of Korea** suggested two amendments. The first one was to add the word SEOUL, in the place of the Special Meeting, before the title in commemoration of the Special Meeting at Seoul, and the second suggestion was to give this resolution a simplified title for the purpose of easy reference. Accordingly it was suggested that the title “Seoul Resolution on International Humanitarian Law”, should be included before the title “Seoul Resolution on the Relevance of International Humanitarian Law in Today’s Armed Conflicts”.

The **Delegate of India** pointed out in operative paragraph 4, last line, in the phrase “such as the authorities; the military and the civil society”, there were some words missing before “authority”.

The **Secretary-General**, to remedy this, suggested that the last line could be read as “to promote the dissemination to various related sectors of the society”.

The **Delegate of Republic of Korea**, providing an alternative, suggested the insertion of the word “government” before “authorities” as it was intended to cover the government authorities as well as the military and civil society.

The **Delegates of India and Indonesia**, expressed support for proposal made by the delegate of Republic of Korea. However, the Delegate of Indonesia suggested that the use of the word “governments”, without “authorities, military and civil society, could be a better formulation as “government” is “authority”.

22. The **President** summarizing the amendments made to the Special Resolution on International Humanitarian Law, said that the Member States have accepted firstly, the proposal of the Islamic Republic of Iran in operative paragraph 3; secondly, the insertion of the word “Seoul” and the modification in the Title as proposed by Republic of Korea and finally, the insertion of the word “government” in operative paragraph 4. Further, he said that the next item for consideration was the Summary Report and then the Provisional Summary Records prepared by the Secretariat. He then gave the floor to the Secretary General.

23. The **Secretary-General** said that since this year the Organization has adopted new procedures and new drafting ideas – Drafting Committee and the Summary Report. He informed that, keeping in view the statutory requirement, the Secretariat had prepared all the provisional Summary Records up to the last item i.e, till the Report on the Regional Arbitration Centers. All the Summary Records were distributed to the Member States and he requested the Member States to send any comment or any amendment to enable the Secretariat to proceed with the finalization of the Report of the Session within six weeks. He explained that if no response was received within the period of six weeks, it would be deemed that the Provisional Summary Record has been approved implicitly by the Member States.

The next document for adoption was the Summary Report prepared by the Drafting Committee.

24. The **Delegate of the People’s Republic of China** pointed out that in Paragraph 8.2, page 12, under the item “Jurisdictional Immunities of States and their Property” of the Summary Report, the wording did not fully reflect what the delegate discussed during the debate and gave the impression that China favoured a two stage process which was not intended. Therefore, she suggested an alternative phrasing of this paragraph. The second and the third line of paragraph 8.2 was amended accordingly. The accepted formulation was “on the form of the future instrument, most delegations stated that the articles should take the form of a legally-binding convention. It was felt, however, that if consensus cannot be achieved during the coming session of the General Assembly, a two-stage process could be taken, whereby a resolution is adopted by the General Assembly, endorsing the draft articles, with a view to concluding a convention later.”

The Summary Report, as amended, was adopted.