

Provisional Agenda for the Forty-Second Session

I. Organizational Matters

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3. Admission of Observers
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5. Report of the Secretary General on the Work of the AALCO.
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7. Report on the AALCO's Center for Research and Training
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III. Matters under Article 4 (c) of the Statutes: Matters Referred to the Organization by Member States.

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2. Jurisdictional Immunities of States and their Property.
3. Establishing Co-operation against Trafficking in Women and Children.
4. Human Rights in Islam.

IV. Matters under Article 4(d) of the Statutes: Matters of Common Concern having Legal Implications.

1. Establishment of the International Criminal Court: Recent Developments
2. Environment and Sustainable Development.
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V. International Trade Law Matters

1. WTO as a Framework Agreement and Code of Conduct for the World Trade.

VI. Special Meeting on the topic “The Relevance of International Humanitarian Law in Today’s Armed Conflicts”, organized jointly by AALCO and International Committee for Red Cross (ICRC).

VII. Any Other Matter.

ANNEXURE

ANNOTATED PROVISIONAL AGENDA OF THE FORTY-SECOND SESSION

I. Introduction

1. The Provisional Agenda has been prepared following Rule 11(1) of the AALCO’s Statutory Rules. In accordance with the resolutions adopted at the AALCO’s 41st Session held in Abuja from 15th to 19th July 2002, as many as 15 items ought to have been placed on the Agenda of the 42nd Session. While in accordance with the directives given in the resolutions adopted at the Abuja Session, Secretariat has prepared documents on all the fifteen items.

2. However, with a view to rationalize the consideration of agenda items during the Seoul Session, apart from the consideration of items on Organizational matters, only 9 substantive items have been proposed for detail consideration. This matter was raised at AALCO’s Legal Adviser’s Meeting in New York held on 20th November, 2002 and in the Liaison Officer’s 279th and 280th Meetings held in New Delhi on 19 December, 2002 and 5th March 2003 respectively. This innovative approach to focus deliberations on the selected items during the Seoul Sessions would provide an opportunity for exchange of views and experiences and in-depth consideration of those items.

II. Annotated List

1. Chairing of the Session

Rule 3(1) provides that the President of the previous session shall preside until the Organization has elected a President for the Session. Accordingly, Hon’ble Sanator Kanu G. Agabi, Attorney-General and Minister of Justice, Federation of Nigeria shall preside at the Inaugural and First Meeting of the Leaders of the Delegations of AALCO’s Member States.

2. Participation of Member States

Rule 12(1) provides that at the annual session of the Organization, the Delegation of each Member State shall be composed of the Leader of Delegation, Alternate Members and Advisers.

3. Credentials of Participants

Rule 12(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 Missions of Member States or observer delegations or by the concerned Organizations in the UN system, inter-governmental organizations and other international institutions.

4. Adoption of Agenda and Admission of Observers

Rule 11(3) provides that the provisional agenda shall be placed before the Meeting of the Delegations of Member States for consideration. The Meeting may at its discretion delete any item included in the provisional agenda. A new item may be included on 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 be 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-third majority of those present and voting in secret ballot.

Rule 11(4) provides that the provisional agenda upon its approval by the Meeting of the Delegations of Member States shall be adopted as the agenda of the Session.

5. Admission of Observers

The admission of Observers is governed by Rule 18, and will be taken up by the Meeting of Delegations of 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; (iii) observers representing United Nations, its Organs and Agencies and other inter-governmental Organizations.

In addition to these three categories, in accordance with the decision taken at AALCO's 22nd Session in Colombo, (1981), Australia and New Zealand enjoy Permanent Observer Status.

Observer delegations have the right to attend all Meetings except those which are declared closed meetings of Delegations of Member States exclusively.

6. Election of the President

Rule 3(1) provides that at each annual session the Organization shall elect a President. It has been the practice that the Leader of the Delegation of the Member State hosting the Session is elected as the President of the Organization.

7. Election of the Vice-President

Rule 3(2) 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 participating State in the African region and vice-versa.

8. General debate:

It has been the practice that the First General Meeting shall be open for General Statements by the Hon'ble Ministers and Leaders of the Delegations of Member States and Observers.

9. Report of the Secretary-General on the Work of the Asian African Legal Consultative Organization

Following Rule 20(7) of AALCO's Statutory Rules, the Secretary General presents an annual report to Delegations of the Member States on the work of the Organization. The Report for the 42nd Session covers the activities of this Organization since its 41st Session, including the organizational, financial and administrative matters. It also makes a few suggestions for the work programme of the Organization subsequent to the 42nd session as well as long-term programme to strengthen its activities. This Report will be considered at the Meeting of the Delegations of the AALCO Member States exclusively. It would be useful if the Member Governments could give their comments and suggestions on AALCO's Work Programme and ways and means to strengthen its role and activities.

Document: Report of the Secretary General on the Work of the AALCO /XLII/SEOUL /2003/ ORG.1).

10. The AALCO's Budget for the year 2003.

In accordance with Rule 24(4), the AALCO's Budget for the year 2003 as adopted by the Liaison Officers shall be submitted to the Meeting of the Delegations of Member States of the AALCO for approval.

Document: AALCO's Budget for the year 2003: AALCO/XLII/SEOUL/2003/ORG.2

11. Report on the AALCO's Regional Centres for Arbitration:

A report on the activities of the AALCO's Regional Arbitration Centres located in Cairo, Kuala Lumpur, Lagos and Tehran will be submitted for consideration at the 42nd Session.

Document: Report on the AALCO's Regional Centres for Arbitration: AALCO/XLII/SEOUL/2003/ORG.3

12. Report on the Center for Research and Training of the AALCO

At the 40th Session (New Delhi, 2001), it was decided that the name of the Data Collection Unit which had been set up in the Secretariat, since February 1992 should be changed to “The Center for Research and Training”. The mandate entrusted by the 41st Session to the Secretary-General was inter alia (i) to continue to update and improve the technical efficiency of the website for facilitating communication between the Secretariat, the Member States, the United Nations, its specialized agencies and other international organizations; and (ii) to foster capacity-building of the Center to carry out further research projects on international law.

The Secretariat report gives a brief account of the measures taken and efforts made by the Center for Research and Training since the 41st Session for the effective functioning of the Center. The measures taken included: (i) convening of the meeting of the Advisory Panel to seek advise on how to promote training and research programme on international law within the auspices of the Center; (ii) upgrading the AALCO’s website by redesigning and improving its content; (iii) organizing a one-day seminar on “The Legal Protection of Children under International Law” with the UNICEF on 21st January 2003. The Center plans to organize seminars and workshops on selected topics in collaboration with relevant international organizations. In addition, it also plans to organize training courses for the benefit of officials from the Member States engaged on international law matters.

Document: Report on the Center for Research and Training of the AALCO :AALCO/XLII/SEOUL/2003/ORG. 4

13. Reappointment of the Secretary-General

The present Secretary-General Amb. Dr. Wafik Zaher Kamil shall complete his first three year term on 9th May 2003. In accordance with Rule 20(1), he shall be eligible for re-appointment for another term of three years.

14. Review of the Statutes and Statutory Rules of the Organization.

At the AALCO’s 40th Session held in New Delhi in June 2001, during the consideration of the item “Proposal to change the name of the “Asian-African Legal Consultative Committee” (AALCC) to “Asian-African Legal Consultative Organization” (AALCO), Republic of Ghana, proposed that there was the need to review the Statutes and Statutory Rules not only to give effect to the new name of the Organization but also to comprehensively update the Statute and Statutory Rules to avoid successive piecemeal amendments of the rules and regulations by which AALCO was run.

Ghana’s proposal was formally included in the agenda of 41st Session. However, because of the shortage of time, no detailed discussions could be held. The Resolution adopted at that Session, while recognizing the need to review and update AALCO’s Statutes and Statutory Rules, appreciated the initiative taken by Ghana. It mandated 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.

Such an inter-sessional meeting could not be organized prior to the 42nd session. However, the Secretariat has prepared a comprehensive working-paper proposing certain change in the structure of the organization and updating its Rules and Procedures.

15. Venue of the Forty-third Session

The Government of Indonesia has extended an invitation to AALCO to hold its forty-third Session in Jakarta in the year 2004.

REPORT ON MATTERS RELATING TO THE WORK OF THE INTERNATIONAL LAW COMMISSION AT ITS FIFTY-FOURTH SESSION.

In accordance with article 4(a) of the AALCO's Statutes, the Secretariat is mandated to monitor and report on the work of the International Law Commission. In keeping with this long-standing practice, the Secretariat document for the 42nd Session contains an overview of the ILC's work during its 54th Session.

The Secretariat's report provides an overview of the progress of work achieved by the ILC on topics relating to: Reservations to Treaties, Diplomatic Protection and Unilateral Acts of States.

The Commission has during its 54th Session initiated work on some new areas, viz;

- (a) International Liability for Injurious Consequences Arising Out of Acts not Prohibited by International Law;
- (b) Responsibility of International Organizations;
- (c) Fragmentation of International Law: Difficulties arising from the diversification & expansion of International Law; and
- (d) Shared natural resources.

The Secretariat's Report seeks to highlight the consideration and the decision of the ILC on these topics.

Further, references to the views expressed by the AALCO Member States on the ILC agenda items at the Sixth (Legal) Committee of the General Assembly (57th session) have also been incorporated in the Report.

**Document: Report on Matters relating to the work of the International Law Commission at its Fifty-Fourth Session
AALCO/XLII/SEOUL/2003/S.1**

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

The item has been on the agenda of the AALCO since its 27th Session (Singapore, 1988) following a reference made by the Government of the Islamic Republic of Iran. Since then it has been considered at successive annual session.

At the 39th Session (Cairo, 2000) it was decided to enlarge the scope of the item and the Secretariat was directed to monitor the developments in (all) occupied territories from the viewpoint of relevant legal aspects.

At the 41st Session (Abuja,2002) the Secretariat reported on legal developments concerning Israeli Practices in all occupied territories, including violations of the Fourth Geneva Convention of 1949, the United Nations resolutions as well as other international and bilateral agreements.

For the forthcoming 42nd session (Seoul, 2003) the present topic was chosen as one of the substantive items for in-depth consideration. Therefore the presentation of the brief follows a new pattern with a view to draw attention to the core issues for focused deliberations.

In order to facilitate discussions at the 42nd session, the Document prepared by the Secretariat besides giving detailed background information and highlighting the recent developments, contains a tentative list of issues for consideration at the 42nd session.

These, among others, include violations of international law by Israel including United Nations Security Council and General Assembly Resolutions, Acts of Israel that obstruct the peace process and the efforts to find durable and lasting peace.

The recently launched Road Map could be another aspect for consideration at the 42nd session.

DOCUMENT: 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. AALCO/XLII/SEOUL/2003/S.4

JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Following a proposal from the Government of Japan, the AALCO at its Thirty-ninth Session held at Cairo in February 2000, decided to place the topic “Jurisdictional Immunities of States and Their Property” on the agenda of the Organization’s work programme.

The work of the AALCO on this item is focused on monitoring the developments within the Sixth Committee which is aimed at finalizing and appropriately adopting the ILC's draft articles on this subject. It may be recalled that the General Assembly during its 57th Session (2002) decided to establish an Ad Hoc Committee to carry forward the work on the subject.

The Secretariat brief on this topic reports on the outcome of the Ad Hoc Committee meeting held in February 2003.

The outcome of the Ad Hoc Committee's Meeting reveals appreciable progress over the outstanding substantive issues. Given the advanced stage of work on this topic, the AALCO Session might wish to engage in a wholesome review of the draft articles as adopted by the Ad Hoc Committee and deliberate on the final form the draft articles could assume.

**Document: Jurisdictional Immunities of States and Their Property:
AALCO/XLII/SEOUL/2003/S.7**

**ESTABLISHING CO-OPERATION AGAINST TRAFFICKING IN WOMEN
AND CHILDREN**

Pursuant to a reference made by the Government of Indonesia, AALCO at its 40th session held in New Delhi (2001), decided to include the item "Establishing Co-operation against Trafficking in Women and Children" on its agenda. The delegate of Indonesia emphasized that the inclusion of the topic to the agenda of the AALCO's work programme would enable the countries in the region to deliberate on the topic and such an exercise would be useful for establishing co-operation in the Asian African regions against trafficking in women and children, a menace which is rapidly growing and thus needs to be curtailed effectively.

In the resolution (41/9) adopted at the 41st session in Abuja (2002) Member States were urged to consider becoming parties to the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and Children. It also acknowledged that several member States have transmitted to the AALCO Secretariat their national legislations and other relevant information related to the topic and urged others to do so.

The report prepared for the 42nd session (Seoul, 2003) focuses on the UN Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, Protocol against the Smuggling of Migrants by Land, Air and Sea and the work undertaken by other international organizations relating to the protection of women and children against trafficking. It also contains in its annexes the summary of deliberations on the topic at the 41st session and the responses received from member States regarding their domestic legislation.

**Document: Establishing Co-operation against Trafficking in Women and
Children :AALCO/XLII/SEOUL/2003/S 9**

Human Rights in Islam

Pursuant to a reference made by the Government of Saudi Arabia, the item entitled “Human Rights in Islam” was included in the Agenda of AALCO’s 41st Session. The resolution on this item adopted at that session directed the Secretariat to prepare a study on this item for consideration at the 42nd Session. Accordingly, a Preliminary Study has been prepared highlighting the Saudi Arabia’s proposal elaborated in their Memorandum.

Document: Human Rights in Islam: AALCO/XLII/SEOUL/2003/S.16

THE INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS

Developments’ pertaining to the International Criminal Court (ICC) have been under the consideration of the AALCO, since its 35th Session (Manila, 1996) wherein it was considered in a Special Meeting. At the 36th Session (Tehran, 1997) again it was considered in a special meeting.

At its 37th Session (New Delhi, 1998), noting that a Conference of Plenipotentiaries was to be held in Rome from 15th June to 17th July 1998 the Organization directed the Secretariat to participate at the Conference and report on its outcome at the next session.

At the 38th Session (Accra, 1999) the outcome of the Rome Conference was duly reported and the Secretariat was directed to monitor and report the developments in the Meeting of the Preparatory Commission convened pursuant to Resolution F adopted by the Rome Conference. For the 39th, 40th, and 41st Session, the Secretariat reported on the developments on the work of the Preparatory Commission.

It may be recalled that the Rome Statute of International Criminal Court entered into force on 1st July 2002, following which the First Session of the Assembly of States Parties, election of judges and the inauguration of the Court took place. The Secretariat brief contains report of these recent developments. In addition, it also follows the progress on the work on the crime of aggression and the bilateral agreements of the United States of America granting immunity to its citizens from prosecution before International Courts.

Finally, the report raises certain issues, namely, participation of AALCO Member States in the ICC, the definition of crime of aggression and other issues relevant to ICC, for focused deliberations during the 42nd Session of the Organization.

**Document: The International Criminal Court: Recent Developments:
AALCO/XLII/SEOUL/2003/ S 10**

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

It may be recalled that the item entitled “United Nations Conference on Environment and Development: Follow-up” was included on the agenda of the Organization at its 32nd Session (Kampala, 1993) and has thereafter been considered at successive sessions. In view of the World Summit on Sustainable Development (or Johannesburg Summit), held in 2002, the title of the agenda item was changed to “Environment and Sustainable Development” at the 41st Session of the AALCO (Abuja, Nigeria).

Resolution 41/11 on the item adopted directed the Secretariat to monitor the progress in the implementation of the outcome of the Johannesburg Summit as well as relating to the United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD) and the United Nations Convention to Combat Desertification (UNCCD).

Accordingly, the Secretariat document for the 42nd Session on this agenda item contains an overview of the World Summit and focuses upon the key outcomes of the Eighth Meeting of the Conference of Parties to the UNFCCC; the Sixth Meeting of the Conference of Parties to the CBD; Third Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety; and the First Meeting of the Committee to Review the Implementation of the UNCCD.

Finally, the Report attempts to identify certain issues for focused deliberations at the 42nd Session of AALCO. These may include: effective implementation of the Johannesburg Declaration and Plan of Implementation; future structure for international environmental governance; wider participation of Asian-African States in multilateral environmental agreements; entry into force of the Kyoto Protocol and the implementation of the principle of common but differentiated responsibility in tackling climate change; prevention, control and eradication of alien species that threaten ecosystems; and measures to strengthen the financial mechanism of the Convention to Combat Desertification.

**Document: Environment and Sustainable Development
AALCO/SEOUL/2003/S 11**

AN EFFECTIVE INTERNATIONAL LEGAL INSTRUMENT AGAINST CORRUPTION

At the 41st Session (2002) held in Abuja, the Secretary-General proposed for inclusion of an item entitled “An Effective International Legal Instrument Against Corruption” in the provisional agenda. This suggestion was in line with the Article 4(d) of the AALCO’s Statutes which provides for exchange of views and information on matters of common concern having legal implications. In order to facilitate consideration of this topic, the Secretariat prepared a preliminary study which highlighted the progress made within the United Nations on the drafting of the UN Convention against Corruption. The item was discussed at the AALCO’s 41st Session

and a resolution was adopted urging the Member States to actively participate in the work of the Ad Hoc Committee negotiation the Convention against Corruption.

The Secretariat brief for the 42nd Session focuses on:

- (a) Developments in the five negotiating Sessions of the Ad Hoc Committee drafting the UN Convention against Corruption; and
- (b) An analytical summary of the articles of the draft Convention against Corruption, brief information about the work done in the Global Forum and the report on the AALCOs participation in the drafting of the African Union Convention on Combating Corruption has been annexed to this report.

It is suggested that during the discussion in the AALCOs 42nd Session focused attention could be on issues such as: definition of Corruption, offences covered by the Convention, measures for enhancing international co-operation, asset recovery and mechanisms for monitoring implementation, as well as other unresolved issues in the drafting of the Convention.

Document: Development of Drafting United Nations Convention against Corruption AALCO/XLII/SEOUL/2003/S.12

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

At the 34th Session (1995) held at Doha, the Organization considered a Secretariat study on the then concluded Marrakesh Agreement, entitled, “The New GATT Accord: An Overview with Special Reference to World Trade Organization (WTO), Trade Related Intellectual Property Rights (TRIPS)” dealing with the outcome of the Uruguay Round of Multilateral Trade Negotiations. Since then, the Secretariat, during the successive sessions of the Organization, presented brief, which reflected the developments within the WTO. More particularly, on the WTO’s dispute settlement mechanism and issues relating to implementation of intellectual property rights obligation.

The Secretariat brief for the 41st Session (Abuja 2002) provided a follow-up on the outcome of the Fourth WTO Ministerial Conference held at Doha, Qatar and the status of the review process of the WTO’s Dispute Settlement.

The Secretariat brief for the 42nd Session focuses on:

- (a) Progress report on the implementation of the Doha Mandate; and
- (b) Status of the review of the Dispute Settlement Understanding (DSU).

It is suggested that during the discussion in the AALCOs 42nd Session focused attention could be on the review of the Dispute Settlement Understanding and the implementation issues and concerns.

Document: WTO as a Framework Agreement and Code of Conduct for World Trade, AALCO/XLII/SEOUL/2003/S.14